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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. DEGETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 16, 2008.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Dr. Charles B. Simmons, Memorial Drive United Methodist Church, Houston, Texas, offered the following prayer:

Ever-present God: Humbly we pause to approach You. Help us to come before You in reverence that You may enter into our presence with power.

In this hallowed House, we thank You for these Your servants who now guard its great legislative inheritance and seek to profit the Nation by wise governance. Endow each with a right understanding, pure purposes and sound speech. Enable them to rise above all personal agendas and party zeal to the nobler concerns of the public good. Give them vision and set their hearts afire with large resolves.

Lord, lead them, that in all deliberations they may faithfully discharge the duties of their office and ever promote the health, safety and well-being of all whom they serve, for the good of the United States of America, the blessing of our world, and the glory of Your holy name. In His, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska led the Pledge of Allegiance as follows:

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

WELCOMING DR. CHARLES B. SIMMONS

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. CULBERSON) is recognized for 1 minute.

There was no objection.

Mr. CULBERSON. Thank you, Madam Speaker.

It's my privilege to rise today to honor my pastor and my good friend, Dr. Charles B. Simmons, our chaplain for the day.

Dr. Simmons joins us from my hometown of Houston, Texas, and it is just a thrill to have him here today. Dr. Simmons baptized our daughter, Caroline. He has been our minister for many, many years at Memorial Drive United Methodist Church.

He is joined here today by his wife, Carol; his son, Christopher; and Christopher's wife, Melissa. We are thrilled to have them here. Dr. Simmons and his wife, Carol, also have a son, Jeffrey, who is not here with us today.

Dr. Simmons is serving in his 10th year as senior minister of Memorial Drive United Methodist Church. He is recognized nationally as a dynamic minister, a dedicated pastor and respected leader among Methodists. He led the way at our church to reach out to the people of Louisiana who suffered as a result of the hurricane and helped rescue many, many lives and put many lives back on track after that devastating storm.

Dr. Simmons is a native of Louisiana, a graduate of Centenary College, who earned his master of divinity and doctor of ministry degrees from Emory University, and completed his further graduate study in Geneva, Switzerland, as a Methodist fellow. He has served in a variety of appointments, and his leadership has enriched the lives of our congregation and grown our church now to 7,000 members of Memorial Drive United Methodist Church.

We are very proud to have him here. His leadership has been instrumental in developing The Connection Center, an off-campus site serving as an outpost for ministry with state-of-the-art facilities for senior adult and youth programs. We have also founded, under Dr. Simmons' leadership, a third site at the former Shepherd Drive United Methodist Church which is now in operation as well.

Outside of our local congregation, Dr. Simmons also serves as chair of the Texas Conference Board of Ordained Ministry, a member of the Large Church Initiative Team, and is active in both the administrations of Centenary College and Emory University.

With deep appreciation for his leadership to Memorial Drive United Methodist Church, his devotion to its members and his beneficial efforts to the community at large, it is my privilege to welcome Dr. Simmons and his family to Washington. I am honored to have him here today as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain requests for up to

15 further 1-minute speeches on each side.

HONORING MARINE LANCE CORPORAL DEAN OPICKA

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

Mr. KAGEN. Madam Speaker, several days ago, Marine Lance Corporal Dean Opicka was killed in action while serving our Nation in Iraq. Dean was 29 years of age and is the third Luxemburg-Casco High School alumnus killed in Iraq.

David and Donna Opicka of Casco, Wisconsin, are the proud parents of Dean, who graduated from Luxemburg-Casco High School in 1997.

Dean joined the Marines in August of 2005 and graduated from boot camp at Camp Pendleton, California, in November. He was a brave member of the Milwaukee-based 2/24 Fox Company.

William Shakespeare, in his play, ''Julius Caesar,'' wrote, ''Cowards die many times before their deaths; the valiant never taste of death but once.''

On behalf of every citizen in these United States I wish to express our sincerest gratitude to Marine Lance Corporal Dean Opicka. To his parents and family, this House of Representatives expresses our deepest regrets on his passing and thanks for his service.

MOMENT OF SILENCE

In honor of Dean Opicka, I respectfully request a moment of silence.

The SPEAKER pro tempore. All Members will stand and observe a moment of silence.

IN APPRECIATION OF THE DRUG ENFORCEMENT ADMINISTRATION

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

Mr. SMITH of Nebraska. Madam Speaker, I rise today in appreciation of the brave men and women of the Drug Enforcement Administration.

