

or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

#### MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$4,400,000,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2010.

#### MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,029,000,000, plus reimbursements, of which \$350,000,000 shall be available until September 30, 2010: *Provided*, That \$300,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$500,000,000, plus reimbursements, to remain available until September 30, 2010.

#### NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the Department, \$240,000,000, of which not to exceed \$20,000,000 shall be available until September 30, 2010.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. PERLMUTER) assumed the chair.

#### FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 398. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The Committee resumed its sitting.

□ 2200

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,801,867,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,473,753,000: *Provided further*, That of the funds made available under this heading, not to exceed \$75,000,000 shall be available for obligation until September 30, 2010: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

##### INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$2,492,066,000, plus reimbursements, to be available until September 30, 2010: *Provided*, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such

Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

#### AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. Is there objection to returning to that point in the reading?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GARRETT of New Jersey:

Page 36, line 5, after the dollar amount, insert "(reduced by \$18,018,000)".

Page 41, line 22, after the dollar amount, insert "(increased by \$18,018,000)".

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I often come to the floor, and I often preface my remarks when I have an amendment, saying that I come to the floor tonight with a commonsense amendment. Quite candidly, I think that is more than apropos when I speak about what I'm here to speak about tonight.

My amendment simply does this: It seeks to increase the funds for State veterans homes, and it does so in the amount of \$18 million. From where does it get the money? Well, it does so by reducing the administrative expenses by a mere less than 1 percent, and that's a critical number, less than 1 percent. We believe that within that over billion dollar line that there is more than enough aptitude for going in and for finding less than 1 percent of additional funds that we could take out and put to a worthy cause such as toward our State veterans homes.

Today, there are 126 State extended care facilities. They're extended across all 50 States and in Puerto Rico as well. These veterans homes care for nearly 30,000 of our Nation's heroes. The number of veterans requiring care will continue to increase as servicemembers return from Iraq and Afghanistan.

Currently, there is a backlog, a huge, extensive backlog of projects waiting for funds. Now, many of these projects on this waiting list are critical for providing veterans with a healthy and secure environment. In fact, of the almost 200 projects waiting for Federal funds, nearly half of them are classified as priority 1.

I believe it is our duty to see that these facilities are able to provide the highest quality of care for the lives of those who have made the sacrifices for our Nation. After all, you can't really just call these things "institutions" anymore. These really are the homes where our veterans will spend out the days of their lives.

The staffs of these homes work hard to honor our veterans and to ensure that their last years are spent in comfort. I've had the pleasure now of working with folks back at the Paramus Veterans Home in my district in Bergen County, New Jersey. I've frequently visited with them and with their relatives who would come and visit, and local veterans organizations around the area would also come in, and they would work with them. These service organizations have worked hard to raise matching funds for these types of essential projects at these facilities. Likewise, they do across the Nation and, I'm sure, in each of your districts as well.

I would also like to make one other point. That is, in the Senate bill, in the Senate MilCon-VA Appropriations bill, they designate \$1.779 billion for general operating expenses while the House version designates \$1.801 billion. So we appropriate a little bit more than the Senate does. So that 1 percent cut from the appropriations line for the general operating expenses would still leave more money in the final version of the bill than the Senate version currently has. We know we have different numbers here so that, when it gets to conference, those numbers have to come into an equilibrium of some sense. We're up here. The Senate is over here. This will bring us closer to that equilibrium.

In addition, our colleagues over on the Senate Appropriations Committee have approved \$250 million for the State veterans homes while the House budget only puts in \$165 million. So my amendment would simply reduce this discrepancy by increasing the funding for State veterans homes by \$18 million. In other words, we're in the House at \$165 million. The Senate is at \$250 million. We're just trying to bring the House number up a little bit closer to where the Senate is, which probably will happen once it gets into conference committee, because those numbers have to work together.

So I'm just suggesting that a tiny, less than 1 percent cut in the administrative operations would allow us to provide our country's heroes with a better quality of life, and I think that's what we owe all of them. I hope that we can find a way to work together across the aisle to honor our vets and to make sure that they receive excellent care in all of their facilities.

I yield back the balance of my time. Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Let me begin by saying to my colleague from New Jersey (Mr. GARRETT) that I salute his focus on the importance of increasing the funding for State extended care facilities, long-term care for America's veterans. That is exactly why, as the chairman of this subcommittee, I have worked on a bipartisan basis with our other subcommittee members and with Mr. WAMP, the ranking member, to increase by 94 percent above President Bush's request of funding for this program, 94 percent above the President's request. So I have no problem with the intent of what he is trying to accomplish, because we've been working on this very issue for months this year, and the bill product is proof of the success of that effort.

The reason I strongly oppose the gentleman's amendment is that it would take funding out of the very account that is needed to address one of our veterans' and veterans service organizations' highest priorities in the entire VA budget, and that is to reduce the unconscionable backlog of veterans who are waiting to have their claims processed, including a backlog for combat wounded veterans to have their benefit cases considered.

Right now, there are nearly 400,000 veterans waiting to get their claims processed. What this amendment would do is take enough money out of that budget that would require the VA to cut 250 claims processors. Maybe that sounds like a rounding error to some, but to America's veterans, to 390,000 of them to be exact who are waiting for the processing of their benefits they earned by service and even by their sacrifice to our country, that's a significant cut, and it would do great harm to one of the highest priorities of our veterans service organizations.

Mr. GARRETT of New Jersey. Would the gentleman yield at this point?

Mr. EDWARDS of Texas. I'd like to finish first.

So I wish the gentleman would withdraw the amendment and that we would continue to work in good faith as we already have this year, and that's evidenced by the 94 percent increase above the President's request for these.

I cannot go along with cutting funding that could lead to the loss of 250 claims processors that would link them to an already 6-month delay. For 6 months our veterans are having to wait to get their claims considered.

Our servicemen and -women, Mr. Chairman, didn't delay when Uncle Sam sent them to combat. They went to all parts of the Earth and into harm's way when our country asked them to do so. They didn't ask for a 6-month delay. For the National Guardsmen, the 500 I met last Sunday afternoon in my hometown of Waco, many of whom are going back to Iraq for their second and third tours of duty, they didn't wait 6 months when their country called on them to duty, and I don't think it's right to ask 390,000 veterans to wait 6 months.

We desperately need to get that waiting time down, and I think, though well intended and for a good cause—and it is well intended and it is a good cause—that this amendment that I have strongly supported could do harm to 390,000 veterans. That's why I rise in strong opposition to this amendment.

If I have some time remaining, I'd be glad to yield to the gentleman.

Mr. GARRETT of New Jersey. I thank the gentleman for yielding.

It appears that we're on the same page on this, but let me just make this one suggestion:

While the 250 positions are out there and while there's a waiting list out there for that group, there's also, as I've suggested, around 200-some-odd projects or more, actually, over half of which are on a critical category 1 list. So we have two important lists that have long waiting lists that have to be addressed.

My suggestion is that, if this were to pass and if we were to reduce the funds by \$18 million, there's nothing in the amendment that says to the administration take the \$18 million out of this over \$1.4 billion line and take it from the 250. You and I would have to agree that they must be able to find some other area to take it from than these 250.

Mr. EDWARDS of Texas. I would point out, Mr. Chairman, the gentleman never identified where he would cut the money from specifically, and this is the account that funds our claims processors that are desperately needed. I'd be happy to continue to work with the gentleman in a good faith, bipartisan effort to look for every dollar we can find for extended care facilities, but let's not take that out of the hide of nearly 400,000 veterans who have been waiting 6 months to get their benefits started.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$87,818,000, of which \$5,000,000 shall be available until September 30, 2010.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans

Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$923,382,000, to remain available until expended, of which \$10,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2009, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2009; and (2) by the awarding of a construction contract by September 30, 2010: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That none of the funds appropriated in this or any other Act may be used to reduce the mission, services, or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study, as specified by the Secretary of Veterans Affairs, without prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That of the amount appropriated in this paragraph, \$798,852,000 shall be for the site specific projects, and in the amounts, specified under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of

title 38, United States Code, \$991,492,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds in this account shall be available for: (1) repairs to any of the non-medical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### AMENDMENT NO. 28 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

#### Amendment No. 28 offered by Mr. BUYER:

Page 41, line 14, before the period insert "*Provided further*: That \$7,000,000 of the amount appropriated in this paragraph shall be for the installation of alternative fueling stations at 35 medical facility campuses".

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, I have an amendment that would provide \$7 million of the amount appropriated in the Department of Veterans Affairs' VA Minor Construction account. These moneys shall be used for the VA to install alternative fueling stations at 35 of its medical facility campuses across the country. This is one of many measures that can be taken to address the impact of the rising energy prices and to alleviate our Nation's dependence on foreign oil.

We have an energy crisis in this country, and unfortunately, some are not taking action before we leave on this August break. The House will recess, and we'll go 5 weeks, and we'll not be taking up meaningful energy legislation, but we have an opportunity tonight.

It was in 2007 that President Bush issued executive order 13423, "strengthening Federal environment, energy and transportation management," mandating a reduction of the amount of petroleum consumption for Federal transportation.

In compliance with the President's order, the VA has taken steps to install E-85, ethanol fueling stations, at six VA medical centers—in Altoona, Pennsylvania, in Augusta, Georgia, in Cleveland, Ohio, in Danville, Illinois, in Little Rock, Arkansas, and most recently in San Francisco, California.

I would think that Speaker PELOSI would want other VA facilities in other States and members' districts to have the very same fueling stations that are available at the San Francisco VA medical center in her own congressional district.

According to the VA, it has nearly 11,000 vehicles that collectively travel more than 100 million miles a year. The VA acquired over 1,000 Alternative Fuel Vehicles in FY 2007, and 99 per-

cent of these are flexible fuel vehicles that can use E-85. The installation of alternative fuel stations at more VA sites would have a huge impact on the reduction of greenhouse gases and in the amount of petroleum consumed. Based on recent discussions with the Department, I am confident that, if funding is provided, the VA could install alternative fueling stations at the 35 additional sites.

Mr. EDWARDS knows full well that he is about \$662 million above the President's request and nearly \$361 million more than in FY 2008.

So, again, in facing the tremendous energy challenge in this Nation, we must act collectively in a bipartisan fashion to reduce our dependence on bad actors around the world that control our energy supplies. There are more than a dozen alternative and advanced fuels in production and that used today, one of which is E-85, an 85 percent ethanol mixture, which in the United States is based primarily on corn. Investing in the use of alternative transportation fuel services is one way to help increase the supply of American-made fuel.

I think Mr. EDWARDS and I would agree we're anxious to get to nonedible fiber—cellulosic ethanol.

This use of renewable domestic energy sources will contribute to an enhancement of energy security, and it will reduce the reliance on foreign oil. The installation of alternative fueling stations on VA campuses will reduce greenhouse emissions and the VA's gasoline costs, and it will provide funds for direct health care services for the men and women who have taken the oath to defend the freedoms and our way of life.

I urge my colleagues to support the amendment.

I yield to the gentleman.

Mr. EDWARDS of Texas. Let me just commend Mr. BUYER for not only his leadership on veterans affairs over the years but for this amendment. I think this is a reasonable, responsible amendment, and I'll be glad to support it.

Mr. BUYER. I thank the gentleman.

I yield back the balance of my time.

□ 2215

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. I do want to point out, in follow-up support to the gentleman's amendment, about how important it is for us to advance alternative sources just across the board throughout the military. The Military Construction bill is kind of a small piece, frankly, of the energy utilization across the entire Department of Defense, but it is something that we clearly should come together on.

The military is a tremendous user of energy, we all know that. There is no question that we can do better there. And this was an excellent amendment offered by a gentleman who's got just tremendous history here with the Veterans Committee and a great patriot. So I think we want to encourage all of those type uses as we move forward.

We're coming together here on the bill tonight, I think we're making great progress. Over the next 2 to 3 hours I think we can get through the rest of the sections of this bill. Certain Members are working out agreements as I speak right now, and so we're trying to draft this language. And I'm kind of keeping the ball rolling now, as you can tell, so that we can get this language drafted. I think we're making the progress that we need tonight.

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

Mr. BUYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. I would like to thank Chairman CHET EDWARDS. I would like to thank ZACH WAMP. And to my good friend from Texas that I've worked with for many years, we have a challenge in front of us with regard to an amendment. And the challenge is that I've prepared an amendment that \$150 million, Mr. Chairman, would be dedicated under the minor construction account—for which there's a lot of dollars here—for the installation of appropriate solar electric energy roof applications.

Now, we had several meetings, Chairman EDWARDS, with a lot of lawyers, and the lawyers were looking at the applications of the rules and the processes. The interesting thing is, when we drafted the amendment—we're having the conversation that you said we didn't have time to do in private, so we're having to do it in public. So I have to do it now before we actually get into the details of the amendment.

So when I did the amendment, we put it at the end, on page 41 here, line 14. Now, when I put it there on the applications of solar, my assumption is that when you then look at all the general authorities, section 316, that's about colocation authority; section 2404, that's administration; 2406 is acquisition; 8102 is also acquisition—one is acquisition of land, 2406; 8102 is acquisition of medical facilities; 8103, that's minor construction. All these other sections have nothing to do with solar.

So my assumption, Mr. Chairman, when I put this in here, I did not put at the end of the amendment "at VA medical facilities." My assumption is that, well, we're not going to put it on tombstones, we're not going to put it in a parking lot, and it doesn't apply anywhere else.

But when I talked with the lawyers, they're like, you know, STEVE, you just can't do it like that. And you need to actually have at the end the words "at

VA medical facilities." So now I've got myself in a bit of a jam.

Now, Mr. EDWARDS, we can do this several ways: I could offer the amendment. I could then present all the arguments of solar and what the VA is presently doing in the 16 sites that they're proceeding with. And if you say, well, but I don't like the amount, I could do a UC, we could agree to a particular amount, we could add the language. We go to conference. If you say, nope, we're not going to have anything, okay. Well, what could I do? I could look at your language—which is general language—and say, well, that's fine; whatever you do at conference, that's fine with me. I'll just go down and I'll work with the Secretary. I'll negotiate with the Secretary and I'll take whatever those monies are and we'll do it that way.

But what I want to do with you, Chairman EDWARDS, is that you and I have worked together a lot over the years. And you and I are in agreement when it comes to alternative sources of energy. So let's be practical. If you want to say to me, STEVE, don't do \$150 million; lower the amount, add the language, we'll work this out in conference and we'll work with the Secretary, that's how we work these things out.

I yield to the gentleman from Tennessee.

Mr. WAMP. Well, I was prepared to perfect your amendment, if it's ruled in order, with the words "at VA medical facilities" to make sure that it complied with the letter of the law. But I think it's an outstanding amendment. And I would like to see it see the light of day, but I understand there may be a point of order reserved.

Mr. BUYER. I would like to reclaim my time and now have a conversation with the chairman. You said you wanted to have one.

I'm going to give great deference here, which way do you want me to go?

Mr. EDWARDS of Texas. Well, the gentleman talked a few minutes ago about how we've worked together; and I think 10 minutes ago was an example of that where I accepted the gentleman's \$7 million amendment.

On this one, I think the gentleman's explanation about all the problems that have occurred are the perfect reason why I have real concerns about an amendment that already has technical problems in it, an amendment that could deal with up to \$150 million coming out of minor construction projects, which are so important for our VA hospitals and clinics, I think this just isn't the right way to handle an amendment of that magnitude.

I think the gentleman knows me well; and I will work with him and Mr. WAMP in all good faith and see, as we go to conference, if there are places we can find reasonable funding sources for solar applications. But taking \$150 million, for example, would be 15 percent of the VA's minor construction project. And the very intent of that funding is

to prevent in the VA system what Americans were outraged at in the Army hospital system at Walter Reed.

Mr. BUYER. Reclaiming my time, when I make the UC to add "at VA medical facilities," what amount do you feel is reasonable?

The Acting CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. BUYER was allowed to proceed for 1 additional minute.)

Mr. BUYER. I yield to the chairman. Mr. EDWARDS of Texas. And the gentleman's question is what amount is reasonable?

Mr. BUYER. What amount do you think is reasonable?

Mr. EDWARDS of Texas. Well, what's not reasonable, I would say to the gentleman, is trying to decide at 10:25 at night an amendment that has already had technical difficulties, an amendment we haven't had a hearing on in our subcommittee—we had 20 hearings over 100 hours, this issue never came up.

So my intention is to object to the unanimous consent request, but in good faith, just as I showed a few minutes ago on the \$7 million amendment, let's continue to work together and see if we can find a way. I think having solar panels at VA facilities is something that can be an excellent idea, but this isn't the way to bring about that policy.

Mr. BUYER. I reclaim my time. I will offer the amendment, we'll go through the procedures, we'll talk about solar, and we'll work with you as we go to conference. If it's not there, I'll just go right down Pennsylvania Avenue and I'll work with the administration and we'll get the number necessary to fund the 16 sites. That's how the town works.

