

vital piece of our anti-speculation measures we have passed in the House this session.

By elevating the Inspector General of the Commodities Futures Trading Commission to the level of a wholly independent office will provide for greater oversight in our commodities markets and, as Mr. ETHERIDGE has said and as Mr. PETERSON and the committee acknowledged, was important in terms of us letting all the sunshine we can into what is commonly referred to as the “dark market.” And this would provide us a great opportunity to make sure that, on behalf of the American people, that we return the sheriff to the job and bring back much-needed regulation in these areas.

I want to thank Chairman PETERSON and Ranking Member GOODLATTE for their leadership and Chairman WAXMAN and Ranking Member TOM DAVIS for helping with this legislation. But I must say that the genesis of this legislation comes from individuals from my home State who came to me with concerns about senior citizens having to take their entire Social Security check and put it into home heating oil. And what they had noted is that rampant speculation was driving the costs up in these markets and the laws of supply and demand have been suspended, and what was needed was an antiseptic, a way to open up and look at these markets in terms of allowing the sunshine to come in.

As my grandfather Nolan would say, “It’s a simple case of trust everyone, but cut the cards.” And in this, not only do we have an opportunity to cut the cards, but shuffle and give a new deal to the American people. That’s why this legislation is so important.

I appreciate all of the work and effort the committee has done. Certainly the surge in oil prices this summer has worsened the concerns on behalf of the American people. It’s important, especially given all that has happened as we sit here, that this Congress, that this body do everything that it can to restore oversight and review and bring back to the American people the notion that this is the people’s House, and we’re watching what’s happening on Wall Street on their behalf and empowering people with all the appropriate tools to go after those who will break the law or move outside of the law and not act on behalf of the interests of the American people.

Again, I want to thank the chairman. And I want to thank those in the committee for ushering this legislation forward.

Mr. DUNCAN. Madam Speaker, we continue to reserve.

Mr. TOWNS. Madam Speaker, let me say, I want to first commend the gentleman from Connecticut for putting this legislation together.

This is a very timely piece of legislation; we need it today more than ever. We need to have an independent IG. We need to make certain that his hands are not tied or her hands are not tied,

that they’re able to go and to look, and wherever the problem is, that they’re able to go without being interfered with.

So I think this is a great piece of legislation. And I’m happy to have a presidential appointment, because that’s the kind of independence that’s needed, as you know what’s going on in this country today. I mean, let’s face it. And of course we need to make certain that we have transparency. We need to make certain that people in the position are able to carry out that position without any kind of restrictions at all. So this legislation addresses that.

I think it’s a good piece of legislation. I encourage my colleagues and friends to support it. And I say to the author of it and to the members who have been very involved in the Ag Committee for this, I really want to say to you, thank you for doing the right thing.

On that note, Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I’m sorry. We didn’t realize that Chairman TOWNS didn’t have any other speakers. So I urge all Members to support the passage of H.R. 6406.

Mr. DAVIS of Virginia. Madam Speaker, today, we take up H.R. 6406, which elevates the Inspector General of the Commodity Futures Trading Commission to an Inspector General position requiring a Presidential appointment and Senate confirmation, PAS positions.

This legislation does not come to the floor through regular order—and while I understand the need to move quickly to ensure we have solid oversight from an independent source at the CFTC, this bill could have benefited from a review by the Oversight and Government Reform Committee.

Recommendation 6 of Paul Volcker’s National Commission on the Public Service, issued in January 2003 is, and I quote, “Congress and the President should work together to significantly reduce the number of executive branch political positions.”

The Commission noted that President Kennedy had 286 leadership positions to fill when he became President in 1960; that by the end of the Clinton administration, there were 914 principal leadership positions; and that, in 2001, the new President George W. Bush confronted a total of 3,361 offices to be filled by political appointment.

The Commission pointed to several reasons for this—mostly due to a bad Federal management structure. But I think much of this—and let’s focus on IGs here—stems from an assumption that the PAS process generates a more professional and independent Inspector General.

I see little evidence this is true. I don’t think anyone has successfully demonstrated a nexus between the PAS process and professional excellence.

Since we already have too many PAS positions and I doubt the next President and the next Congress will take the Volcker Commission’s Recommendation 6 to heart, large gaps will continue to occur in leadership during Presidential transitions.

With that said, however, I am inclined to support this bill given the current crisis we

face. But I caution my colleagues to pay more attention to these “elevation bills” in the future and insist on a specific, articulated need for any proposed change.

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

Mr. TOWNS. Madam Speaker, I yield back the balance of my time and urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 6406, as amended.

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

A motion to reconsider was laid on the table.

#### FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6847) to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the “First Lieutenant Noah Harris Ellijay Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6847

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

#### SECTION 1. FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, shall be known and designated as the “First Lieutenant Noah Harris Ellijay Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “First Lieutenant Noah Harris Ellijay Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks.

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

There was no objection.

Mr. TOWNS. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from the State of Georgia in support of H.R. 6847, which designates a postal facility in Ellijay, Georgia, in honor of First Lieutenant Noah Harris.

H.R. 6847 enjoys the support of the entire House congressional delegation

from Georgia and was introduced by my colleague, Representative NATHAN DEAL of Georgia, on September 9, 2008.

H.R. 6847 calls for honoring First Lieutenant Harris and his service for our country by designating the post office in his hometown of Ellijay, Georgia, as the "Noah Harris Post Office."

First Lieutenant Noah Harris was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Brigade, 3rd Infantry Division out of Fort Benning, Georgia, when he died on June 18, 2005 in Iraq of injuries sustained on June 17 when he was on mounted patrol and his Humvee was attacked by enemy forces using rocket-propelled grenades. Also killed was First Lieutenant Harris' friend and comrade, Corporal William A. Long.

Madam Speaker, in honor of First Lieutenant Noah Harris, his sacrifice and service to this Nation, I urge my colleagues to join in support in the passage of H.R. 6847.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I have a statement that I wish to place into the RECORD on behalf of Ranking Member DAVIS and myself in support of this legislation.

Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of this bill designating the facility of the United States' Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the "First Lieutenant Noah Harris Ellijay Post Office Building."

On June 17, 2005 First Lieutenant Noah Harris was conducting a mounted patrol in Baquba, Iraq, when enemy forces fired rocket-propelled grenades at his armored Humvee. Noah Harris died from the injuries on June 18, one week before his 24th birthday.

By all accounts, Noah Harris was a remarkable person.

While attending Gilmer High School in Ellijay Georgia, Harris was the captain of the football team, a state wrestling champion, and Honor Bar Thespian in the theater club.

After graduating high school in 1999, Harris attended the University of Georgia's Terry College of Business, where he continued his involvement in the community and athletics. He was the captain of the cheerleading squad, a member of the Sigma Phi Epsilon fraternity, and a volunteer for Watch Dawgs, an organization that works to prevent alcohol related accidents among students.

In 2001, Harris was one of the first participants in the Leonard Leadership Scholars Program, a leadership development program for undergraduates by the Terry College Institute for Leadership Advancement. It was during that time, shortly after the September 11 terrorist attacks, that Harris first considered serving our country through military service and joined the ROTC.

After graduation, Harris was commissioned as a second lieutenant and stationed at Fort Benning. To keep up morale among his soldiers' Harris began a pen pal program with family and friends. He also started "Operation Noah's Dream" by encouraging members of his community to send him beanie babies, which he passed out to children in Iraq.

He was truly a person that strove to make a difference at home and Iraq. Tragically his

life was cut short but his memory will live on and he will be greatly missed.

With gratitude for his sacrifice to his country, I ask all members to join me in support of HR 6847, to name the 801 Industrial Boulevard Post Office in Ellijay, Georgia in his honor.

At this time, I yield the balance of our time to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I thank Mr. DUNCAN for yielding the time to me. And I thank Mr. TOWNS for the very kind words that he has spoken on behalf of this outstanding young man.

And I do rise today to honor the memory of First Lieutenant Noah Harris by dedicating the United States Post Office located in Ellijay, Georgia, and naming it the "First Lieutenant Noah Harris Ellijay Post Office."

As Mr. TOWNS has indicated, Lieutenant Harris was killed at the age of 23, serving in Buritz, Iraq, and was returning from a successful mission when his Humvee was hit by two rocket-propelled grenades.

Many times we talk about individuals that we don't know. Tonight, I talk about a young man I did know. Noah Harris served as an intern in my office in the summer of 2002. He was a star athlete at Gilmer County High School, captain of his football team, captain of the wrestling team, State wrestling champion, and a star scholar.

When he graduated from high school, he went to the University of Georgia and he joined the football cheerleading squad. Now, at first you would think, as did his captain in Iraq, that if you're a cheerleader, you're not physically fit. Of course, if you watched college cheerleaders, you know when they lift somebody over their head and hold them, they are physically fit, as was Noah. And he became the captain of that cheerleading squad.