Earlier this week, I had the opportunity to tour the DEA's anti-meth lab training facility as well as the chance to briefly speak to agent trainees. Meth leaves lives destroyed and communities shaken to the core. These agents have literally devoted their lives to protect our communities and deserve our thanks for their efforts to combat the scourge of illegal drugs.

Though the number of meth labs in America has decreased since 2006, Mexican drug cartels are creating super labs, which produce a huge percentage of the meth in our country. This is why I introduced the Meth Kingpin Elimination Act last year, which would increase penalties on drug manufacturers and smugglers.

Meth abuse and production knows no borders, and I thank the instructors and students at Quantico for taking time to show us how important it truly is to win the war on drugs.

IRAQ AND OUR TAXES

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

Mr. MORAN of Virginia. Madam Speaker, yesterday our constituents filed their tax returns, but I wonder how many American taxpayers realize that the average tax return will be consumed in less than half a second in the Iraq war. When we grant the President the additional $100 billion he is asking in emergency funding for Iraq, we will be spending $5,000 a minute and $12 billion a month in a lost cause.

The American taxpayer is still paying for Iraq's garbage collection, their schools, their health clinics and their roads. When the Iraqi people themselves are running a surplus. They have almost $70 billion in accumulated surplus now.

The last couple of years, they have had $100 billion come in from oil revenue, and they budgeted it at about $55 a barrel. It is now about $112 a barrel. They are generating an enormous surplus that they don't know what to do with, and a whole lot of it is being stolen.

And yet we are paying still to collect their garbage. There is something wrong with this picture and the American taxpayer needs to stand up and speak out about it with a full measure of outrage.

CRIME

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

Mr. SMITH of Texas. Madam Speaker, according to the Department of Justice, one person is assaulted in the United States every 7.2 seconds, raped every 2.7 minutes and murdered every 31 minutes. That means that in the last hour, 500 Americans will have been assaulted, 22 raped and 2 murdered. Congress can and must do more to protect American families and keep our communities safe.

In this Congress, Republicans have introduced over 100 bills to help Federal, State and local law enforcement officials combat crime. To date, though, only three have been considered.

As we recognize National Crime Victims' Rights Week, Congress should do more than just honor the victims. Let's help law enforcement officials shield an innocent person from assault, protect a woman from rape and save a life.

TAXPAYER ASSISTANCE ACT, A GOOD GOVERNMENT TAX BILL

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

Mr. SIRES. Madam Speaker, as millions of Members filled out their tax returns this week, many were concerned that their hard-earned tax dollars will be sent straight to Iraq. We have already spent $44 billion rebuilding Iraq, and the war costs our Nation about $12 billion a month.

We have families struggling here at home that can't pay their bills, are losing their homes, don't have health care, and the Bush administration is spending $12 billion a month on a war that shows no end in sight and no plans for success.

Our monthly investment in Iraq translated into approximately $339 million every single day. Taxpayers are probably wondering how could we better invest that money here in the United States. The $339 million we spend in Iraq a day could provide 48,000 homeless veterans with a place to live or we can assure 317,000 kids receive their vaccinations and live a healthy life.

House Democrats vow to fight to ensure that American tax dollars are used to rebuild America, not Iraq.

THE IMPORTANCE OF PRAYER IN AMERICAN LIFE AND HISTORY

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today as a member of the bipartisan Congressional Prayer Caucus to formally acknowledge the importance of prayer in American life and American history.

Today I am honored to launch the first of what I hope will be weekly reminders of our country's need for prayer. I do so by reading a proclamation given by President Ronald Reagan in 1983 when he said, ''From the birth of our Republic, prayer has been vital to the whole fabric of American life.''

As we crossed and settled the continent, built a Nation in freedom, endured war and critical struggles to become a sentinel of liberty, we repeatedly turned to our Maker for strength and guidance in achieving the awesome tasks before us.

Whether at the ordeal of the Revolutionary War, the stormy days of binding the 13 colonies into one country, the Civil War, or other moments of trial over the years, we have turned to God for His help. As we are told in II Chronicles 7:14: ''If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and will heal their land.''

□ 1015

CCDBG AND HEAD START FUNDING

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

Mr. SESTAK. Madam Speaker, I rise today to speak about increasing support and funding for the Child Care and

Development Block Grant and the Head Start programs. We know these two Federal programs provide critical resources to support our Nation's children, educators and working families.