The Acting CHAIRMAN. The time of the gentleman has expired.

AMENDMENT NO. 29 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. BUYER:

Page 41, line 14, before the period insert "":  
*Provided further:* That \$150,000,000 of the amount appropriated in this paragraph shall be for the installation of appropriate solar electric energy roof applications".

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, my amendment would provide \$150 million of the amount appropriated in the Department of Veterans Affairs minor construction account for the installation of solar electronic roof applications.

Qualified solar technologies to be considered included, but not limited to,

distributed thin-film solar, amorphous crystalline, nano photovoltaic, and technology systems. What we're trying to do is harness the energy of the sun.

Alternative and renewable sources, such as solar power—whether it's wind, geothermal, hydrogen, biomass—all of these are extremely important. They play an important role in addressing rising energy prices and alleviate our Nation's dependence on foreign oil.

We have an energy crisis in this country. Peak oil is approaching year 2037. We need to rebalance the Nation's portfolio. And in order to do that, we increase our Nation's energy supply to bridge ourselves beyond the alternative energy future in which we seek. We must begin to act and to take decisive measures to address the impact of high energy costs on the Department of Veterans Affairs.

VA medical centers consume large amounts of energy, especially for advanced technologies such as CAT scans, MRIs, that are necessary to provide state-of-the-art medical technologies.

Between 2005 and 2007, VA's energy costs increased by 20 percent. Last year, the VA identified 16 potential sites for solar projects. It's in Calverton, New York; Gustine, California; Phoenix, Arizona; Fresno, California; West Los Angeles, California; Loma Linda, California; Long Beach, California; Dallas, Texas; Palo Alto, California; Sheridan, Wyoming; Reno, Nevada; Tucson, Arizona; Syracuse, New York; Buffalo, New York; West Haven, Connecticut; and Albany, New York. Yes, I am on the floor asking that we fund 11 Democrat districts and five Republican.

Last year, when they identified these, they did feasibility studies with regard to these 16 sites. This summer, the VA plans to move forward to install rooftop solar systems at two sites, Loma Linda and Dallas.

Solar technologies, they diversify our energy supply, they reduce our dependence on imported fuels, improve our air quality, and offset greenhouse gases.

And I'm also interested that, as we move toward American-made energy solutions, that we buy solar systems that are made in America, not ones that are made in China or in Germany or in other places. We should do it here.

At this point, I would like to clarify the amendment. I ask unanimous consent that at the end of my amendment, after the word "applications," insert the following: "At VA medical facilities."

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. EDWARDS of Texas. Mr. Chairman, I object.

The Acting CHAIRMAN. Objection is heard.

Mr. BUYER. Mr. Chairman, I ask unanimous consent to strike the amount of \$150 million and insert the amount of \$75 million.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. EDWARDS of Texas. Yes, I object.

The Acting CHAIRMAN. Objection is heard.

Mr. BUYER. Mr. Chairman, it is important that we continue to invest now to reduce the energy costs into the future. The opportunity to employ this technology at the VA, the second largest department within the Federal Government, is now.

Now, I had hoped that we could have done this tonight. I'll continue to work with you, Mr. Chairman.

To the country, this isn't a good message to send. I will speak with the Secretary in the morning. I will work with him. I will let him know that you're sending down \$662 million above the President's request, \$361 million more than FY08. And because he has, right now, these 16 projects, I believe there's more than sufficient funds here to move on solar applications.

I would have hoped that we could have done this in a bipartisan fashion; that is really unfortunate. And I will work with the Secretary to ensure that alternative sources of energy are used in the VA.

With that, I yield back my time.

□ 2230

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I think anyone who has listened to this debate over the last few minutes at 10:30 at night understands this isn't about partisanship at all. But I think what the American people would object to is going from \$150 million to \$75 million to whatever other number that we might pull out of our hat this late in the evening on a measure that wasn't considered for 1 minute in the 19 hearings we held covering over 100 hours.

I salute the gentleman, my friend and colleague. I salute the gentleman for his goal of trying to encourage the VA, and I want to encourage the Department of Defense as well, to use solar energy, to lessen our energy costs and our dependence upon foreign energy supplies. That is a worthwhile goal.

But, Mr. Chairman, appropriation bills are about setting priorities. And let me tell you my priority, and I'm proud to defend this priority. My priority is that I never want one American veteran to ever have to live in the unconscionable conditions that Army soldiers had to live in at Walter Reed Annex 18 last year. The American people were deeply offended by what they saw.

So our committee has worked on a bipartisan basis in good faith to see that we plus-up the minor construction accounts in the VA to provide the kind

of renovation so that we don't see that kind of nightmare occurring in the VA system that occurred in the Army medical system. And despite the worthiness of the gentleman's goals, even though it's so late at night and talking about sums such as \$150 million, the fact is that loss of money for minor construction could cause the VA to have to cancel 25 to 30 significant construction projects to help provide better care, more modernized facilities for our veterans. So that is why I object to this amendment.

And I do look forward to working with the gentleman. If he wants to work in good faith, that will be my commitment to him. But it ought to be on a carefully thought-out process, weighing not only the pluses of his laudable goals but the minuses of where he would take that money from. That's the right way to handle the American taxpayers' dollars.

Mr. WAMP. Will the chairman yield?

Mr. EDWARDS of Texas. I yield.

Mr. WAMP. Thank you, Mr. Chairman. I want to compliment you on your statement. And, again, we are bipartisan partners here. But I would point out that had we not had the preprinting requirement that was talked about earlier that we're living under, the fluidity of modifying amendments or amounts on the floor is part of the way that the appropriations process works.

We do have a great bill. But the neat thing about appropriations is when you bring a great bill to the floor, the Members of the House, all of them, do have the ability to make changes or make improvements or make suggestions, and, frankly, that is what the gentleman is trying to do. So I want to make that point, and to say that it's not late. We can start talking about how late it is, but this bill has been ready for the floor for 35 days. So as far as I'm concerned, we are not late tonight. We have got plenty of time to debate these things. So I don't want to—especially these gentlemen, the chairman and ranking member from the Veterans Affairs Committee who want to bring these ideas to the floor on an appropriation bill, that's kind of the nature of an appropriations process. It is an open process. We do have a great bill. I don't think it's a perfect bill not subject to amendment by the Members of the House.

Mr. EDWARDS of Texas. Mr. Chairman, let me just point out that the Rules Committee allowed any Member to offer any amendment to this bill with the only request that it be preprinted in the CONGRESSIONAL RECORD so the public and veterans organizations could see what those amendments would be. And this kind of confusion at this time of night is probably a good example of why that was a smart rule to require that kind of preprinting.

With that, I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman. Let me simply say I would never apologize for having a rule which requires all Members of the House to be aware ahead of time what amendments they will be asked to consider. It seems to me that the proper time to raise the questions raised by the gentleman who seeks to offer the amendment is before the bill ever hits the floor. It seems to me that if the authorizing committee or any member thereof has some ideas that they would like to see included in the appropriation bill that the best way to work in the legislative body is to talk to people ahead of time about it so that we don't have to make these horseback, half-baked judgments at 10:30 in the evening.

Mr. BUYER. Will the gentleman yield?

Mr. EDWARDS of Texas. Surely.

The Acting CHAIRMAN. The time of the gentleman has expired.

POINT OF ORDER

Mr. EDWARDS of Texas. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part:

"An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized. The amendment therefore violates clause 2 of rule XXI, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. BUYER. I would like to speak on the point of order.

The Acting CHAIRMAN. The gentleman is recognized.

Mr. BUYER. First, it's very unfortunate that solar would be kicked out on an attempt of a technicality. Let me go right to the point of order.

The amendment refers to title 38, U.S. Code, Section 8103. It provides VA the authority to "construct" and "alter." So you can see that in the very first line; so 8103(a)(1) "may construct or alter any medical facility." Now, it's any medical facility as the Secretary considers necessary for use of the site. Section 8101 of title 38, United States Code, defines the term "alter" with respect to medical facility means to repair, remodel, improve, or extend. So this section 8103 is general authority. Specific authority would come under—and this is minor construction. So under general authority, the Secretary has great discretion. With regard to specific authority, it would come under Section 8104. That would be designations of CBOCs, anything above \$10 million comes under Section 8104.

What I refer to, and this is what the Parliamentarians make sure everybody has, it's the House Practice guide, the Guide to the Rules, Precedents, and

Procedures of the House. So when I go to page 84, the authorization from specific statutes in this paragraph, Mr. Chairman, so this was page 84, and it's entitled under Authorization From Specific Statutes Or General Existing Law; so what I have done is refer to the general law, not the specific. This is the general law. "Authorization for a program may be derived from a specific law providing authority for that particular program or from a more general existing law," which means organic law, or "authorizing appropriations for such programs."

So what's happened over the years, it's not like the Armed Services Committee, Chairman EDWARDS.

Mr. Chairman, we don't bring that annual VA authorization bill. So what has happened over the decades, Mr. Chairman, is that we have always relied on the 8103 as the general authority provision.

Now, if you say, well, STEVE, when you look at this amendment, when you look at the amendment, because you don't put "VA facility" at the end, well, then we might interpret that as applications to all other sections. Mr. Chairman, that's why I said the mistake that was made was, was that all of these other sections don't even apply to solar. There's only one of these sections that would apply to solar, and that is the medical facilities section, and that is the 8103.

So my appeal to you is that by putting this solar amendment here at the end of the paragraph, there is only one section here in which it applies to, and that's section 8103.

So when the chairman said you don't have the authorization, I would appeal to the Chair that general authority exists within the minor construction statute for us to do this, and that would be my argument on the point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard?

Mr. EDWARDS of Texas. Mr. Chairman, I would just say briefly I think the Chair has received plenty of advice on this point of order, and now I would like to ask for a ruling from the Chair.

The Acting CHAIRMAN. The Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument from both parties on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. Specifically, the amendment is not confined to medical facilities.

The Chair is therefore constrained to sustain the point of order raised by the gentleman from Texas under clause 2(a) of rule XXI.

Mr. BUYER. I move to appeal the ruling of the Chair.

Mr. Chairman, I will withdraw my motion to appeal the ruling.

The Acting CHAIRMAN. The appeal is withdrawn.

The Clerk will read.

The Clerk read as follows:

GRANTS FOR CONSTRUCTION OF STATE  
EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$165,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE  
VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2009 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2009, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2008.



SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2009, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" and "Information technology systems" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2009 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2009 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$34,158,000 for the Office of Resolution Management and \$3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" and "Information technology systems" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of

section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appro-

priations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2009, may be transferred to or from the "Information technology systems" account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 222. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the "Compensation and pensions" account, and, hereinafter, receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the "Compensation and pensions" account.

SEC. 224. Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking "September 30, 2008," and inserting "September 30, 2009,".

SEC. 225. Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking "October 1, 2008," and inserting "October 1, 2009,".

Mr. EDWARDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WAMP. Mr. Chairman, point of parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his point of inquiry.

Mr. WAMP. Will you restate how far you've read?

The Acting CHAIRMAN. Page 51, line 11.

Mr. WAMP. No objection.

The Acting CHAIRMAN. Are there any amendments?

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of title II (page 51, after line 11), insert the following new section:

SEC. 226. (a) The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities, pursuant to the authority in section 1703 of title 38, United States Code.

(b) At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom; and

(3) have at least 7 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer and withdraw an amendment on this particular bill.

The amendment has to do with the Secretary of Veterans Affairs, calling upon them to increase the number of medical centers specializing in posttraumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities pursuant to the authority in section 1703.

This particular amendment has to do with ensuring the cooperation with existing health care institutions used by the Secretary pursuant to subsection (a).

I would like to see these facilities located in an area defined as a HUBZone and as well in an area that covers rural areas. I would like to see, according to my amendment, that these facilities would be located within a State that has sustained more than 5 percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.

□ 2245

I am very pleased that, under the leadership of Chairman EDWARDS, longstanding leadership, that the legislation that we have before us includes more dollars for mental health and substance abuse, and as well some \$3.8 billion, and also it includes \$200 million to address the question of fee-based services in the Veterans' Affairs medical system. It also has additional money, \$5 billion, for medical facilities and \$165 million for extended care.

My amendment was to recognize the plain facts of combat, as we have seen

more and more soldiers coming back from Iraq and Afghanistan wounded not only physically but mentally. Most of these soldiers have seen—94 percent of the soldiers in Iraq have reported receiving small arms fire, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured. Some similar numbers we are finding in Afghanistan because we have seen an increased amount of combat in Afghanistan.

And so, Mr. Chairman, my concern is to ensure that we have the right kind of facilities for our soldiers that are returning. So I offer this amendment because I thought it was very important to include hospitals like Riverside General Hospital, the only historically black hospital I believe remaining in the United States, founded and organized by a World War II veteran, or family of a World War II soldier.

I would hope that as we move toward the conference, since this amendment is now being withdrawn as I conclude my remarks, I am hoping that we will be able to work with the committee and ensure that we have the opportunity to make this work.

I'd like to yield to the chairman, if I could. I'd like to yield to the gentleman about the amendment that I have that has to do with providing post-traumatic stress disorder facilities in collaboration with existing facilities.

I think this is a good amendment. I am offering and withdrawing it in cooperation with the committee. I won't go down to 1600 Pennsylvania and work with the White House, but I would like to work with this committee and this chairman, and thank him for his leadership, as well as Chairman FILNER, who has been more than powerful, if you will, on the issues of veterans.

This has to do with putting these facilities in historically underserved areas and, as I indicated to you, Riverside Hospital has an initial grant. We are having some difficulty in making sure they get their moneys from the last time. But I think we need more of these facilities.

I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentlewoman from Texas, my colleague. She has been a champion for fighting for more funding in the VA for mental health care services for our veterans. Because of that, and the support of others in this House, which she has been a real leader in this effort, we will have added \$900 million above the last year funding level for specialty mental health care services for our veterans.

The VA will have a great deal of discretion in how to spend that money. I would imagine the importance of the VA health care center in Houston and the number of veterans there, that it should be one of the beneficiaries of this funding.

I know because of this being an appropriation bill, there were technical reasons why there was a point of order

that potentially lodged against this amendment. But that point of order will not keep us from working closely together to fulfill your goal of seeing that we have first-class quality mental health care services for veterans in underserved areas and urban areas across our country.

Ms. JACKSON-LEE of Texas. If I could reclaim my time and say that the underpinnings of this amendment has to do with existing satellite facilities such as Riverside Hospital that could be in collaboration. I would be very grateful if I could work with the chairman and full committee, and I want to acknowledge the chairman of the full committee in looking at that as we go into conference, as to whether or not we can at least ensure that those facilities will be looked at.

Mr. EDWARDS of Texas. We look forward to that.

Ms. JACKSON-LEE of Texas. Thank you very much.

Mr. Chairman, I rise to speak in support of the bill and in favor of my amendment. I also rise to express my sincere appreciation to Mr. EDWARDS, the chairman of the Appropriations Subcommittee on Veterans Affairs and Military Construction, and the Chairman of the Veterans Affairs Committee, Mr. FILNER, for all they have done and continue to do to make real President Lincoln's admonition that "we care for him who has borne the battle, and for his widow and orphan."

In particular, I wish to commend Chairman EDWARDS, for the leadership, commitment, and foresight he has demonstrated on the issue of PTSD and the overall mental health of our nation's veterans. Like Mr. EDWARDS and Mr. FILNER, I am committed to improving the lives of thousands of veterans who have risked their lives for our nation, and I believe my amendment plays a crucial role in ensuring that veterans suffering from PTSD receive the medical treatment they desperately need.

Mr. Chairman, thank you for this opportunity to explain my amendment to H.R. 6599, the "Veterans Affairs and Military Construction Appropriations Act for Fiscal Year of 2009." As a Member of Congress from Texas, a state which has sustained more casualties in the ongoing conflicts in Afghanistan and Iraq than all but one other, I am pleased to offer this amendment. This amendment is intended to address the urgent need for more post-traumatic stress disorder (PTSD) treatment and counseling facilities servicing veterans living in some of the more distressed areas of our country.

Mr. Chairman, according to Webster's, dignity is "the quality or condition of being esteemed, honored or worthy." We can never do enough to honor our wounded veterans. Studies have shown that 30 percent of troops deployed to Iraq suffer from depression, anxiety, or post-traumatic stress disorder (PTSD). However, when wounded troops return home, the treatment they receive is more befitting a second class citizen than a hero. This is a shame and a great stain on our nation.

How these problems could be overlooked or neglected by this Administration is unfathomable. The very leaders that these brave young men and women rely let them down. The message that incidents like Walter Reed Medical Center sends to our troops is



that we do not care enough. But that is not the message we wish to send. The Veterans Administration and Military Construction Appropriations Act of 2009, H.R. 6599, will go a long way toward correcting this misapprehension. All Members of the House are indebted to our colleague, Mr. EDWARDS of Texas, for his masterful leadership in shepherding this landmark legislation to the House floor. For the more than 29,000 brave men and women who have been wounded in Iraq and Afghanistan, help is on the way. And the over 4,000 heroes who have given the last full measure of devotion will always be in our hearts and prayers.