He was a student at the University of Georgia on September 11 of 2001. And when our country was attacked on that day, he made the decision that he wanted to join the ROTC unit and become an Army officer. The story goes that he went over to the ROTC Department and he said, I'd like to join the ROTC. And he was asked, well, what class level are you in? And he said, I'm a senior. And the response was, Well, you've just waited too late. You can't join the ROTC in your senior year. And he said, Is there no way that that can happen? And they said, Well, you would have to be an outstanding scholar and you would have to be an outstanding athlete in order to be able to put all the things together here in your senior year. It's told that Noah Harris sort of smiled and said, Well, I am a Presidential scholar, attending the University of Georgia on a Presidential scholar scholarship. And I am the captain of the football cheerleading squad. And needless to say, he met all of those requirements, he was commissioned, and he served our country in Iraq.

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While he was serving in Iraq, he e-mailed me and he said this, "Each day

I patrol the street and stop and talk to the people. They are thankful that we're here and for what we are doing. Though the process is slow, each day, the Iraqi police and the Iraqi army are becoming better able to protect and defend the citizens of Iraq. Through the efforts and perseverance of both the United States and Iraq, peace will prevail. Please pass on my thanks to your staff and the rest of the individuals in Washington that support the cause of freedom for our Nation and the world."

I attended Noah Harris' funeral, one of the saddest and yet at the same time one of the greatest celebrations that I have ever attended. His life is a reminder that it really doesn't matter how long you live, it's how you live. Noah Harris is a role model for young people who follow behind him. He is an inspiration for all of us who knew him and for those who will learn about him as the story of his life has now been compiled in a book put together by his parents, Lucy and Rick Harris, and contains the remembrances of people who knew Noah Harris. He will also have a continuing legacy of hope, dedication and courage. A scholarship has been founded at the University of Georgia in his memory, and it will continue his tradition.

Madam Speaker, First Lieutenant Noah Harris was indeed a true American hero. I am proud today to rise and pay tribute to him and to have the honor of joining with the constituents from the community in which he grew up in naming the local post office the First Lieutenant Noah Harris Ellijay Post Office.

Madam Speaker, I include for the RECORD a copy of a letter from Mr. Jerry Farist, the chairman of the Gilmer County Board of Commissioners, supporting that this post office be named in honor of First Lieutenant Noah Harris.

I appreciate the time, and I think indeed these are the kind of moments that symbolize what makes our country great.

GILMER COUNTY BOARD OF  
COMMISSIONERS,  
SEPTEMBER 12, 2008.

Re Request to name the Ellijay Post Office after 1st LT. Noah Harris.

Ms. GAIL MUSSELWHITE,  
Office of Congressman Nathan Deal,  
P.O. Box 1015, Gainesville, GA.

TO WHOM IT MAY CONCERN: As Chairman of the Gilmer County Board of Commissioners I speak for my fellow commissioners and the citizens of Gilmer County by saying that we take great pride in our hometown boy, LT. Noah Harris. He paid the ultimate price for his patriotism and we sincerely thank him for his service.

Per the request to rename the Ellijay Post Office, "1st LT. Noah Harris United States Post Office", the Gilmer County Board of Commissioners would like to go on record as having no objection to this action. If further information is necessary please feel free to contact me.

Sincerely,  
JERRY FARIST, CHAIRMAN,  
Gilmer County Commissioners.

Mr. TOWNS. Madam Speaker, let me join my colleague in saying that it is

also important that we recognize people that do outstanding things. And, of course, even at a young age, he was able to accomplish quite a bit. To name a post office in his honor I think is a great thing to do. I want to commend Congressman DEAL and the entire Georgia delegation for taking the time to name a post office in honor of this young lieutenant.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 6847.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

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**PROVIDING FOR AGREEMENT BY HOUSE WITH AMENDMENT TO SENATE AMENDMENT TO H.R. 2095, RAIL SAFETY IMPROVEMENT ACT OF 2008**

Mr. OBERSTAR. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1492) providing for agreement by the House of Representatives to the Senate amendment to the bill, H.R. 2095, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

**H. RES. 1492**

*Resolved*, That upon the adoption of this resolution the bill (H.R. 2095) entitled "An Act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same are hereby, agreed to with the following amendment: Strike all after the enacting clause and insert the following:

**DIVISION A—RAIL SAFETY**

**SEC. 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF TITLE 49.**

(a) **SHORT TITLE.**—This division may be cited as the "Rail Safety Improvement Act of 2008".

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

Sec. 1. Short title; table of contents; amendment of title 49.

Sec. 2. Definitions.

Sec. 3. Authorization of appropriations.

**TITLE I—RAILROAD SAFETY IMPROVEMENTS**

Sec. 101. Federal Railroad Administration officers and duties.

Sec. 102. Railroad safety strategy.

Sec. 103. Railroad safety risk reduction program.

Sec. 104. Implementation of positive train control.

Sec. 105. Railroad safety technology grants.