At a time when almost 12 million children under age 5 are currently in child care, the resources for their care and early education continue to be stretched after 7 straight years of nearly flat funding. The stagnant support for these programs has caused thousands of children to lose child care assistance, and fewer children today attend Head Start programs than 6 years ago.

The Child Care and Development Block Grant and Head Start are proven programs that lead to increased cognitive and social development. The programs greatly improve the ability of children to succeed in school. Increased funding will also promote greater employment among parents through less time missed from work, higher incomes, and reduced rates of turnover.

In my State of Pennsylvania, over 522,000 children under age 6 need care because the parents are hard at work trying to provide their children with opportunities for success. That is why I support increased funding for the Child Care and Development Block Grant and the Head Start and Early Start programs. I urge my colleagues to do the same.

AMERICAN VICTIMS OF HAMAS

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

Mr. KIRK. Madam Speaker, yesterday SHELLEY BERKLEY and I, along with 55 of our Democratic and Republican colleagues, sent a bipartisan letter to President Carter calling on him to cancel his meeting with Hamas leader Khaled Meshal.

The State Department lists Hamas as a foreign terrorist organization, and Hamas terrorists are responsible for the murders of at least 26 American citizens, some of them teenagers, children and infants.

Here are two of the victims, 3-month-old Shmuel Taubenfeld and 3-year-old Tehilla Nathanson. They are the faces of American citizens with their light extinguished by Hamas terrorists.

If you live in Illinois, New York, New Jersey, Massachusetts, Ohio, California, North Carolina, Connecticut, Pennsylvania, or Florida, then Americans from your State have been murdered by Hamas.

President Carter, do not meet with the man who ordered the deaths of our fellow citizens.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

MCCAIN DOESN'T UNDERSTAND

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

Mr. DEFAZIO. Well, the presumptive Republican nominee for President, John McCain, wasn't kidding when he said he didn't understand the economy. He has proposed a gas tax holiday. Now let's think about it for a minute. Gas today costs three times as much as it did in 1993, but the Federal gas tax hasn't changed since 1993. So what is the cause of the big run-up?

Well, it might be the $40 billion record profit at ExxonMobil and the $400 million exit given to their last CEO. That might be part of it.

It might be the OPEC cartel colluding to drive up the price of oil and restrict demand. Or it could be the hedge fund speculators and others on Wall Street driving up the cost unnecessarily so they can make money.

But the nominee of the Grand Oil Party, the GOP, he's not going to take on Big Oil. He's not going to take on Wall Street. He's not going to take on OPEC. What he is going to do is cut Federal investment in our crumbling infrastructure, put hundreds of thousands of construction workers out of jobs, and condemn even more Americans to being jammed on congested highways that need improvement and bridges that are collapsing where we don't have the money to rebuild.

HONORING HOMETOWN U.S.A. PROGRAM

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

Mr. STEARNS. Madam Speaker, I rise today to honor an organization in my district in Leesburg, Florida, that is making a difference for the people of Florida.

Florida's Hometown U.S.A. was formed to instill in Florida's youth the value of volunteer service. Students from across the State are selected each year to participate in the program. Each year five students are selected from elementary school to high school as participants. The volunteers' focus is on helping children and the elderly by providing food, clothes, personal care items, and assistance wherever it is needed.

Each year the organization holds its Florida Hometown U.S.A. pageant, which serves as its main fundraiser. Florida's Hometown U.S.A. program has received recognition for the positive impact and outcome it has achieved in the local communities.

I want to congratulate these fine young volunteers, especially the fine young students who are selected every year, and especially program director Linda Watts, for all she has done over the past 22 years. She has enhanced the community of Leesburg which I represent. Thank you, Linda, for all of your hard work. Keep up your hard work for the program, and God bless you.

SETBACKS FOR PEACE IN THE MIDDLE EAST

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

Mr. WEINER. Madam Speaker and ladies and gentlemen of the House, our bipartisan efforts to isolate terrorism and terrorists and to find a lasting and secure peace in the Middle East got two setbacks this week from sadly predictable sources.

First, the United Nations appointed a human rights inspector by the name of Richard Falk whom my hometown newspaper, the Daily News, correctly called ''the nutty professor'' because of his position, as he goes into this job of overseeing human rights, that the Israelis are like Nazis. This is who they appoint to try to come to a peaceful human rights conclusion in that part of the world.