Mr. Chairman, my amendment requires the Secretary of Veterans Affairs to increase the number of medical facilities specializing in post-traumatic stress disorder located in underserved urban areas. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder.

Mr. Chairman, PTSD is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis. In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do, even though you may not even have reached your 20th birthday.

But there always comes a reckoning. And it usually comes after the stress and trauma of battle is over and you are alone with your thoughts and memories. And the horror of those desperate and dangerous encounters with the enemy and your own mortality come flooding back.

PTSD was first brought to public attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as mugging, rape, torture, being kidnapped or held captive, child abuse, car accidents, train wrecks, plane crashes, bombings, or natural disasters such as floods or earthquakes.

People with PTSD may startle easily, become emotionally numb (especially in relation to people with whom they used to be close), lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even become violent. They avoid situations that remind them of the original incident, and anniversaries of the incident are often very difficult. PTSD symptoms seem to be worse if the event that triggered them was deliberately initiated by another person, as in a mugging or a kidnapping. Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

Mr. Chairman, the fact of the matter is that most veterans with PTSD also have other psychiatric disorders, which are a consequence of

PTSD. These veterans have co-occurring disorders, which include depression, alcohol and/or drug abuse problems, panic, and/or other anxiety disorders.

The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. One study indicated that 94 percent of soldiers in Iraq reported receiving small-arms fire. In addition, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68 percent reported seeing dead or seriously injured Americans, and 51 percent reported handling or uncovering human remains. The majority, 77 percent of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48 percent reported being responsible for the death of an enemy combatant, and 28 percent reported being responsible for the death of a noncombatant.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them. Ask a Vietnam Veteran about the frequency of nightmares they experience, and one will realize that serving in the Armed Forces leaves a lasting impression, whether good or bad. My amendment ensures that "no soldier is left behind." By directing the Secretary of Veterans Affairs to increase the number of medical facilities specializing in PTSD that are located in underserved urban areas, and conducting a concurrent study on increasing access to PTSD treatment at these facilities those soldiers will never feel forgotten or taken for granted. These soldiers can be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one.

As the war in Iraq continues to drag on, and with our country continuing to send military personnel to Afghanistan, the military has been overwhelmed with returning soldiers suffering from mental health problems. Earlier this month, Col. Elspeth Ritchie, psychiatry consultant to the Army surgeon general, stated "as the war has gone on, PTSD and other psychological effects of war have increased. The number of (mental health workers) that was adequate for a peacetime military is not adequate for a nation that's been at war."

Mr. Chairman, according to surveys conducted of troops in Iraq, 15–20 percent of Army soldiers have demonstrated signs of post-traumatic stress. Symptoms of this serious disorder include nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety. One year after returning from combat, approximately 35 percent of soldiers are seeking some kind of mental health treatment. Among soldiers still stationed in Iraq and Afghanistan, many incidents of abuse, including killings and rapes by U.S. soldiers, have been attributed to ethics lapses caused by the strain of combat.

Mr. Chairman, last Thursday, the Department of Defense released a report that stated "current efforts fall significantly short" in providing help for troops. Further, this report found that "[t]he psychological health needs of

America's military service members, their families and their survivors pose a daunting and growing challenge to the Department of Defense."

I urge adoption of my amendment. And I thank the Chairman for his fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Ms. JACKSON-LEE of Texas. I ask again, Mr. Chairman, unanimous consent at this time to withdraw the amendment, but keeping in mind that veterans and returning soldiers need service and they need to have the kind of service for PTSD. And I hope that we will be able to accomplish that.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENTS NO. 18 AND 19 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I ask unanimous consent to consider my amendments 18 and 19 en bloc for the purpose of debate.

The Acting CHAIRMAN. Without objection, the Clerk will designate the amendments.

There was no objection.

The text of the amendments is as follows:

Amendment No. 18 offered by Mr. FILNER:

At the end of title II of the bill, (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for "Medical services" shall be used by the Secretary of Veterans Affairs, in an amount not to exceed \$250,000,000, to establish a community grant program to provide rehabilitative services to veterans and servicemembers with post-traumatic stress disorder or traumatic brain injury. The Secretary of Veterans Affairs may enter into cooperative agreements with States and localities in order to inform veterans and servicemembers of programs and benefits under this grant program.

Amendment No. 19 offered by Mr. FILNER:

At the end of title II of the bill (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for "Medical services" shall be used by the Secretary of Veterans Affairs, in an amount not to exceed \$10,000,000, to establish, in cooperation with the Secretary of Defense, a heroes' homecoming pilot program to evaluate the effectiveness of offering compulsory screening, evaluation, and when indicated, treatment for mental health conditions such as post-traumatic stress disorder, and traumatic brain injury, to servicemembers (and immediate family members) returning from deployment and those recently discharged.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

The gentlemen from California is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, as the chairman of the Authorizing Committee, the House Veterans' Affairs Committee, I want to thank Chairman EDWARDS, Chairman OBEY, and his ranking members, for giving us this bill and a whole series of bills that preceded this since our party has taken over the majority of this body.

Not only have we for the first time with fiscal years 2008 and 2009 exceeded

the budget requests in the so-called independent budget, which is put together by veterans' groups for veterans, and for the first time we exceeded them 2 years in a row. Not only that, but with the fiscal year 2007, which we had to pick up, and several supplemental bills which we had to pass, we have added, in my calculation, over \$17 million worth of new money for the health care of our veterans, which is an unprecedented 40 percent increase since Chairman EDWARDS and Chairman OBEY have been chairmen of those committees. That is incredible.

We have put resources in place to do the job for our veterans, but the Veterans Administration doesn't always do what we intend, or do it with the efficiency that we would like. Many of you have heard the horror stories of young people going to medical centers, asking for PTSD help, post-traumatic stress disorder, being told that they can't get an appointment for 5 or 6 weeks, going home and committing suicide.

We have had the Secretary of the VA tell me, when I said, Aren't a thousand suicide attempts per month by our veterans a concern? He said, No. It's consistent with the literature. We have had a Secretary, Under Secretary of Defense say that 300,000 PTSD victims of our forces in Iraq and 320,000 victims of brain injury were not a problem because those were just symptoms of those injuries. They didn't really exhibit full-blown PTSD or full-blown traumatic brain injury and therefore they weren't concerned about it. So their concern, Mr. Chairman, has not always equaled our commitment here.

My two amendments would try to have dealt with that in a way that I hope and I know the chairman will work with me in the future.

Do you know that tens of thousands of our young people leave Iraq and Afghanistan, whether they are in the active duty or the Reserves or the National Guard, without any evaluation by medical personnel for either PTSD or brain injury?

We have to do something about that, Mr. Chairman. I have proposed, and we will work with you as we authorize what I am calling a Hero's Homecoming camp, to say that every soldier with his or her company, with his or her family, will be evaluated by medical personnel for brain injury and PTSD, and before they are discharged from the service. I had asked for \$10 million to cooperate with the DOD to do that.

In addition, one of the chief weaknesses of the Veterans Administration is they don't like outside help. They don't ask for community support. All over this country, people want to help our troops. So I have asked at some point for \$250 million for community grants to help our soldiers in their own communities who have mental health and other injuries for their treatment and rehabilitation.

This is something I think we have to do, Mr. Chairman. I know you agree

with me in principle. I know this is not the time and place to debate that or put that in the bill. Your commitment to our soldiers, sailors airmen, and marines is well known. Just putting that out there, that we have to do this community support, mandatory evaluations, that I know that we can work together.

I will withdraw the amendment.

Mr. EDWARDS of Texas. Will the gentleman yield first?

Mr. FILNER. I will yield to you first.

Mr. EDWARDS of Texas. Let me just take this opportunity, Mr. Chairman, to thank Mr. FILNER. While I chair the appropriations subcommittee for veterans, he is the chairman of the full Committee on Veterans' Affairs. He has been a leading voice in fighting for mental health care services for our veterans and a broad range of services and benefits for our veterans. Without his leadership, we would not have \$3.8 billion in specialty mental health care mandated in this bill, a \$900 million increase over the year before.

I certainly look forward to working with the chairman of the authorizing committee in the months ahead on the programs that he has fought so hard for.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to withdraw the amendments en bloc.

The Acting CHAIRMAN. Without objection, the gentleman's amendments en bloc are withdrawn.

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FILNER:

At the end of title II (page 51, after line 11), add the following new section:

SEC. 226. (a) PAYMENTS TO VETERANS WHO SERVED IN PHILIPPINES DURING WORLD WAR II.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs (in this section referred to as the "Secretary") shall make a payment to a person described in subsection (e) who, during such period, submits to the Secretary an application containing such information and assurances as the Secretary may require.

(b) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of a person described in subsection (e) who is not a citizen of the United States, in the amount of \$9,000; and

(2) in the case of a person described in subsection (e) who is a citizen of the United States, in the amount of \$15,000.

(c) LIMITATION.—The Secretary may not make more than one payment under this section for each person described in subsection (d).

(d) ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS.—Receipt of a payment under this section shall not affect the eligibility of an individual residing outside the United States to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) or the amount of such benefits.

(e) ELIGIBLE PERSONS.—A person covered by this section is any person who served—

(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

(f) OFFSETTING REDUCTION.—The amount otherwise provided by this title for "INFORMATION TECHNOLOGY SYSTEMS" is revised by reducing the amount by \$198,000,000.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, I thank the chairman for allowing me to take a few minutes on this amendment. As we are very much concerned with our Iraqi and Afghanistan young men and women who are returning with grave injuries, we cannot forget our older veterans and the justices that we have to make up for.

We can go back to World War II where we have atomic veterans who have not yet received compensation for being in testing areas without being told. We have merchant mariners who never got benefits of our GI Bill, who are in their eighties and we need to say thank you to.

We have a group of veterans who were drafted into the Army in 1941, all the Filipinos who were in the Filipino army and various units and various irregular areas defending that territory. That was a territory of ours. And we drafted all the soldiers into our Army with the promise that they would have benefits later.

Those Filipino soldiers, over a quarter million of them, held up the Japanese advance for weeks and weeks and weeks beyond their scheduled advance. It allowed us back home to prepare better and for MacArthur to return. And though the Japanese overran the Philippines in the terrible battles of Corregidor and the famous death march of Bataan, the surviving soldiers were able to harass the Japanese through guerilla work, and they were not strong enough to resist MacArthur when he returned. In fact, it was the Filipinos, bravely alongside their American counterparts, who helped to win the war in the Pacific.

After the war was over, after we had won in both the Atlantic and Pacific, the Philippines were granted their independence, and the Congress of 1946 said, You got your independence. You take care of your veterans. Yes, you saved America, but that is your problem, not ours anymore.

Although President Truman signed the legislation which embodied that in law, he said, We must repair this important travesty. We promised those veterans full benefits. We have taken them away. We have to go and give them back. That was 62 years ago, Mr. Chairman, and that travesty still burns in the hearts of the Filipinos who are alive, and their family members.

The amendment I have in front of the body says that, basically, We are sorry, but thank you.

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It provides a pension for those brave Filipino veterans. This is a moral necessity for America to close the chapter on World War II. This is a moral necessity for this Congress to make up for a mistake that was made 62 years ago.

I know many Members of this body agree with remedying this moral disaster, and yet we have had problems of how we pay for that and how we somehow use the budget to make sure that we are helping these deserving veterans, while not taking away from our brave young men and women from either World War II, Vietnam, Korea, the Persian Gulf war 1 or the present conflicts.

So, Mr. Chairman, I am trying to figure out a way to do that. I know the vast majority of this body agrees with me, and I look forward to working with you to find a way to do that.

I know there are other speakers on this amendment. I would hope that we have a colloquy with the chairman on his time in a few minutes.

I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do, Mr. Chairman.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Mr. Chairman, before I start, I want to thank the chairmen of the Appropriations Committee and the subcommittee, the ranking members on the other side, and Chairman FILNER for the underlying bill that we are looking at, and also I want to commend Chairman FILNER for his unceasing advocacy on behalf of the Filipino-American veterans.

Mr. Chairman, I am glad to have the opportunity today to speak about this important issue and to draw attention to the plight of the World War II Filipino veterans. I rise today to strongly urge my colleagues to support the Filipino veterans.

These brave men fought alongside American soldiers under our flag throughout the Pacific Theater in World War II, and the United States made a promise to grant them veterans benefits as they were drafted into the U.S. service under President Roosevelt. Subsequently, after the war, Congress

shamefully and unjustly legislated this promise away in two Rescissions Acts of 1946.

Nearly 1 million Filipinos who were conscripted into service by President Roosevelt were killed in action in defense of our country, and many of them died as they protected the POWs, who were our soldiers, against the Japanese brutality during the Bataan Death March.

I support legislation, S. 1315, which will expand benefits, such as life insurance, education and disability assistance for tens of thousands of current veterans and hundreds of thousands in the coming years. Senate 1315 also restores the promise in our words we made in 1942 to the Filipino World War II veterans who bled and died for our country. Today there are only 18,000 World War II Filipino veterans living, most of them in their eighties, and they are dying every day, and this cannot wait.

The Senate has already passed S. 1315 by a vote of 96-1 on April 24, 2008, and I urge my colleagues to follow in the Senate's footsteps. This is the right thing to do.

There has been some controversy and confusion about the offset to pay for the benefits in S. 1315. I would like to set the record straight today. This bill will close a loophole created by a case known as Hartness v. Nicholson which gave some veterans double benefits that Congress never intended for them to receive. The bill will return the law to what it was originally intended for all future veterans. It will not take any benefits away from veterans who are already receiving them under Hartness-Nicholson.

This all seems a bit technical. I know some Members are having a hard time supporting S. 1315. But what it boils down to is that this is the right thing to do, and we need to do it very quickly.

Each year I meet with the Filipino community, and each year I read the roll call of those who have passed away. These are men who are courageous and still loyal to the United States and to the flag, and they hold this wonderful spirit and expectation that we will finally keep our word. You know in your hearts that these veteran soldiers who fought under our flag deserve the promise we made them six decades ago.

America's greatness is in her strength of character. When Congress makes a mistake, we have the courage to correct that mistake. We have the guts to apologize and make it right. Let's do the right thing and give the Filipino veterans their due. Let's have a vote on this when we come back from recess this September.

I yield back my time.

The Acting CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do. I would also like to move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, my father was a naval aviator in World War II. My father passed away 4 months ago. Had it not been for the courage of Filipino veterans, my father might have been killed, because instead of the war ending before he was deployed, had it not been for their heroism in the Pacific, my father might have been deployed, and like so many other Americans in that war, he might have ended up giving his life to the country.

I have been deeply moved by Mr. HONDA and Mr. FILNER's passionate dedication on behalf of these great citizens of the world who sacrificed, many of them giving the ultimate sacrifice, on behalf of our country and our victory in World War II. Because of the legislative process, there are times when we simply, despite all of our intentions, cannot solve every problem on an appropriations bill, because the rules of this Congress require an authorization process as well.

We can't solve this problem tonight, but because of Mr. FILNER and because of Mr. HONDA, I think we are a giant step closer to addressing this injustice that has existed for so long.

My commitment to Mr. FILNER and Mr. HONDA is to work as the chairman of the appropriations subcommittee with the chairman of the authorizing committee and on a bipartisan basis to find appropriations available so that if we can get an authorization for those appropriations, we can finally bring about justice for these people who did so much for our country and for the world.

With that, I would like to yield, Mr. Chairman, to Chairman FILNER.

Mr. FILNER. I see our Speaker on the floor. The only one I think who knows more about this issue than me is Speaker PELOSI, who has dealt with this in the 20 years that she has been in the Congress. I would ask the chairman to yield to her.

Mr. EDWARDS of Texas. I will be honored to yield to the Speaker, who has been such an eloquent voice on this issue.

Ms. PELOSI. I thank the gentleman. I have watched with interest the debate this evening, and I am so proud of the work that you, Mr. EDWARDS, are doing on this issue to honor America's vets and, Congressman WAMP, you as well.

I thank the chairman of the Veterans' Committee for bringing up this important issue of our Filipino vets. For years we have been pleading our case. Mr. OBEY has listened patiently and tried to find a way for us to meet the needs of these people who served our country so well, who helped achieve the victory.

Promises were made; promises were not kept. And I know it is not possible to do something this evening, but I wanted to come to the floor to associate myself with the remarks of our

distinguished chairman, BOB FILNER, who has worked relentlessly, as we all know, persistently, on this important issue.

We recently had a visit from the President of the Philippines, where she was very interested in the progress of this issue.