Sec. 106. Reports on statutory mandates and recommendations.

Sec. 107. Rulemaking process.

Sec. 108. Hours-of-service reform.

Sec. 109. Protection of railroad safety risk analyses information.

Sec. 110. Pilot projects.

**TITLE II—HIGHWAY-RAIL GRADE CROSSING AND PEDESTRIAN SAFETY AND TRESPASSER PREVENTION**

Sec. 201. Pedestrian crossing safety.

Sec. 202. State action plans.

Sec. 203. Improvements to sight distance at highway-rail grade crossings.

Sec. 204. National crossing inventory.

Sec. 205. Telephone number to report grade crossing problems.

Sec. 206. Operation Lifesaver.

Sec. 207. Federal grants to States for highway-rail grade crossing safety.

Sec. 208. Trespasser prevention and highway-rail grade crossing safety.

Sec. 209. Accident and incident reporting.

Sec. 210. Fostering introduction of new technology to improve safety at highway-rail grade crossings.

**TITLE III—FEDERAL RAILROAD ADMINISTRATION**

Sec. 301. Human capital increases.

Sec. 302. Civil penalty increases.

Sec. 303. Enforcement report.

Sec. 304. Expansion of emergency order authority.

Sec. 305. Prohibition of individuals from performing safety-sensitive functions for a violation of hazardous materials transportation law.

Sec. 306. Railroad radio monitoring authority.

Sec. 307. Update of Federal Railroad Administration's website.

Sec. 308. Emergency waivers.

Sec. 309. Enforcement by the Attorney General.

Sec. 310. Criminal penalties.

**TITLE IV—RAILROAD SAFETY ENHANCEMENTS**

Sec. 401. Minimum training standards and plans.

Sec. 402. Certification of certain crafts or classes of employees.

Sec. 403. Track inspection time study.

Sec. 404. Study of methods to improve or correct station platform gaps.

Sec. 405. Locomotive cab studies.

Sec. 406. Development and use of rail safety technology.

Sec. 407. Unified treatment of families of railroad carriers.

Sec. 408. Study of repeal of Conrail provision.

Sec. 409. Limitations on non-Federal alcohol and drug testing by railroad carriers.

Sec. 410. Critical incident stress plan.

Sec. 411. Railroad carrier employee exposure to radiation study.

Sec. 412. Alcohol and controlled substance testing for maintenance-of-way employees.

Sec. 413. Emergency escape breathing apparatus.

Sec. 414. Tunnel information.

Sec. 415. Museum locomotive study.

Sec. 416. Safety inspections in Mexico.

Sec. 417. Railroad bridge safety assurance.

Sec. 418. Railroad safety infrastructure improvement grants.

Sec. 419. Prompt medical attention.

Sec. 420. Employee sleeping quarters.

**TITLE V—RAIL PASSENGER DISASTER FAMILY ASSISTANCE**

Sec. 501. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.

Sec. 502. Rail passenger carrier plan to assist families of passengers involved in rail passenger accidents.

Sec. 503. Establishment of task force.

**TITLE VI—CLARIFICATION OF FEDERAL JURISDICTION OVER SOLID WASTE FACILITIES**

Sec. 601. Short title.

Sec. 602. Clarification of general jurisdiction over solid waste transfer facilities.

Sec. 603. Regulation of solid waste rail transfer facilities.

Sec. 604. Solid waste rail transfer facility land-use exemption authority.

Sec. 605. Effect on other statutes and authorities.

**TITLE VII—TECHNICAL CORRECTIONS**

Sec. 701. Technical corrections.

(c) **AMENDMENT OF TITLE 49.**—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 2. DEFINITIONS.**

(a) **IN GENERAL.**—In this division:

(1) **CROSSING.**—The term "crossing" means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks at grade where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

(2) **DEPARTMENT.**—The term "Department" means the Department of Transportation.

(3) **RAILROAD.**—The term "railroad" has the meaning given that term by section 20102 of title 49, United States Code.

(4) **RAILROAD CARRIER.**—The term "railroad carrier" has the meaning given that term by section 20102 of title 49, United States Code.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Transportation.

(6) **STATE.**—The term "State" means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) **IN TITLE 49.**—Section 20102 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 'Class I railroad', 'Class II railroad', and 'Class III railroad' mean railroad carriers that have annual carrier operating revenues that meet the threshold amount for Class I carriers, Class II carriers, and Class III carriers, respectively, as determined by the Surface Transportation Board under section 1201.1-1 of title 49, Code of Federal Regulations."; and

(3) by adding at the end thereof the following:

"(4) 'safety-related railroad employee' means—

"(A) a railroad employee who is subject to chapter 211;