So, again, I associate myself with Mr. FILNER's impassioned plea on this subject. Thank you for your leadership for our veterans on an ongoing basis. I am very proud of the leadership of this subcommittee. Under the chairman's leadership, we have been able to give the biggest increase in veterans' health funding in the 77-year history of the Veterans Administration, and just recently in the supplemental we were able to have the GI Bill for our veterans, thank you to our veterans, and when they come home we send them to college. Now this bill goes even further.

So I thank you and Mr. WAMP, both of you, for your leadership on this subject, and yield back the time to the distinguished chairman of the Veterans' Affairs Committee, and thank him for his leadership on behalf of our veterans, all of our veterans, and in this case at this moment our Filipino vets.

Mr. EDWARDS of Texas. If I could reclaim my time, let me just say, Mr. Chairman, in the presence of Speaker PELOSI, what I said earlier this evening. While she has been gracious in commending others for working for veterans over the last 2 years, she made a commitment to America's veterans 4 years ago and said if she became Speaker, we would have unprecedented increases in funding for veterans health care and veterans benefits. \$16.8 billion later and a 21st century bill of rights, we can all stand, and I say gratefully, Speaker PELOSI has kept her promise to those great Americans who have kept their promise to serve, and I thank her deeply for that.

With that, I yield to Mr. FILNER.

Mr. FILNER. I, too, want to thank the Speaker for her commitment over a long period of time to not only the Filipino veterans, but all veterans.

Your comments tonight, Mr. EDWARDS, were very moving. They show complete understanding of the issue. I have confidence that, working together and with the support of the Speaker, we will be able to deal with this issue.

Ms. HIRONO. Mr. Chairman, I rise today in support of amendment number 22, offered by Veterans' Affairs Committee Chairman BOB FILNER, which would provide a one time payment to the courageous Filipino veterans of World War II.

Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have made appreciable progress toward fulfilling that promise, we have not yet achieved the full equity that the Filipino veterans deserve.

I am proud to be an original cosponsor of H.R. 760, The Filipino Veterans Equity Act of 2007, which was introduced by the Chairman to provide the necessary reclassification of the service of Filipino veterans to make them eligible for all the veterans' benefits programs administered by the U.S. Department of Veterans' Affairs. In essence, H.R. 760 makes good on the promise our government made to these brave men over sixty years ago.

Today, out of the 250,000 Filipino World War II veterans, only 18,000 are left. Of that number some 2,000 reside in my home state of Hawaii. As Filipino veterans are entering the sunset years of their lives, Congress is running out of time to fulfill our obligations to them.

While there is no question in my mind that the appropriate action for Congress is to provide full veterans' benefits to the Filipino World War II veterans, this one time payment of \$15,000 to those veterans who are now American citizens and a \$9,000 payment to those veterans that remain Philippine nationals is a gesture that is a step forward in the little time we have left to thank and respect the promises made to these brave soldiers for their service to our country.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. ALTMIRE). Without objection, the amendment is withdrawn.

There was no objection.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BUYER. Part of the challenges that we have been dealing with, some have to do with fiction. The Speaker was just on the floor and referred to promises. If the Speaker would not leave the floor—Madam Speaker?

How fascinating. You see, the Speaker was just on the floor, Mr. Chairman, and spoke fiction. While there had been anecdotal accounts of such promises which she has referred to, there have been no official written accounts of these promises. CRS has done an extensive research of the papers and writings of both President Roosevelt and General MacArthur and have not found any written proof that these promises were made.

It is very unfortunate that the Speaker would not have stuck around to listen to that. Several requests for her to stay on the floor, she turns and just walked on out. Now, why would she do that? She doesn't want to hear the truth. It is better to stand on the floor and just say this.

Mr. OBEY. I ask that the gentleman's words be taken down.

The Acting CHAIRMAN. The gentleman will suspend.

The Clerk will report the words.

Mr. OBEY. Mr. Chairman, in the interest of the House finishing its work tonight, I withdraw my request that the gentleman's words be taken down.

The Acting CHAIRMAN. The request is withdrawn. The gentleman from Indiana is recognized.

Mr. BUYER. I appreciate the chairman having withdrawn the amendment

since the Parliamentarians were about to rule in my favor, so I appreciate that, that the comments were parliamentary and permissible on the floor.

Let me say, the challenge that we have had here in the committee is that when Mr. FILNER brought his bill he needed an offset, and the offset is that in order to come up with \$1 billion, he used the Hartness decision. And that would take \$1 billion from American veterans. Now, that is what got us all into this.

Now, the gentleman brings an amendment and tries to say, oh, no, I don't want to use the Hartness decision. The Hartness decision is extremely important, Mr. Chairman, and I want to address it here for a moment. Because in the committee itself, when I tried to strike the offset, I was defeated on a party-line vote. And there would be a tough vote here on the floor if we were going to vote to repeal Hartness.

The Hartness decision is that we give a pension to individuals who served during a period of war, are elderly, severely disabled, and indigent. It is bothersome to me that we would deny these individuals that pension to then give to someone else. Therein lies the challenge.

Chairman EDWARDS and I had a good conversation, and it is the offset with which many of us are uncomfortable about, and we are trying to figure out how best to navigate our way through this issue. And in the same spirit in which we are going to work on solar, we are going to work on this issue. But we are not going to repeal Hartness.

Hartness comes from a 2006 United States Court of Appeals veterans claims decision that overturned the Department of Veterans Affairs decision that denied an 86-year-old legally blind World War II veteran, Robert A. Hartness, a VA benefit called a special monthly pension. That is what they wanted to overturn.

The court reversed the VA's denial of benefits to Mr. Hartness, and required the VA to begin making those payments. The court held that the U.S. law requires an award of the special monthly pension to a veteran eligible for VA nonservice-connected disability pension if, in addition to being at least 65 years of age, he or she has a minimum disability rating of 60 percent or more, or is considered permanently housebound.

The VA determined Mr. Hartness to be 70 percent disabled due to loss of vision, and the VA has also determined that this offset would affect about 20,000 who would file for this type of decision.

So I am most hopeful, I know there is some agreement among myself and other members on both sides of the aisle that if we want to address the issue regarding the Filipino War Veterans of World War II issue, that should be addressed as a standalone. Let's do not repeal or overturn the

Hartness decision because you need \$1 billion and so we are going to take it from World War II elderly, disabled, housebound veterans. That is a little bizarre and disturbing to me.

I yield back the balance of my time.  
Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have just one observation to make about the remarks of the previous speaker when he indicated that the Speaker did not want to hear the truth.

I would simply observe that when the VA several years ago was insisting that the administration's budget for veterans' health care was insufficient to meet the needs, the Speaker heard the truth and acted on it. And as a result, even in the teeth of fierce opposition from the administration, she insisted that we provide another \$1 billion to the veterans' health care budget. And eventually, even the VA came to admit that that money was needed.

When veterans' organizations after our party took control of the Congress 1.5 years ago, when those veterans' organizations told us that we needed to provide at least \$3.5 billion more than the President's budget had provided for veterans' health care, she heard the truth and she acted on it.

The Speaker need never take a back seat to the gentleman from Indiana or anyone else in this chamber when it comes to hearing the truth and acting on it when it concerns America's veterans. She made quite clear that the welfare of American veterans was going to be her number one budget priority when she became Speaker, because she was objecting to the fact that the only families in America who ever had to make any sacrifice because of the Iraq war were military families. That was indeed a truth which she not only heard but saw and acted upon, and this House can be proud of that on both sides of the aisle.

I yield back the balance of my time.  
The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### TITLE III

##### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$55,470,000, to remain available until expended.

##### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monu-

ments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$73,975,000, of which \$1,700,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

##### DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$31,230,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

##### ARMED FORCES RETIREMENT HOME TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$63,010,000, of which \$8,025,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington.

#### TITLE IV GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2009 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

#### AMENDMENT NO. 33 OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

#### Amendment No. 33 offered by Mr. TERRY:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to carry out the construction of any new national veterans' cemetery, unless the Secretary of Veterans Affairs provides to Congress, within 180 days after the date of the enactment of this Act, a list of the six new locations for establishment of national cemeteries that includes Omaha, Nebraska, notwithstanding the current veteran population threshold for the appropriate service area standard of the Department of Veterans Affairs

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Mr. Chairman, in 2002, over 6 years ago, the U.S. Department of Veterans Affairs completed an independent study recommending that the Omaha, Nebraska general area of Eastern Nebraska be selected as the site for a new national veterans' cemetery. That cemetery was to be built no later than 2005. As we stand here today, there has been no decision or authorization for a national veterans' cemetery in Eastern Nebraska.

The State of Nebraska, the Governor and the legislature has determined a site in Sarpy County right next to Offutt Air Force Base as the site for this national veterans' cemetery. One of the issues supposedly that is delaying this cemetery is that, pursuant to the last census, we are a few thousand short of the requisite 170,000 that reside in a 75-mile radius, although Nebraska statistics differ with that census agreement, showing that we more than amply exceed that 170,000 within a 75-mile radius.

What this amendment does is allows us to include some contiguous counties, because what you have is a mass

populace within a small area around Offutt Air Force Base. But then, as you spread out, the population becomes far less dense.

So in order here to comply, this amendment includes contiguous counties to get within the U.S. Census that the Veterans Administration is using to block the building of this national cemetery. So I am here tonight to make sure that the promise is kept to the veterans of the Eastern Nebraska, Western Iowa, Northwest Missouri area.

As we know, our veterans population is aging. They are passing away. And I hear from their families quite often that they would prefer to be buried in a veterans' cemetery without having to travel 6 hours to the nearest Nebraska State veterans' cemetery.

So that is the purpose of this amendment, is to keep a promise by the VA and, frankly, the entire delegation, that we are going to fight for a veterans' cemetery that has been promised them. This has been the way that has been recommended. I think it is probably the best way, recognizing the geography of Nebraska.

□ 2330

At this point, I will ask unanimous consent to withdraw my amendment. But I would like to work with the people, the appropriations and the veterans' committee to make sure that this promise is kept.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I will be very brief. But let me just salute the gentleman for his focus on the importance of providing cemeteries of honor, hallowed ground for our servicemen and women who served in uniform.

For the record, let me say that for that very reason, in this bill we provided \$83 million for the expansion of existing national cemeteries. We increased by 41 percent funding for our State veterans cemetery program, from \$32 million to \$45 million, and based on appropriations from our subcommittee in recent years, the Arlington National Cemetery, the most hallowed of hallowed grounds is being expanded as well.

I thank the gentleman for withdrawing his amendment. I think the proper way to make these decisions is careful analysis, looking at the numbers of veterans, how far they have to go to various national and State cemeteries, and I look forward to working with him and other Members of this House in the months ahead to see how we can do this in a proper way so that we can honor our veterans.

I yield back the balance of my time.  
AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds provided by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, the amendment is a simple one. Earlier this year, in one of the occasionally non-energy energy bills that we see in the House, we had a section 526 added to something called the Energy Independence and Security Act of 2007. In part, this section of the bill says that no Federal agencies shall enter into a contract for procurement of an alternative fuel if the "life cycle greenhouse gas emissions," a phrase that has yet to be legally defined, that they must be less or equal to such emissions from an equivalent conventional fuel produced from conventional petroleum sources.

Mr. Chairman, that is very problematic language to our Defense Department. It is very problematic language to our veterans. And in specific, the author of that provision, the distinguished gentleman from California, who is the Chairman of the House Oversight and Government Reform Committee, told us what his purpose was by putting this section into the bill. And I have in my hand, Mr. Chairman, correspondence dated March 17 from the distinguished gentleman from California to the Chairman of the Senate Committee on Energy and Natural Resources.

It reads, in part, "It was developed," it, referring to section 526, "it was included in the legislation in response to proposals under consideration by the Air Force to develop coal-to-liquid fuels."

That was the purpose of this section. And so, Mr. Chairman, what we have is a portion of a bill that makes it more difficult for our Defense Department to become more energy independent, to rely more on North American and specifically, American fuels than Middle Eastern fuels. This is very problematic for our Defense Department.

I also, Mr. Chairman, have in my hand correspondence dated July 9 from the Defense Department, written to the Honorable JAMES INHOFE, ranking member of the Committee on Environment and Public Works.

In part, the letter reads, "it," referring to 526, "creates uncertainty about what fuels DOD can procure and will discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces."

This is the Pentagon, Mr. Chairman. It also goes on to say, "As written, section 526 could apply to alternative and synthetic fuels, including E85, fuel

that is 85 percent ethanol, and B20, diesel fuel that contains 20 percent bio fuels, that the department is encouraged or required to use under other statutes."

The letter from the Pentagon continues to say, "The provision opens the Department up to court or administrative challenges to every fuel purchase it makes." And this is a very important provision of this letter, Mr. Chairman.

"It could cause significant harm to the readiness of the Armed Forces because these fuels may be widely used and particularly important in certain geographic areas."

Now, Mr. Chairman, we have got an opportunity in this legislation, and my amendment is a very simple one. It simply says that none of the funds provided in this act that we are debating tonight, shall be available to enforce section 526, this problematic language that the Pentagon says can have an adverse effect on the readiness of our Armed Forces.

So, I would hope, Mr. Chairman, that we would pay very careful attention when we are dealing with a bill dealing with our Army, our veterans, our Nation's veterans, with military construction. I would hope that we would pay very, very careful attention and do everything we can to get rid of this section of this law that is hampering our national defense at this time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 17, 2008.

Hon. JEFF BINGAMAN,

Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing regarding questions that have arisen with respect to the interpretation of section 526 of the Energy Independence and Security Act of 2007. Section 526 addresses government contracts to purchase alternative fuels. As the author of this provision and Chairman of the committee of jurisdiction in the House, I would like to share my views as to how the language should be interpreted.

Section 526 provides:

"No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources."

This provision ensures that Federal agencies are not spending taxpayer dollars on new fuel sources that will exacerbate global warming. It was included in the legislation in response to proposals under consideration by the Air Force to develop coal-to-liquid fuels. As you may know, coal-to-liquid fuels are estimated to produce almost double the greenhouse gas emissions of the comparable conventional fuel. The provision is also applicable to fuels derived from tar sands, which produce significantly higher greenhouse gas emissions than are produced by comparable fuel from conventional petroleum sources.



The development and expanded use of these fuels could significantly exacerbate global warming, with highly dangerous effects. Thus, it is important to ensure that the Federal government does not subsidize or otherwise support the expanded use of these fuels through government purchasing decisions.

Section 526 applies specifically to contracts to purchase fuels, and it must be interpreted in a manner that makes sense in light of Federal contracting practices. The purpose of the provision is to bar federal agencies from spending taxpayer dollars to support the development and expansion of alternative fuels and fuels from unconventional sources, if those fuels have higher lifecycle greenhouse gas emissions than the comparable conventional fuels. It was not intended to bar federal agencies from entering into contracts to purchase fuels that are generally available in the market, such as diesel or jet fuel, that may contain incidental amounts of fuel produced from non-conventional petroleum sources.

Thus, section 526 would clearly apply to a contract that specifically requires the contractor to provide an alternative fuel, such as coal-to-liquids fuel, or a fuel produced from a nonconventional petroleum source, such as fuel from tar sands. The provision also would apply to such a contract where the purpose of the contract is to obtain such an alternative fuel or fuel from a nonconventional petroleum source, even if the source of the fuel is not explicitly identified in the contract. Similarly, a contract that supports or provides incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of tar sands oils would also be subject to section 526. This provision would not apply to contracts to purchase a generally available fuel, such as a specific diesel or jet fuel blend, if that fuel is not an alternative fuel or predominantly produced from an unconventional fuel source.

Questions have also been raised as to whether the implementation of this provision must await the development of specific lifecycle greenhouse gas emissions profiles for each fuel type. The language of section 526 requires only a determination of whether a fuel has higher lifecycle greenhouse gas emissions than the comparable conventional fuel, not a precise estimate of each fuel's specific greenhouse gas emissions. While there is a range of numeric estimates of the lifecycle greenhouse gas emissions of coal-to-liquids fuels produced without carbon capture and sequestration and fuels derived from tar sands, there is no debate over the fact that both of these fuels have substantially higher lifecycle greenhouse gas emissions than the comparable conventional fuels. There is no barrier to the immediate implementation of section 526 with respect to these fuels.

I hope this clarification of my understanding of section 526 is helpful as your Committee oversees federal agencies' implementation of the Energy Independence and Security Act of 2007.

Sincerely,

HENRY A. WAXMAN,  
*Chairman.*

—  
GENERAL COUNSEL OF THE  
DEPARTMENT OF DEFENSE,  
Washington, DC, July 9, 2008.

Hon. JAMES M. INHOFE,  
*Ranking Member, Committee on Environment & Public Works, U.S. Senate, Washington, DC.*

DEAR SENATOR INHOFE: The Department of Defense (DoD) supports S. 2827, a bill "to repeal a requirement with respect to the procurement and acquisition of alternative fuels." The bill would repeal section 526 of the Energy Independence and Security Act of

2007. Section 526 has the potential to generate significant problems for DoD in its procurement of fuels for the national defense. It creates uncertainty about what fuels DoD can procure and will discourage the development of new sources, particularly reliable domestic sources, of energy supplies for the Armed Forces. The following is representative of the Department's concerns.

The Department believes section 526 is overly broad both in design and application. The law's terms are not defined and some may argue that it covers a very broad range of fuels commonly purchased by DoD. As written, section 526 could apply to alternative and synthetic fuels, including E85 (fuel that is 85 percent ethanol) and B20 (diesel fuel that contains 20 percent biofuels), that the Department is encouraged or required to use under other statutes.

Section 526 applies to "an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources." The provision opens the Department up to court or administrative challenges to every fuel purchase it makes, with the inherent potential for an adverse decision that would cover fuels the military already relies on as well as potential reliable sources of fuel that could be developed in the future. Such a decision could cause significant harm to the readiness of the Armed Forces because these fuels may be widely used and particularly important in certain geographic areas.

Section 526 applies worldwide, not just to purchases within the United States. There are no means to accurately and authoritatively determine the lifecycle greenhouse gas emissions from non-domestically produced fuels because we do not track all of the fuel inputs in other countries and many producing countries lack the infrastructure or institutional control necessary to reliably track these inputs. For example, our military aircraft used over 6 million gallons of Canadian jet fuel in 2007 while exercising with the Canadian Armed Forces, conducting joint operations along the Distant Early Warning Line, and refueling at Canadian commercial airports. Canadian fuels include a mix of fuels including those produced from tar sands crude at various percentages. If these fuels were subject to section 526, and fuel suppliers were unable to authoritatively certify the lifecycle greenhouse gas emissions associated with the fuel, our military aircraft may be required to stop refueling in Canada, potentially affecting our national security.

Section 526 requires an analysis that may never be possible. The source of a fuel informs the greenhouse gas emissions footprint. Fuels, including conventional petroleum, are produced from numerous sources and often mixed together. Current standards for determining emissions of fuels from various origins are determined on averages. However, section 526 could be interpreted to require an analysis of individual fuel purchases for lifecycle greenhouse gas emissions, even though determining the emissions footprint for any individual batch of fuel may be impossible. For example, conventional fuel derived from oil produced in Venezuela or Nigeria is more likely to have a larger footprint than domestic oil because of the energy used transporting the oil to the United States. Foreign and domestic oil may be mixed together at a refinery. Once foreign and domestic oils are mixed together, the oils cannot be differentiated from one another. Therefore, the footprint of the resulting fuel cannot be determined accurately or authoritatively.

Finally, even a narrow interpretation of section 526 in an effort to reduce the uncertainty and the scope of section 526 still could limit the Department's flexibility in making

emergency fuel purchases, overseas fuel purchases, and purchases at commercial stations and airports. Currently, there is no method for determining whether fuel purchased at these locations meets the requirements of section 526.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

(for Daniel J. Dell'Orto, Acting).

With whatever time I have remaining, I would be happy to yield to my friend from Texas, the chairman of the committee.

Mr. EDWARDS of Texas. I thank my colleague from Texas. I will not object to this amendment.

Mr. HENSARLING. I thank the chairman for agreeing to the amendment. I know how to take yes for an answer.

I am happy to yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. TAYLOR

Mr. TAYLOR. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TAYLOR: At the end of title IV of the bill, before the short title, insert the following:

SEC. 408. None of the funds made available in this Act may be used to implement section 2703 of Public Law 109-234.

The Acting CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. TAYLOR. Mr. Chairman, in the immediate aftermath of Hurricane Katrina, the Congress of the United States showed incredible generosity to the people of south Mississippi. One of those acts of generosity was the transfer of approximately 100 acres of very valuable waterfront property along Highway 90 in Gulfport, Mississippi, that had, and is still owned by the Veterans Administration to the City of Gulfport. We are very grateful for that. It had been my desire that that remain a veterans hospital, but because of the decision by the CARES Commission, the initial plan was for the Nation to sell that property and plow the proceeds of that sale into other Veterans Administration facilities in south Mississippi for upgrades.

In the aftermath of the storm, our very capable Senators drafted some legislation that allowed the city of Gulfport to receive this property free from our Nation. And again we are grateful for that.

What I regret is that there were no safeguards to ensure that this transfer, that this property continues to serve a public purpose. And this piece of property has been a public asset for over 80 years. For 80 years veterans with psychological, traumatic mental illnesses

have been treated there. And I think it would serve our Nation well to delay this process, go to conference and make sure that there are adequate safeguards so that the funds received from the lease of this property, any future use of this property, serves a public purpose.

And so I have brought this to the attention of Mr. FILNER. I brought this to the attention of Mr. EDWARDS.

I would hope that, given, again, we respect the fact that Congress acted very quickly in the aftermath of Katrina to do something to help the people of south Mississippi in their efforts to act quickly. I regret that I don't think there were adequate safeguards to protect the public. This is an effort to slow this down just long enough to put those safeguards in there. I believe I have the support of Chairman FILNER. I would hope I have the support of Chairman EDWARDS. I would hope Ranking Member WAMP would agree to this.

I yield back the remainder of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL of Texas:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Chairman, my amendment is a simple one. It would prohibit any funds appropriated in this bill from going to any projects named after a sitting Member of Congress. The amendment is based on my bill, H.R. 5771, which I introduced earlier this year, and has been cosponsored by 27 other Members.

One of the most egregious examples of pure vanity and arrogance that we see in Washington is the practice of naming projects after current Members of Congress, or, as I call them, monuments to me.

According to the latest polls, only 12 percent of the American public approves of the job we are doing in the Congress, and that sentiment is due, in no small measure, to the fact that the American public thinks that we care less about them than we do ourselves. That is really what is wrong with Washington today.

And a few examples I think illustrate this problem that we have with ethics

today in the Congress. The Robert Byrd Center for Hospitality and Tourism, the Robert Byrd Lodge, office complex, the Ted Stevens International Airport, the Harkin Grants, the Harkin Wellness Grant Program, the Harkin Global Communication Center, the Arlen Specter Headquarters and Emergency Operations Center, the John Dingle Drive, the Cynthia McKinney Parkway, the Jack Murtha Highway, the James Clyburn Golf Center, the James Clyburn Pedestrian Overpass, the James Clyburn Intermodal Transportation Center, and the Charlie Rangel Center For Public Service.

I submit to you, Mr. Chairman, that this bill is not about us. This bill is about our military and our veterans, as it should be.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I won't take 5 minutes. Let me just clarify for the record, we have no projects or programs in this bill, the VA and military construction bill, named after anyone currently serving in Congress. And so for that reason, I am glad to accept the gentleman's amendment.

□ 2345

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

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

Mr. MCCAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. STUPAK:

At the end of the bill (before the short title), insert the following:

SEC. 408. None of the funds made available in this Act may be used to carry out section 111(c)(5) of title 38, United States Code, during fiscal year 2009.

THE Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. Chairman, the Stupak/Barrow amendment No. 16 would prevent any funds appropriated or made available under this Act from being used to increase the deductible veterans must pay to receive their mileage reimbursement.

Currently, veterans driving to a Veterans Affairs facility for an examina-

tion, treatment, or other medical care receive a mileage reimbursement rate of 28.5 cents per mile. However, the 28.5 cents per mile benefit is subject to a \$7.77 deductible for each one-way trip and \$15.54 for a round trip with a maximum deductible of \$46.62 per calendar month.

Now, in a vast rural area where I live, many of my veterans drive more than 100 miles for an examination or treatment. So if a veteran lives 70 miles round trip from a VA facility, they would file a request for reimbursement for \$19.95 minus the \$15.54 deductible. This would mean a veteran would receive a mere \$4.41. Even today's most efficient vehicles cannot make a 17-mile round trip on \$4.41 when the national average price for a gallon of gasoline is \$3.96.

The Military Construction and Veterans Affairs bill, as it is currently written, would increase the mileage, and I'm appreciative of that. It would increase the reimbursement rate from 28.5 cents up to 41.5 cents per mile. And I support this increase, but the Act does not address the subsequent required increase in the deductible.

Under law, each time the mileage reimbursement rate is increased, the Secretary of Veterans Affairs is required to proportionately increase the deductible veterans must pay to receive this benefit. The amendment offered by myself and the gentleman from Georgia would freeze the deductible and prevent the secretary from increasing it when mileage reimbursement is increased.

In these times of rising gas prices, it's hard to justify an increase in the deductible veterans are required to pay for mileage reimbursement they receive. While I support the mileage reimbursement included in the bill, we need to make sure that the required increase in the deductible doesn't eliminate the benefit the veteran would receive from this policy.

Mr. Chairman, I would like to give the balance of my time to the gentleman from Georgia (Mr. BARROW), the co-author of this amendment.

Mr. BARROW. I thank the gentleman for yielding.

Mr. Chairman, first of all, I want to commend Mr. STUPAK for his work on this issue over the years. Like Mr. STUPAK, I have been working to restore the full veteran mileage reimbursement benefits since I got to Congress, and the deductible is a big part of the problem. I won't be satisfied until we get rid of the deductible altogether, and this is a big step in the right direction.

Last year the House adopted my bill, the Disabled Veterans Fairness Act, as an amendment to the Wounded Warriors Assistance Act. My bill would completely eliminate the deductible and fully restore the reimbursement rate to the level paid to Federal civil servants. But the other body wouldn't go along. As a result, the reimbursement rate was raised from 11 cents per

mile to 28.5 cents per mile, the first increase in 30 years. However, the secretary of the VA increased the deductible from \$6 a round trip to \$15 a round trip.

Under this bill, all veterans who currently get a travel expense reimbursement will get an increase from 28.5 cents per mile to 41.5 cents per mile. This amendment will prevent the secretary of the VA from taking any of that back by increasing the deductible. We ought to do a better job taking care of those who gave us the best years of their lives taking care of us.

This change won't completely close the gap between what has been promised and what has been delivered, but it will definitely help. That's what our amendment will do, that's why it's a good idea, and that's why I urge all of my colleagues to vote for it.

Mr. STUPAK. With that, I would yield back the balance of our time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I want to thank Mr. STUPAK and Mr. BARROW. This is a glitch in the writing of the law done in years past that causes a problem when we increase the miles reimbursement rate for veterans who need to travel, in some cases, hundreds of miles to get to a VA hospital. It actually increases the deductible. That is not the intention of the VA. That is not the intention of the Congress. This amendment corrects that.

I hope we can take this principle and talk about it as we go into conference committee, and I have even had some brief conversations with the VA. My hope is that we could actually address this issue, fix it, so that we don't have veterans who, in effect, even though we have a 41.5 cent reimbursement rate, after deductible is considered, some of them might have a 10 cent-per-mile rate or a 20 cent-per-mile rate.

The reason we need to fix that completely is that for many veterans—while this may not sound like a lot of money to others, for veterans this is a difference truly between being able to afford to drive to a clinic or drive to a hospital and get the health care they desperately need and deserve.

So I know Mr. WAMP, who takes a back seat to no one in his caring for veterans, and anyone who's heard him speak tonight on the floor knows why I have such great respect for his commitment to our veterans, I know that he and I can work closely together with Mr. STUPAK, with Mr. BARROW, with the VA and see if we can't take the principle embodied in this amendment and move it even further.

The gentlemen have done a great benefit for hundreds of thousands of veterans out there.

Mr. WAMP. Will the gentleman yield?

Mr. EDWARDS of Texas. I'd be glad to.

Mr. WAMP. I, too, want to commend Mr. STUPAK and Mr. BARROW, two of the finest Members in this House, outstanding, a perfect example of how Members that aren't on our committee can bring improvements to the floor for the bill. Certainly we'll work with you the whole way. We'll support your amendment subject to the chairman and his call tonight. But we will work together with you either way.

Mr. EDWARDS of Texas. Thank you, Mr. STUPAK. Thank you, Mr. BARROW.

I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT 36 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 36 offered by Mr. WAMP:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions under sections 1513(a) and 1521(e) of title 38, United States Code, as in effect pursuant to the opinion of the United States Court of Appeals for Veterans Claims in the case of *Hartness v. Nicholson* (No. 04-0888, July 21, 2006).

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. Mr. Chairman, I will be very brief.

My amendment is very simple. It says that the VA can not modify current standards that are used to make special monthly benefit payments and therefore protects that benefit payment for U.S. veterans who are eligible for it.

Earlier tonight the chairman of the House Veterans' Affairs Committee offered and withdrew two amendments that would have decimated the information technology budget at the VA to fund a new entitlement program for Filipino veterans. Had those amendments passed, it would have stopped key VA initiatives dead in their tracks.

We're trying to get the VA to streamline operations, reduce the time it takes to process claims, and increase interoperability between VA and DOD medical records, not to mention that the VA is going to need all of the \$2.4 billion that the President requested to help it roll out or new GI Bill.

Earlier in the year the chairman of the authorizing committee tried to pay for this bill by proposing to cut special monthly pension benefits to U.S. veterans currently receiving these benefits. Now, let's be clear here. We support those Filipino veterans who fell alongside U.S. forces in World War II. But to provide them with a new benefit to be paid for out of an account that our veterans will immediately feel the impact of is wrong.

An "aye" vote on my amendment will tell our veterans that their benefits will not be cut and let them know we are trying to do everything we can to get their claims processed as quickly as possible.

I yield back.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I'm glad to support this amendment and thank Mr. WAMP for bringing it to the floor.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. MURPHY OF CONNECTICUT

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 37 offered by Mr. MURPHY of Connecticut:

Add at the end of the bill (before the short title) the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to enforce section 3, Policy of VHA Directive 2008-25.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Thank you, Mr. Chairman.

I rise to offer this amendment along with my good friend from Pennsylvania (Mr. MURPHY) that will help restore access to voter registration for America's veterans.

You see, Mr. Chairman, on April 25, 2008, the Veterans Health Administration issued a directive stating the VA's clear policy to assist veterans, patients of VA facilities who seek to exercise their right to register and vote. And I believe all of us would agree here that such a policy is extraordinarily appropriate given that these men and women served by the VA are the very people who put their lives on the line to protect that right to vote.

Inexplicably though, on May 5, 2008, the VA withdrew this directive and issued a contrary directive. This new instruction made a similar commitment regarding voter assistance but it included a policy statement which prohibits nonpartisan voter registration drives on VA property.

Mr. Chairman, the mission of the VA is, in its own words, to "care for him who shall have borne the battle and for his widow and orphan" by functioning "as a single, comprehensive provider of seamless service to the men and women who have served our nation."

It's disappointing that the VA would not consider assistance with voter registration as one of the fundamental components of offering this seamless service to veterans. Many of these soldiers have been wounded in combat and

have disabilities that make traditional voting difficult. The VA should be ready to provide these men and women with any and all assistance that they might need to make their voices heard in this democracy, whether that be delivering an absentee ballot to an amputee or filling out a ballot for a soldier who has lost his sight.

Secretaries of States and election officials all over the country will tell you that the registration drives that historically have been a critical portion of this outreach for veterans in these facilities has done a great service for our veterans. Over 20 bipartisan secretaries of State have joined us in expressing their disappointment over this policy.

We're not here today, of course, to restrict the VA's ability to manage their facilities and the care of their patients. On the contrary, they need that ability, and nothing in this amendment would diminish it. However, we believe it's the duty of the VA to work closely with nonpartisan veterans groups and elections officials to ensure that veterans have the ability to exercise that basic fundamental right to vote.

So our amendment is simple. It would not allow the VA to use any funds appropriated through this legislation to carry out that policy section of the May Directive. And while we hope the VA will still reverse this decision on its own, with this congressional action today we are sending a clear sig-

nal that this House believes that all veterans should have access to and the right the vote.

Mr. Chairman, I would like to thank the chairman for his assistance in putting this amendment before the House. I would also like to thank ROBERT BRADY and Congresswoman WATSON for their persistence and advocacy on this issue which has brought it to the floor today.

Mr. Chairman, I urge the amendment's adoption, and I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. Thank you, Mr. Chairman.

I want to express gratitude to Mr. MURPHY and also to Mr. MURPHY of Pennsylvania.

I think what he just said was so important. Our veterans have given their lives to protect our right to vote as citizens of this country. Many others have made sacrifices, have physical and mental wounds that they will pay for to the last days of their lives. And I just don't think it is right or proper for the VA to be making it more difficult for veterans who've done so much to protect our right to vote to make it more difficult for them to vote.

Many of our veterans in our VA hospitals are long-term patients there with significant disabilities. Our country ought to be doing outreach to make it possible for them to cast the vote that they fought for in combat.

So for all of those reasons, I salute the gentleman for this amendment. I strongly support it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

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AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ (a) ELIMINATION OF MILITARY CONSTRUCTION CONGRESSIONAL EARMARKS.—None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects, and the amount otherwise provided in this Act for each such account is hereby reduced by the sum of the amounts specified for such projects from such account:

Account	State	Location	Project Title	Amount (in thousands)
Army .....	Alabama .....	Anniston Army Depot .....	Lake Yard Railroad Interchange.	\$1,400
Army .....	Alabama .....	Fort Rucker .....	Chapel Center .....	\$6,800
Air Force .....	Arizona .....	Luke AFB .....	Repair Runway Pavement .....	\$1,755
Army .....	Arizona .....	Fort Huachuca .....	ATC Radar Operations Building.	\$2,000
Army NG .....	Arkansas .....	Cabot .....	Readiness Center .....	\$10,868
Air NG .....	Arkansas .....	Little Rock AFB .....	Replace Engine Shop .....	\$4,000
Navy .....	California .....	Monterey .....	Education Facility .....	\$9,990
Air Force .....	California .....	Edwards AFB .....	Main Base Runway Ph 4 .....	\$6,000
Navy .....	California .....	North Island .....	Training Pool Replacement .....	\$6,890
Navy .....	California .....	Twentynine Palms .....	Lifelong Learning Center Ph 1 .....	\$9,760
Air NG .....	Connecticut .....	Bradley IAP .....	TFI Upgrade Engine Shop .....	\$7,200
Air Force .....	Florida .....	Tyndall AFB .....	325 ACS Ops Training Complex .....	\$11,600
Army NG .....	Florida .....	Camp Blanding .....	Regional Training Institute Ph 4.	\$20,907
Air Force .....	Florida .....	MacDill AFB .....	Combat Training Facility .....	\$5,000
Navy .....	Florida .....	Mayport .....	Aircraft Refueling .....	\$3,380
Air NG .....	Georgia .....	Savannah CRTC .....	Troop Training Quarters .....	\$7,500
Navy .....	Georgia .....	Kings Bay .....	Add to Limited Area Reaction Force Facility.	\$6,130
Air Force .....	Georgia .....	Robins AFB .....	Avionics Facility .....	\$5,250
Army .....	Hawaii .....	Pohakuloa TA .....	Access Road, Ph 1 .....	\$9,000
Air NG .....	Illinois .....	Greater Peoria RAP .....	C-130 Squadron Operations Center.	\$400
Army NG .....	Indiana .....	Muscatatuck .....	Combined Arms Collective Training Facility Ph 1.	\$6,000
Air NG .....	Indiana .....	Fort Wayne IAP .....	Aircraft Ready Shelters/Fuel Fill Stands.	\$5,600
Army NG .....	Iowa .....	Camp Dodge .....	MOUT Site Add/Alt .....	\$1,500
Army NG .....	Iowa .....	Davenport .....	Readiness Center Add/Alt .....	\$1,550
Air NG .....	Iowa .....	Fort Dodge .....	Vehicle Maintenance & Comm. Training Complex.	\$5,600
Army NG .....	Iowa .....	Mount Pleasant .....	Readiness Center Add/Alt .....	\$1,500
Army .....	Kansas .....	Fort Leavenworth .....	Chapel Complex Ph 2 .....	\$4,200
Army .....	Kansas .....	Fort Riley .....	Fire Station .....	\$3,000
Air Force .....	Kansas .....	McConnell AFB .....	MXG Consolidation & Forward Logistics Center Ph 2.	\$6,800
Army NG .....	Kentucky .....	London .....	Aviation Operations Facility Ph III.	\$7,191
Navy .....	Maine .....	Portsmouth NSY .....	Dry Dock 3 Waterfront Support Facility.	\$1,450

Account	State	Location	Project Title	Amount (in thousands)
Navy	Maine	Portsmouth NSY	Consolidated Global Sub Component Ph 1.	\$9,980
Navy	Maryland	Carderock	RDTE Support Facility Ph 1 ..	\$6,980
Army NG	Maryland	Dundalk	Readiness Center	\$579
Navy	Maryland	Indian Head	Energetics Systems & Tech Lab Complex Ph 1.	\$12,050
Air NG	Maryland	Martin State Airport	Replace Fire Station	\$7,900
Air NG	Massachusetts	Otis ANGB	TFI Digital Ground Station FOC Beddown.	\$1,700
Air Reserve	Massachusetts	Westover ARB	Joint Service Lodging Facility.	\$943
Army NG	Michigan	Camp Grayling	Live Fire Shoot House	\$2,000
Army NG	Michigan	Camp Grayling	Urban Assault Course	\$2,000
Army NG	Minnesota	Arden Hills	Infrastructure Improvements	\$1,005
Air NG	Minnesota	Duluth	Replace Fuel Cell Hangar	\$4,500
Air NG	Minnesota	Minneapolis-St. Paul IAP	Aircraft Deicing Apron	\$1,500
Navy	Mississippi	Gulfport	Battalion Maintenance Facility.	\$5,870
Army	Missouri	Fort Leonard Wood	Vehicle Maintenance Shop	\$9,500
Air Force	Missouri	Whiteman AFB	Security Forces Animal Clinic	\$4,200
Army	Missouri	Fort Leonard Wood	Chapel Complex	\$3,500
Air NG	New Jersey	Atlantic City IAP	Operations and Training Facility.	\$8,400
Air Force	New Jersey	McGuire AFB	Security Forces Operations Facility Ph 1.	\$7,200
Army	New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Ph 1.	\$9,900
Air Force	New Mexico	Cannon AFB	CV-22 Flight Simulator Facility.	\$8,300
Air NG	New York	Gabreski Airport	Replace Pararescue Ops Facility Ph 2.	\$7,500
Army	New York	Fort Drum	Replace Fire Station	\$6,900
Air Reserve	New York	Niagara Falls ARS	Dining Facility/Community Center.	\$9,000
Air NG	New York	Hancock Field	Upgrade ASOS Facilities	\$5,400
Army	North Carolina	Fort Bragg	Access Roads Ph 1 (Additional Funds).	\$8,600
Army NG	North Carolina	Camp Butner	Training Complex	\$1,376
Army	North Carolina	Fort Bragg	Mass Casualty Facility	\$1,300
Army	North Carolina	Fort Bragg	Chapel	\$11,600
Army NG	Ohio	Camp Perry	Barracks	\$2,000
Army NG	Ohio	Ravenna	Barracks	\$2,000
Air NG	Ohio	Springfield ANGB	Combat Communications Training Complex.	\$12,800
Air Force	Ohio	Wright-Patterson AFB	Security Forces Operations Facility.	\$14,000
Army	Oklahoma	McAlester AAP	AP3 Connecting Rail	\$5,800
Air Force	Oklahoma	Tinker AFB	Realign Air Depot Street	\$5,400
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	\$6,117
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	\$504
Army NG	Pennsylvania	Pittsburgh	Combined Support Maintenance Shop.	\$3,250
Army	Pennsylvania	Letterkenny Depot	Upgrade Munition Igloos Phase 2.	\$7,500
Navy	Rhode Island	Newport	Unmanned ASW Support Facility.	\$9,900
Air NG	Rhode Island	Quonset State Airport	Replace Control Tower	\$600
Army NG	South Carolina	Hemingway	Field Maintenance Shop Ph 1	\$4,600
Army NG	South Carolina	Sumter	Readiness Center	\$382
Air Force	South Carolina	Shaw AFB	Physical Fitness Center	\$9,900
Air NG	South Dakota	Joe Foss Field	Aircraft Ready Shelters/AMU	\$4,500
Army NG	Tennessee	Tullahoma	Readiness Center	\$10,372
Army Reserve	Texas	Bryan	Army Reserve Center	\$920
Army	Texas	Camp Bullis	Live Fire Shoot House	\$4,200
Air NG	Texas	Ellington Field	ASOS Facility	\$7,600
Army	Texas	Fort Hood	Chapel with Education Center	\$17,500
Air Force	Texas	Lackland AFB	Security Forces Building Ph 1	\$900
Air Force	Texas	Laughlin AFB	Student Officer Quarters Ph 2	\$1,440
Air Force	Texas	Randolph AFB	Fire and Rescue Station	\$972
Navy	Texas	Corpus Christi	Parking Apron Recapitalization Ph 1.	\$3,500
Army	Texas	Fort Bliss	Medical Parking Garage Ph 1	\$12,500
Air NG	Texas	Fort Worth NAS JRB	Security Forces Training Facility.	\$5,000
Navy	Texas	Kingsville	Fitness Center	\$11,580
Air Force	Utah	Hill AFB	Three-Bay Fire Station	\$5,400
Army NG	Vermont	Ethan Allen Range	Readiness Center	\$323
Army NG	Virginia	Fort Belvoir	Readiness Center and NGB Conference Center.	\$1,085
Army	Virginia	Fort Myer	Hatfield Gate Expansion	\$300
Army	Virginia	Fort Eustis	Vehicle Paint Facility	\$3,900
Navy	Virginia	Norfolk NS	Fire and Emergency Services Station.	\$9,960
Navy	Virginia	Norfolk NSY	Industrial Access Improvements, Main Gate 15.	\$9,990

Account	State	Location	Project Title	Amount (in thousands)
Navy .....	Virginia .....	Quantico .....	OCS Headquarters Facility .....	\$5,980
Navy .....	Washington .....	Kitsap NB .....	Saltwater Cooling & Fire Protection Improvements.	\$5,110
Air NG .....	Washington .....	McChord AFB .....	262 Info Warfare Aggressor Squadron Facility.	\$8,600
Navy .....	Washington .....	Whidbey Island .....	Firefighting Facility .....	\$6,160
Army NG .....	West Virginia .....	Camp Dawson .....	Shoot House .....	\$2,000
Army NG .....	West Virginia .....	Camp Dawson .....	Access Control Point .....	\$2,000
Army NG .....	West Virginia .....	Camp Dawson .....	Multi-Purpose Building Ph 2 ..	\$5,000
Air Force .....	Guam .....	Andersen AFB .....	ISR/STF Realign Arc Light Boulevard.	\$5,400

(b) ELIMINATION OF VA CONGRESSIONAL EARMARK.—None of the funds provided in this Act shall be available from the following Department of Veterans Affairs account for the following project, and the amount otherwise provided in this Act for such account is hereby reduced by the amount specified for such project from such account:

Account	State	Location	Project Title	Amount (in thousands)
Major Construction .....	Kentucky .....	Louisville .....	Site Acquisition and Prep .....	\$45,000

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this is really a simple amendment. It simply says that all earmarks in this bill will be taken out. This is consistent with the Republican budget that was passed. So I'd remind my colleagues on this side of the aisle that you have already voted, in essence, for this amendment. We passed a budget which said that we should have a moratorium on earmarks this year. That's what this amendment would do with regard to this bill. It would simply say that there would be no earmarks, Republican or Democratic, for this legislation. Now, supporters of earmarks will often say that this will lead to a more Democratic allocation of Federal resources and funds, but I'd like to draw your attention to a chart here.

This is the MilCon bill that we're looking at right here. If you took the dollar amount of the earmarks in this legislation, which is just north of \$600 million, and spread it evenly across all House districts, it would mean about \$1.4 million across each district in this country, but that, obviously, is not what we have in this legislation.

If you'll look, the majority leadership is associated with an average of \$6.2 million in earmarks in this legislation. That's about four times the average of rank-and-file Members in the House. Vulnerable Members, so-called vulnerables, identified by each party receive \$7.7 million, or associated with that much, in earmarks. That is, I think, four or five times more than the rank-and-file Member. If you're on the Appropriations Committee, you get about \$10.5 million. Now, that's about, I think, seven times as much as a rank-and-file Member in this body will get.

So I guess you could make the argument or try to make the argument that those military installations or those facilities across this country that happen to be in districts represented by an appropriator are more needy or are somehow in greater need

of Federal funds than those facilities located in rank-and-file Members' districts. I don't think you could make that argument with a straight face. You simply can't. This is consistent with bill after bill after bill.

Unfortunately, this is likely to be the only appropriations bill that we have this session. We're not likely to get to the others, so this is our only chance to actually speak up and say that we know that this process isn't working very well and that we have to fix it.

There has been a lot of talk about earmark reform over the last couple of years, as well there should have been, both when we have controlled this body and when those across the aisle have controlled it, but very little has changed, and this chart shows it. Very little has changed. It is very much a spoil system. It's not a system where—I'm sure we'll be told in just a few minutes—these earmarks were vetted by the Pentagon and that this is a different process than we have for other bills, but let me tell you:

Did the Pentagon vet this process and say, "You know, we think that those who are in appropriators' districts deserve seven times more than those who are in a rank-and-file district"? I don't think the Pentagon went through that vetting process.

Now, if we don't like the way that the administration and the Pentagon award Federal grants—and I agree there may be problems with it—let's exercise the oversight that we're supposed to exercise in this body. Under article I, we have the power of the purse, and we should conduct oversight, but simply saying "we don't like the way the administration allocates funds, so we're going to pile on 130 earmarks in this bill, as skewed as the allocation will be, and somehow we'll fix it" is not an appropriate way to do it, and we know it. We know that this process is broken. Yet we're continuing this year, just like in other years, and we can't continue to go on.

Let me just bring that chart out again. Again, what we have is, if the

money were to be spread out among districts, it would be about an allocation of \$1.4 million. Instead, we have up here those facilities in appropriators' districts that receive seven times more than others. That's simply not right. There is no way you can make with a straight face an argument that those districts, that those facilities in those districts, somehow need more Federal funds. There is no way with a straight face you can make the argument that this hasn't become a spoil system where we're doling out by favor to just those who are in a powerful position. That's what this process has become, and we should stand up today and say, by golly, we're going to fix it, that we're going to do something different for a change, that we're going to vote until we can fix this process, until we can say we have a sound process where these earmarks are vetted either in the Appropriations Committee or elsewhere, and that we're just not going to continue with this anymore.

Let me tell you that this institution has had as its hallmark over the centuries the process of authorization, appropriation and oversight. We have short-circuited that process with earmarking, the contemporary practice of earmarking in particular. So we do too little authorizing, very little oversight and simply too much appropriating. When you deal with, as the Appropriations Committee did last year, I think, 36,000 earmark requests, there is absolutely no way that this body can adequately vet those earmark requests, let alone exercise oversight over the rest of the Federal budget as is our purview and as we should be doing.

So I would appeal to the Members both on this side and on the other side of the aisle. Let's fix this system before we go on. A great way to do it is to say let's adopt this amendment and say we'll have no earmarks in this bill this year until we can come up with a better process.

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

Mr. OBEY. Mr. Chairman, I rise to oppose the amendment.



The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the gentleman said that projects in this bill are allocated on the basis of one's power and influence. Well, I think, when it comes to the appropriations process and since I'm the chairman of the committee—and I'm a fairly powerful or influential person except when I'm at home with my wife—I would, nonetheless, say that I have no projects whatsoever in this bill—none, zip. I would also say that, whether you like the reforms that have been instituted in the last 2 years or not, just about the only reforms that have been instituted on the earmarking process have been sponsored by me, and I think the House knows what they are. We wouldn't even be on the floor tonight, dealing with these in this way, had it not been for those reforms.

I want to make a point: Regardless of what individual Members think about earmarking, there are certain appropriations which by their very nature require earmarking. There are other bills that by their very nature do not. This is one of the three that does. You've got the Military Construction bill; you've got the energy and water bill, and you've got the interior bill. Large portions, if not all of those bills, are simply construction accounts. When it comes to construction accounts, those projects are in the main, requested and defined by the administration. The overwhelming majority of projects in this bill are selected by the executive branch.

This bill includes 518 total earmarks: 408 earmarks, 79 percent of them, were included at the request of the administration. Of the 110 other earmarks, on its own initiative, the committee added seven earmarks to improve better training barracks and medical facilities for soldiers, marines and their families. They were not added at the request of particular Members, but they are in this bill, nonetheless, and the committee makes no apology for them.

I would also point out that 103 of these projects were added at the request of a Member. One hundred two of them are military construction projects, and one is a VA project. All of the military construction earmarks, including the quality of life projects, were also included in the authorization bill, and the VA earmark is included subject to authorization.

There is no difference between what the Congress does in earmarking military construction and what the White House does when it requests earmarks for military construction. For example, five different Members, Democrats and Republicans alike, asked the committee to provide the second phase of a facility, \$7.5 million, to support a facility for a pararescue unit at the Gabreski Air National Guard base in New York. Now, the sponsors of this amendment, evidently, are going to

crow about cutting 103 earmarks. Let's look at what they will actually be cutting.

They will be cutting Air Force runways, aircraft refueling stations, training facilities, maintenance facilities, fire stations, chapels, barracks, control towers, firing ranges, and so on. You would be hard-pressed to find a substantive difference between these projects and the other 408 contained in the bill. The only difference is that they have not been blessed by the White House.

Now, apparently, the sponsors of this amendment believe that the only spending that is legitimate is that which is blessed by the executive branch. Well, this document, the Constitution, reads as follows: "No money shall be drawn from the Treasury but in consequence of appropriations made by law." It doesn't say, "only in consequence of funds requested by the executive." It doesn't say, "Only spending by the executive is sacrosanct." It says that Congress has the responsibility of making these decisions.

Now, Congress may make some wise choices. It may make some bad choices. So may the executive branch. I would submit that, regardless of your attitude about earmarks in general, it is ludicrous to say that you cannot have the Congress using its judgment on occasion to decide where money ought to go in the development of facilities on military bases, just as it would be ludicrous to say that, for the Army Corps of Engineers in the energy and water bill, the only projects that are worthwhile proceeding with are those which are requested by the executive branch.

I invite you to take a look at the way a number of accounts in the executive branch have been turned into political slush funds. Take the Reading First program. Look at the major job training program in the Department of Labor. There are ample examples of abuse of the earmarking process in the executive branch and in the legislative branch. Our obligation, in my view, is not within the process of trying to dig those out to throw the baby out with the bath water.

I think this committee has done a responsible job in making its judgments about what those projects ought to be. If the gentleman is concerned about members of the Appropriations Committee who he feels have an inordinate number of earmarks, well, I have none. Yet I stand here tonight, defending this process, because at least, on this bill, I think there is very little to be said for the idea that only the executive branch may make choices about whether barracks or hospitals or daycare centers are built to facilitate the convenience of military families. This bill is an example of Congress' meeting its responsibilities and controlling the power of the purse.

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Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I strongly oppose this amendment for one fundamental reason, it would do harm to America's service men and women and our military families during a time of war.

I would not, at any time, question the motives of the gentleman from Arizona. He is a person of integrity, he has been consistent in his principled position on the issue of earmarks, but the best of intentions can't stop the worst of results. And the worst of the worst would be to undermine our military readiness and the quality of life for our troops and their families at any time, but especially so during a time of war.

Let me list some of the harm that would be done. And this isn't a full list, but just some:

Nine quality of life facilities, such as chapels and community centers in our military bases, bases from which forces are being deployed for the second and third time to Iraq and Afghanistan, those would be eliminated.

Fifteen Guard and Reserve training facilities would be eliminated.

Seven active duty training facilities would be eliminated. These are facilities that, on a bipartisan basis, after careful thought, this subcommittee worked with the Department of Defense to say that, you know what, we have been dishonoring our 18- and 19-year-old military recruits. Because when they come in, instead of thanking them, we put them in barracks that we would be ashamed to have our sons and daughters living in. This amendment would stop those new barracks from being built.

Seven fire stations would be eliminated. Isn't it enough that our men and women have to be in harm's way in Iraq and Afghanistan? Must they and their families also be put in greater harm's way back at home because we can't build fire stations that are desperately needed?

And I know something about this because at one time I represented the largest Army installation in the world, Fort Hood, Texas. It has had one division continually in Iraq since this war began. And their base commander came to me and said, you know what, the bureaucratic process at the Pentagon and OMB killed our desperate need for a new fire station. I'm glad Congress, in that case, exercised its constitutional authority to do what was right to protect those great Americans and their families.

Let me give you some more specifics of what harm this amendment would do.

It would kill a new communications facility at a naval base for a security force unit that is in charge of safeguarding nuclear weapons.

It would kill funds to expand and upgrade a readiness center for a National Guard engineer battalion that has deployed soldiers to Iraq to disarm IEDs.

It would kill new housing for an Air and National Guard unit. The current

housing has mold, leaking roofs, poor ventilation, and numerous code violations.

I reject the notion outright that some unelected, unaccountable bureaucrat sitting in an office in the basement of the White House Budget Office has a monopoly on wisdom because they do not. And many times, even despite their good efforts, the fact is administration budgets, Mr. Chairman, are often started and put together a year or year and a half before we come to this floor. I think it would be wrong to deny us, this Congress, with our constitutional duty to fund appropriations bills, to say that we can't benefit from the judgment of time and changing needs during a time of war to provide for training facilities and quality of life facilities for our troops.

This is a bad amendment. But worse than that, it is an amendment that would do great harm to our service men and women, the quality of their housing, the quality of their training. And for that reason, I ask my colleagues on both sides of the aisle—in all due respect to the author of this amendment, who is a decent and honorable man who cares about our military and our armed forces—I ask Members on both sides of the aisle to soundly reject this ill-advised, dangerous amendment.

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

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Chairman, I've heard the distinguished chairman of the Appropriations Committee talk about that the appropriations process is about allocation of resources. Because resources, even in the United States Federal Government, are not unlimited, and so we always have to make choices of where money goes and where money doesn't go. And that's what this discussion and that's what this particular amendment are about.

There are, in the United States, excluding the territories, excluding overseas, there are 4,402 military sites, 4,402. Here we have, in this bill, Member earmarks that picked 103 of these sites—excluding the other, roughly, 4,300—and send those \$622 million of taxpayers' money. And the question before us really is, why those 103? Why not the other 4,300?

Now, as much as the speakers before me have criticized the executive branch or the Department of Defense or, in fact, military leaders, Department of Defense and the Department of the Army, Department of the Navy, Department of the Air Force have a responsibility for their share of all of these. Department of the Army has 1,768 sites. So they have responsibility for all of those.

When left the construction budget for them, they will, we presume, try and

put the money where they believe it is most needed, where they believe it is the greatest warranted use. You might disagree with that, but they have a perspective over the entire country.

We are each elected to represent our individual districts. And although all of us are here and care about the entire country, clearly, our first responsibility is often to our individual districts.

So I would argue that those who have a perspective of the entire country are perhaps in a better position to look at the proper allocation than this. And if these 103 were fairly allocated, then I would ask, why does Mr. FLAKE's chart come out the way it is? Is that simply coincidence that the greatest need of these facilities happens to be in districts that are represented by appropriators? Is that purely coincidence? I think not.

And when we examine how and where all this money will go, the other thing is, what does the Defense Department think? Well, we didn't call all 103, but we did call a few. We called up the Defense Department and asked them about a few of these; did you request this? Did you think this was a need? Did you think this was important for the military to spend this on this particular site, this particular facility, this particular area? And the answer we got was no in all the cases in which we asked.

So I think, Mr. Chairman, what we have before us is a process that does not work, that is not fair, that is not the best allocation of what are always limited resources. And that is why, Mr. Chairman—I am a cosponsor with Mr. FLAKE of this amendment—and that is why I hope our colleagues will look at this and remember, as he said, this is likely the only chance anyone in this Chamber is going to have to express their opinion on earmarks. And if you think the earmark process is broken, if you think there are problems with it, if you think there are abuses, if you think we need to reform it, this is your opportunity; this is the opportunity for Members to send a message and vote for this amendment.

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

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I want to yield some time to my chair, Mr. EDWARDS. But I just want to say how bothered I am by the attacks on this particular bill.

This is about military construction. And there are construction projects in here—and not many—but when you're dealing with a lot of construction, there's a lot of slippage. And what happens, if you have an opportunity to move one project ahead of another, it makes a lot of sense. And these aren't projects that are invented by Members of Congress that come here and know

the specifics, these are projects that come from the military itself.

For example, Mr. FLAKE's amendment would cut out, in Arizona, the State that he comes from, in Fort Huachuca, the Air Tactical Command Radar Operations Building. Now, I don't think a Member of Congress thought that we have to go and add this in here. What happens is the opportunity, Fort Huachuca that's seeking this, comes and says if there is an opportunity buy, let's be able to use it. That's what strikes me, that there's some kind of devious action going on here, and it's just not true.

And the other gentleman's discussion in California alone, Edwards Air Force Base near his district, to strike out a main base runway repair that's in this bill. And that wasn't some legislator coming along and thinking about, we've got to add this in as an earmark. No, this came out of the Air Force saying, we need this; if it's possible, can we put it in the bill? That's how we discuss these things in committee.

These are priority opportunity buys. And I resent the fact that this amendment is a reckless amendment and just strikes it across the board, regardless of the impact.

And so as Mr. EDWARDS so eloquently said, it does a lot of havoc to the men and women who are serving our country in uniform and to the bases that they operate out of.

I would like to yield the remainder of my time to my chairman, Mr. EDWARDS.

Mr. EDWARDS of Texas. I thank the gentleman.

I heard a few minutes ago a description of an ideal world where every decision made by the executive branch is perfectly motivated. I wish that were the real world, but I certainly wouldn't want to bet the family nest egg on it.

Let me explain, Mr. Chairman, some of my colleagues, how the real world works. And I did represent the largest Army installation for 14 years; I worked closely with them. And what would happen is some bureaucrat at OMB would turn down a high-priority project requested by the top military commander—at Fort Hood, that was a Three Star General. So when I would meet with that Three Star General at Fort Hood, I would say, what are your greatest unmet needs? One year it was a fire station. This year it was a chapel that Congressman CARTER and I worked on. We responded to the highest priority needs of the military commanders with their boots on the ground. I put a lot more faith in that commander's judgment than in some unaccountable, unnamed bureaucrat. I would like to hear the names of these bureaucrats at OMB that are so perfect in their knowledge, in their wisdom, in their homework.

Let me give you a specific real world example where this committee, on a bipartisan basis, took an initiative. We hear in our hearings each year from the top noncommissioned officers. We

ask, what are your top quality of life needs? For 3 years in a row our top noncommissioned officers testified before Mr. WAMP and me and said, it is day care centers. We have spouses who are deployed one, two, three times to Iraq and Afghanistan. The remaining spouse is left at home with small children and desperately needs affordable, accessible day care for their kids.

But you know what? There weren't a lot of lobbyists over there at OMB fighting for young mothers that are, in effect, single mothers while their husbands are in Iraq, or young, single dads while their wives were serving in Afghanistan. And our committee exercised its authority under the Constitution to say that that's not right, we're going to support these military families.

I reject this amendment, again, as I said, as being harmful to our military families. In this case, you know what happened on day care centers? After we added \$134 million in a congressional initiative in the FY08 supplemental bill, the Pentagon came back and said, you're right, we made a mistake, we want to add to that.

We should reject this amendment and support our troops.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. I, too, rise in opposition to this amendment. And Mr. Chairman, now it is late. It's 12:30, we've got two more amendments. I will speak, and then I assume Mr. HENSARLING will speak.

But let me say briefly why three senior members of the Appropriations Committee from our side—Mr. WOLF, Mr. KINGSTON and myself, people I believe have very high integrity—offered a proposal to have a 6-month moratorium, no earmarks from either side, while we establish a select committee to reform the way that earmarks are carried out because the earmark system is broken, and there have been abuses on both sides. And I do think that job one is to define what is an earmark. Because under article I, section 9 of the United States Constitution, the Congress does have the authority and the responsibility to direct the funding on behalf of the taxpayers, not the unelected bureaucrats in the executive branch. And this is now way out of kilter, but there have been abuses and it needs to be cleaned up. So we said we should have a time out, let's redo this.

I'm hopeful that this still happens because both major Presidential candidates have indicated they would like to see sweeping reforms in this process. But you've got to define what is it and then go from there, and then change the rules for everybody—authorization committee, tax, trade, earmarks from the executive branch, anywhere would all come under the same rules, both bodies, bicameral, sweeping reforms. Let's start over and define what is a

congressional direction that's acceptable.

□ 0030

But I think these gentlemen tonight have picked the wrong bill to come and attack on earmarks. Let me tell you why. One of the problems with earmarks out there is there's a cottage industry of lobbyists bringing requests to the Congress on behalf of clients. Are there lobbyists on MilCon earmarks? There is no lobbyist for a National Guard or a Reserve or a military base asking for money from the Congress. Are there campaign contributions flowing based on earmark requests from the National Guard, the Reserve, or military bases? No.

Now, I don't know where you get your numbers, but let me tell you that there's not a request in this bill in my district, but there's one in my State, and it's in a Democratic Member's district, Mr. DAVIS. He may be on that vulnerable list, but he ain't vulnerable. I would say at 9 percent approval we are all vulnerable. What kind of a rating is that, vulnerable?

Now, my name was also on that request because it was my State and protocol is we put our names on it. But it's not in my district. So facts are whatever you present them to be, but the military construction bill is a perfect example of where the Congress has the right and the responsibility to say this needs to be done.

We are the ones who had the 19 hearings about quality of life in child care centers, not the executive branch. They don't have any hearings. Why do we even exist to have hearings if we're not going to say these need to be funded?

Let me tell you I was born at Fort Benning. My dad was on active duty. They needed a new hospital. Mr. BISHOP is going to get nailed for getting an earmark because he represents Fort Benning, and he probably went to this subcommittee of Appropriations because he represented Fort Benning, Mr. FLAKE. Duh. That's how the numbers work that way. Good gracious.

Defeat this, but then reform the process. Clean up the mess. But coming through here with a chainsaw on everything, treating them all like they're the same thing is no way to run a train.

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

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have listened very carefully to all the speakers on both sides of the aisle, and I have no doubt that those who may still be viewing this at 12:30 a.m. east coast time may be a little bit confused.

We have heard a couple of speakers say that bureaucrats have no monopoly on wisdom and that we as Members ought to be exercising our preroga-

tives, and, certainly, Mr. Chairman, we have that right.

But at the same time, we have heard other speakers say, well, Members of that same bureaucracy are actually requesting these particular earmarks. So I could see how some might be confused. On the one hand, if they're requesting it, I am kind of curious why it wasn't in their budget in the first place.

So I am not really sure who has the monopoly on wisdom. My assumption is that each and every one of these earmarks is probably a very good expenditure of the taxpayers' money. I don't necessarily know if it's the best expenditure of the taxpayers' money. But I know the Members who serve. They're very serious. They're very diligent. I have no doubt that they have done very good work.

I also heard my friend the gentleman from Texas say that this particular amendment would harm our troops or military readiness, harm our veterans, families, and a very long laundry list of others who might be harmed. The underlying assumption is that I believe that this money would somehow disappear. Well, I find that interesting because usually when we debate somebody on the point of earmarks, they tell us don't you realize you're not saving any money? That money stays in the bill, and it's going to get used for some other purpose. So, again, I could see, Mr. Chairman, how people who are watching this debate might be a little bit confused. Which is it? Does the money disappear or does the money stay and maybe fund other readiness centers, other barracks, other military projects? Which is it? We seemingly hear speakers on both sides or several sides on that issue.

But if the money does disappear, I would say to my friends on the other side of the aisle you had an opportunity to support the Republican budget on which, last I looked, had a billion extra dollars more to help our veterans than the Democrat budget did. I know that in the Budget Committee there were amendments to strike earmarks and add to the veterans funding. So if you spent less money, maybe the gentlemen on the other side of the aisle harmed our veterans or their families or their military readiness.

I think at some point, Mr. Chairman, you have to lead by example. And although I have no doubt, again, that these earmarks are good expenditures of the taxpayers' funds, the system is broken. It's not just that there are a few bad apples in the barrel. The barrel is full of rotten apples. And all too often—and maybe not in this bill, and I certainly accept the passion with which the gentleman from Tennessee spoke, and I know his sincerity in wanting to reform this process, and I regret the fact that under the Democrat majority this appears to be the only bill that we can debate earmarks. But what I know about the system and what the American people know about

the system is that it's broken and that all too often it represents the triumph of secrecy over transparency. All too often it represents a triumph of the special interests over the national interests. All too often it represents the triumph of seniority and privilege over merit.

Mr. Chairman, when my party was in the majority, there were a lot of abuses in earmarks. But when the Democrats took over, they said they would do it different. They said they would cut the earmarks in half, and yet last year we had the second highest number of earmarks we've ever had. They claimed there would be no more secrecy in the process, but if we look to the New York Times recently, if I can quote from an August, 2007, news clip: "Despite promises by Congress to end the secrecy of earmarks and other pet projects, the House of Representatives has quietly funneled hundreds of millions of dollars to specific hospitals and health care providers."

The Democrats said that there would be across-the-board reform, and yet we had bills initially come to the floor that we were expected to vote on and the earmarks were to come later. The Speaker of the House said she would just as soon do without them, and yet she is on the top 20 list of those who request them.

The American people want something different. It is time to join the Republican proposal that the gentleman from Tennessee spoke about and have a moratorium on earmarks, reform this process, start it tonight.

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

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, in deference to the passion and conviction that the gentleman from Arizona brings to the floor, I would yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the words that have been spoken. I appreciate the passion of those who are defending the bill as it is.

And let me just say this is not my favorite bill to come and propose earmark amendments to. Not at all. But this is the only chance we have got. I'd love to come here with Labor-HHS. I'm glad that the chairman of the Appropriations Committee mentioned that there are a couple of bills where earmarks are legitimate, but maybe for the rest they're not. I have heard him say before that when he left as chairman in 1994, there were no earmarks in the Labor-HHS bill; yet today I think last year there were close to 2,000. There were a couple of years, I know, and we are not breaking that trend very much. And we are likely to see that again later this year, but we won't have an opportunity to come to the floor and debate that. It's likely to be

stuffed into an omnibus bill and we take it or leave it with no vetting whatsoever. At least here we have a chance on one bill to point out the flaws in the system, and the flaws I pointed out.

The gentleman from Texas made a great point. He said that not all wisdom resides with the executive, that somebody in a basement somewhere in some Federal office hasn't had some epiphany about how to spend money. I accept that completely. But it stands to reason as well that some lowly rank-and-file Member who is getting an average of \$1.4 million in this bill doesn't have any less knowledge than a vulnerable Member, a Member who is in a swing district, in a tough district, in a tough race. Does that somehow imbue you with some knowledge about how much money would be spent in the MilCon bill or if you're on the Appropriations Committee? And it may not be. These numbers may be off a little. I accept that. It's not perfect. But how in the world with a straight face can you say this is not a spoils system, this has not become a spoils system?

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. EDWARDS of Texas. Does the gentleman know that less than one-half of 1 percent of this bill is made up of earmarks, less than one-half of 1 percent of the funding in this bill is made up of earmarks?

Mr. FLAKE. I am so glad he mentioned that. That may be the case. I'm not sure. That may well be.

Mr. EDWARDS of Texas. For the record, that is correct.

Mr. FLAKE. My largest complaint with the earmark process is not what we spent in the waste in some bills, maybe not in this one, maybe in others, a lot in others. My biggest complaint has always been with the earmark process; that we, as Members of Congress, give up our authority under article I because we ignore, with our zeal to earmark 2 percent or 1 percent of the Federal budget, we have basically called a truce with the administration saying we will ignore your willy-nilly spending if you ignore ours.

So we let bills like the Department of Homeland Security bill, \$32 billion, very little of it earmarked, but so much of it wasted because we are so intent on earmarking our little portion that we just don't do the oversight that we're supposed to do under article I, and you can look at empirically, anecdotally, any way you look at it.

I commissioned the GAO awhile ago to look at the Appropriations Committee, since 1994, since the contemporary practice of earmarking really got started, under Republicans. I concede that. And if you look at the number of witnesses called, the number of hearings held, any way you slice it or dice it, we aren't doing the oversight that we once did, since the contemporary practice of earmarking started.

And I would submit that that's true across the board. But if you look specifically at this bill, there is no way that you can say that this isn't a spoils system.

When facilities residing in appropriators' districts get about seven times as much. Maybe it's six. Maybe it's five. Maybe it's eight. But with that kind of average, something is wrong. And that's what we are saying here. We have got to fix this system. We should fix it before we move on.

I appreciate the gentleman from California (Mr. CAMPBELL) for the work that he has done and for cosponsoring this amendment and for those who have spoken on it. And I would just say again this is our only chance. This looks like this is it for the year to actually have a voice on earmarks and to say enough is enough, it's time to change the process.

So I urge my colleagues to accept the amendment, and I appreciate the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman for his commitment to fiscal responsibility of this Congress.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. GINGREY

Mr. GINGREY. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. GINGREY: At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds appropriated or otherwise made available in this Act may be used to take private property for public use without just compensation.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Mr. Chairman, I rise tonight to offer an amendment to H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for fiscal year 2009, and to ask my colleagues to support the amendment.

A little over a month ago, property rights advocates across the country spoke out on the third anniversary of the now infamous Kelo decision by the Supreme Court.

□ 0045

I, along with Representative MAXINE WATERS of California, JIM SENSENBRENNER of Wisconsin, mark the date

by introducing a resolution that expresses congressional support for the private property rights protections guaranteed by the fifth amendment to the Constitution.

Today, we in the Congress have an opportunity to demonstrate our commitment to the preservation of these rights. My amendment would ensure that none of the Federal funds appropriated by this act can be used in the taking of private property without just compensation.

Ideally, Mr. Chairman, eminent domain should never have to be used, but even the Constitution provides for its application in instances involving public use, such as construction of a road or a public school. Public use also includes the common defense, which is a central focus of the Military Construction and Veterans' Affairs Appropriations bill. Accordingly, from time to time the needs of our military may require the use of eminent domain. However, even when the Federal Government exercises the power of eminent domain on behalf of the military, private property owners must always receive just compensation.

The taking of private property is among the toughest decisions a government should ever have to make. A government should only make that decision when it is absolutely necessary and only after working with property owners to try to reach a mutual agreement.

The sanctity of private property rights and the security they afford are among the greatest blessings this country offers its citizens. Individual liberty and freedom are at the very root of our property rights and therefore we must ensure that these rights are never abused and they are always protected.

Unfortunately, Mr. Chairman, it seems the protections of the fifth amendment do not apply to the wallets of hardworking Americans who are now struggling at the gas pump. The inaction of this Congress to address in a real way these historically high gas prices, I believe, also constitutes unjustified taking, but it seems that this Congress has little interest in justly compensating the American consumer by increasing domestic energy production, creating new American jobs, and lowering the price of gasoline. In fact, it seems to me the fear of even a vote on domestic energy production has led the Democratic majority to essentially shut down the appropriations process, the process with which we fund the entirety of our Federal Government, from the Pentagon to the schoolhouses across the country.

With only 17 legislative days left until the next fiscal year, seven of the 12 appropriations bills have not even been considered by the full Appropriations Committee, and this is the first appropriations bill considered on the House floor. So while Speaker PELOSI and the Democratic leadership continue to refuse pleas for at least a vote on increasing domestic supply and low-

ering the price of gasoline, House Republicans will continue to fight to open up American energy and to prevent the unjust taking occurring every day at the gas pump.

From wallets to homesteads to family businesses, this Congress has an obligation to protect the property rights of all Americans. So I again call upon my colleagues to support this amendment.

Mr. Chairman, I yield back my time. Mr. EDWARDS of Texas. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, let me just say I support this amendment. It does state the obvious: We should not take private property for private use without just compensation.

Also, Mr. Chairman, because we had no other Members on our side to finish our discussion on the previous debate, let me just say briefly in response to my colleague from Texas (Mr. HENSARLING), his comments, there was no confusion about that amendment. It was very clear that the direct impact of that amendment would have been to hurt our troops. It would have killed fire stations designed to protect our soldiers, our sailors, our airmen, and marines and their families.

It would have cut out training facilities, it would have cut out daycare centers, it would have cut out all sorts of important facilities to help our troops have a better quality of life and to train effectively during a time of war, and it's because of that and because of the responsible process that our subcommittee has gone through to vet these projects carefully, that I am confident that later this morning when the House votes on that amendment, that that amendment will be soundly defeated for all the right reasons.

This process in this subcommittee has been a good one, a solid one, and I think the protest to the contrary will be made clear tomorrow when Republicans and Democrats alike join to overwhelmingly reject the Flake amendment.

I yield back the balance of my time. The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KING of Iowa:

Insert after section 407 the following:  
SEC. 408. None of the funds made available in this Act may be used to enforce subchapter IV of Chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, my amendment is an amendment that has come to this floor in different fashions in the past, and it deals with the Davis-Bacon federally mandated wage scale. The amendment simply says none of the funds made available in this act may be used to enforce the Davis-Bacon Act.

Davis-Bacon is a federally mandated wage scale that was established in about 1932, and the motivation for it was New York contractors that wanted to keep black American workers out of the trade unions as they began to bid projects such as Federal buildings in New York and reach down to places like Alabama to get cheaper labor, bring that labor in, and undercut the trade unions in New York. Congressman Davis and I believe it was Senator Bacon, or vice versa, came forward with this legislation.

It is, Mr. Chairman, the last vestige of the Jim Crow laws we have had in this country designed to keep African Americans out of this work. That is the legacy of it. The fact of it is that it's a federally mandated union wage scale. It is not prevailing wage. I worked under it all of my life, and the people that report these wage scales to the survey are people that report union scale. Merit shop employers do not report those wage scales very often because they know that the union will show up to organize them, and there is a penalty for filing those report that has to do with fight off union organizations.

The effect of it is a high cost to taxpayers, Mr. Chairman. A high cost to the taxpayers, by my calculations of being 28 years in construction business and dealing with these wage scales on a regular basis, that ranges, depending on how much of your project is labor versus how much is material, my own calculations range between 8 percent on the low side of inflated price, to 35 percent on the higher side.

It inflates wages by about the 22 percent, according to a Beacon Hill study of 2008. Their studies shows a 9.91 percent increase in the overall cost of the projects that is anchored to this federally mandated union scale.

It raises public constructions costs by about \$8.6 billion a year. According to a CBO estimate, the Federal Government could save \$10.5 billion in construction costs if Davis-Bacon were repealed. I am committed to the overall repeal of Davis-Bacon, and taking a bite at it every chance I get.

The small business burden is another component. Small employers avoid Davis-Bacon wage scale jobs, and I know and those of us in the business know that if there are federally mandated wage scales on projects, there are fewer bidders. Larger contractors that are union contractors bid those jobs without much competition from smaller contractors because the bureaucracy is so heavy, the reporting is so heavy. In fact, I myself have sat in there hours and hours, way into the night,

filling out minute paperwork so that it can go gather dust in some bureaucrat's desk until something comes wrong and then they come back and bring charges against you. I put it all on an Excel spreadsheet and track every motion of every man, every machine that operates or maintain or moves the machine so that we can file a report that will be full and complete. In fact, that strategy was adopted by the regulators.

The small business burden is too great, the taxpayer burden is too great. This is a union-mandated scale. We don't need to be building less projects or less work on our bases for military. We need to build more. We don't need less bang for the taxpayers' buck, we need more, Mr. Chairman.

So imposing a Davis-Bacon wage scale in the MilCon appropriations bill here moves us backwards from a progress standpoint. It will make sure that we produce fewer projects and it will mean that it will inflate the cost of the projects that we do some place between 8 and 35 percent. My number that I use is 20 percent, to pick an average. The number that Beacon Hill uses 9.91 percent increase in prices. Why would anybody buy into that?

By the way, their measurements measure a calculation compared to today's merit shop employers, but today's merit shop employers, and the union scale employers, but those wages do not reflect the actual supply and demand, like labor is a commodity like any other commodity. They reflect already the impact of federally imposed wage scales in the neighborhood. So there is no real measure of those wages from a competitive standpoint.

I want to get back to free market. I want the merit shop employees, who do a great job, to receive their reward for the work they do. It also is an impediment to an employer, like I have been for most of my adult life, because under the scale that you pay in the merit shop, you can put people on payroll for all 12 months of the year, and I put them in the shop when I need them, hand them a shovel, or put them on a crane or excavator when I need them there and I don't have to dance through all this paperwork. It's an impediment to bring people in that are low skilled because you can't afford to pay them those imposed wage scales it.

It keeps us from bringing people up through the process. It is inflationary. It's unjust, it's un-American, and it's the last vestige of Jim Crow.

I urge adoption of my amendment and I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I'd like to move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I rise in opposition to this amendment. In my opinion, the gentleman's amendment would weaken the protections that the

Davis-Bacon Act provides to American workers. For myself, I'd like to ensure that construction workers who are building barracks for our troops or hospitals for our veterans are there because they are motivated and skilled at their trade, not because they were the cheapest workers that a contractor could find somewhere.

I heard the gentleman offer some estimates that he came up with. I don't know the source of all of those. I am sure there are differences of opinion, but I do know the Economic Policy Institute has done a study that found a growing body of evidence suggesting that ending Davis-Bacon will not reduce costs on government contracts.

I guess one could make the argument that if we could mandate this is government money—we mandate that these jobs all be paying minimum wage, perhaps we could save some money. I don't think that would be very good policy for our Veterans Administration, for our Department of Defense, or for our country.

Finally, on I think a broader point, there may be some that think that our country's present day economic problems are that the middle class is just making too much money. I couldn't disagree more. The problem with our economy today is that men and women who are willing to get up and go work hard every single day are struggling to just make enough money to help educate their children, buy clothes for their family, and put food on the family table.

I don't see an amendment that would take money out of the pockets of a lot of these hardworking middle class families that are the backbone and heart and soul of our American economy and our private market system. I don't see taking money out of their pockets helping them or our economy.

So, with great respect for the gentleman, who has been consistent in this arena, I must strongly oppose this amendment.

Mr. KING of Iowa. Would the gentleman yield?

Mr. EDWARDS of Texas. Briefly.

Mr. KING of Iowa. Just one point, and not to belabor this at all. But a thought occurred on the study, the Economic Policy Institute. If Davis-Bacon didn't increase the cost of projects, then what would be the point in Davis-Bacon?

Mr. EDWARDS of Texas. Well, the point of Davis-Bacon, reclaiming my time, is to see that the workers, American workers, who build our VA hospitals, renovate our Department of Defense facilities, build new barracks and housing for our troops that are serving in Iraq and Afghanistan today, that they are paid a fair wage, a livable wage.

We can have honest differences on this. I tend to believe from my vantage point that providing that kind of honest wage brings in better workers and more quality work.

□ 0100

The gentleman might disagree with that, but we will agree to disagree on that.

The bottom line is I think the middle class is the strength of our Nation's economy, and the sooner we put dollars back into the pockets of those families willing to work hard for that living, the sooner we will get this economy off the wrong track and back on the right track.

For all of those reasons, I again oppose this amendment.

I yield back the balance of my time. Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FARR. I rise in opposition to this amendment. I am not going to take the 5 minutes, but I just want to point out that Davis-Bacon has been part of Federal law for almost 80 years, and what that law has done is every public project, all the roads in America, schools, courthouses, buildings, harbors, airports, train stations, libraries, Smithsonian buildings, you look around America, the entire infrastructure in this country built in the last 80 years has been built under the provisions of a prevailing wage paid to the employees, prevailing for the area in which the buildings are being constructed.

What is wrong? What is broken that needs fixing? I have never had a constituent in the 32 years that I have been in elective office come up and say, you know what? This library or this road or this school was built wrong because it was built under Davis-Bacon.

This is an annual thing, people coming up and complaining about it, because the prevailing wage oftentimes is what the unions pay, and that can get the union contract. And what is wrong with union labor? This effort to amend this is essentially just another strike against organized labor in America, against a fair, decent wage, at a time when the cost of living is almost at an all-time high. It is always tried, it always fails, because there is no need to fix it, because it ain't broken.

Reject this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, it is late at night, now early in the morning actually, so I am going to



be brief. But I want to end as I began, by thanking Mr. WAMP, the ranking member of this VA Appropriations and Military Construction Subcommittee.

There are a lot of people in Washington and a lot of people in America who think that bipartisanship is not only an endangered species, but an extinct species in Washington. I think this process, over 100 hours of hearings, 19 different hearings, the product tonight, a good product, is perfect proof that bipartisanship for the most important of causes is still alive and well in Washington, D.C.

I want to again salute Speaker PELOSI and Mr. OBEY and Mr. SPRATT, as well as the second ranking Democrat on our subcommittee, Mr. FARR of California, who has been there every step of the way for our veterans, our troops and their families. He has made a great contribution to this bill.

Finally, I would just finish by saying my hope and prayer is that what we have before this House is a bill that is worthy of the sacrifice of our service men and women and their families.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FARR) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year end-

ing September 30, 2009, and for other purposes, had come to no resolution thereon.

**REAPPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 USC 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 USC 2651 note), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on International Religious Freedom for a 2-year term ending May 14, 2010:

Ms. Elizabeth H. Prodromou of Boston, Massachusetts, to succeed herself.

**APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 8, 2008**

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

WASHINGTON, DC,

July 31, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 2008.

NANCY PELOSI,

Speaker of the House of Representatives.

**BUDGET AGGREGATES**

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2008 <sup>1</sup>	2009 <sup>1,2</sup>	2009–2013
<b>Current Aggregates:</b>			
Budget Authority .....	2,456,198	2,462,553	(3)
Outlays .....	2,437,784	2,497,436	(3)
Revenues .....	1,875,401	2,029,653	11,780,263
<b>Change in the Higher Education Opportunity Act (H.R. 4137):</b>			
Budget Authority .....	–10	–9	(3)
Outlays .....	0	–114	(3)
Revenues .....	0	0	0
<b>Revised Aggregates:</b>			
Budget Authority .....	2,456,188	2,462,544	(3)
Outlays .....	2,437,784	2,497,322	(3)
Revenues .....	1,875,401	2,029,653	11,780,263

<sup>1</sup> Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriation action.

<sup>2</sup> Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, that will not be included in current level due to its emergency designation (section 301(b)(2)).

<sup>3</sup> Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

**DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES**

[Fiscal Years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
<b>Current allocation:</b>						
Education and Labor .....	0	0	0	0	0	0
<b>Change in the Higher Education Opportunity Act (H.R. 4137):</b>						
Education and Labor .....	–10	0	–9	–114	36	–60
<b>Revised allocation:</b>						
Education and Labor .....	–10	0	–9	–114	36	–60