And then, sadly, we had another chapter in how not to be a former President from Jimmy Carter who goes to the Middle East, and rather than trying to pursue peace, embraces Hamas, the organization responsible for hundreds of rockets falling in Israel.

It is hard to imagine two institutions or two people that could be more of a setback than these two. The United Nations once again shows that they are unfit for their role of trying to find a moderate and lasting peace in that part of world. And, sadly, Jimmy Carter continues to write a chapter about how not to be a former President.

HONORING THE MEINEKE COMPANY

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

Mrs. MYRICK. Madam Speaker, I would like to honor the Meineke Company today and their efforts to employ ex-offenders who have participated in the Second Chance Program.

Meineke is one if not the first national company to actively hire ex-offenders returning from prison while also promoting opportunity within the Federal Bureau of Prisons.

Through participation in this program, individuals are ready to not only enter but also contribute to the workforce once they have paid their debt to society. Meineke continues to promote participation in the Second Chance Program at all of its franchise meetings, in newsletters, and through a publication called Second Chance Profiles. This periodical is sent out company wide, and chronicles the personal story of employees who have truly exhibited the meaning of a life-changing experience.

I commend Meineke CEO Ken Walker, Director of National Accounts Dave Holland, and Cordell Riley, President

of Tortal, which serves as Meineke's online trading portal. The tireless efforts of these individuals and the commitment of their ex-offenders has spawned an authentic modern day success story.

REPUBLICAN ECONOMIC POLICIES

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

Mr. PALLONE. Madam Speaker, with bleak news about the economy continuing to mount, it is no surprise that 25 percent of Americans say their economic situation has not improved in the last 5 years, and 31 percent say they have fallen backward. These represent the highest numbers for the Pew Research Center survey since the question was first asked in 1964.

Economic uncertainty within the middle class is a result of President Bush's economic policies. For 6 years, Republicans have offered tax cuts to the wealthy, refused to close corporate tax loopholes, and even defended multibillion dollar tax subsidies for big oil companies.

House Democrats reject an economic policy that showers billions of dollars on unnecessary tax breaks to corporate interests and to millionaires, while middle-class families are ignored. This year's Democratic budget makes middle class tax relief a priority by calling for the extension of middle-income tax cuts, such as the child tax credit and marriage penalty relief.

Democrats have also been working hard to close corporate tax loopholes and end costly waste, fraud and abuse. Madam Speaker, Democrats are fighting to put the Tax Code back on the side of the working family.

TAX DAY

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, yesterday millions of Americans responsibly filed their taxes with the IRS. At the same time, House Democrats pushed legislation for the largest tax increase in history.

While middle-income families are balancing tight budgets and bracing for an economic crunch, Congress is hastily increasing taxes to keep up with Federal spending.

Madam Speaker, we need to complete an overhaul of the tax-and-spend system in Washington. For taxpayers to keep more of their hard-earned money, the key is to tighten government spending overall now. Next, we need to implement a tax system to revive and stimulate the economy for the long term. This involves offering permanent tax relief for married couples, families with children, small businesses, and putting an end to the death tax.

Reforming the tax system through tax relief will boost the economy, increase revenues, and promote job growth.

American families are acting responsibly with their money. We need to do the same.

CRISIS OF LEADERSHIP

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

Mr. PRICE of Georgia. Madam Speaker, once again this misguided Democrat majority is looking to set a record. But like their tally for broken promises and historic tax increases, this isn't a record of which anyone should be proud. No, Madam Speaker, this Democrat leadership is overseeing the record price of gasoline.

Today, the national average for gas reached $3.44 a gallon, an all-time high. The American people want to know what Congress is going to do about it, but a crisis of leadership in this Congress continues to leave American families struggling to fill up their tank.

Under this leadership, the price at the pump has shot up more than a dollar a gallon in just 16 months. Now on the campaign trail, they talked about a commonsense plan to bring down gasoline prices. Yet instead of easing the pain at the pump, this majority offers only more gas taxes and less domestic production, and the gas bill only rises.

Madam Speaker, the American people demand relief, and their pleas are being ignored. That is the definition of leadership lacking.

WELCOMING POPE BENEDICT XVI

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

Mr. DENT. Madam Speaker, I rise today to welcome Pope Benedict to the United States for his first visit since becoming Pope in 2005. At this moment, the Pope is at the White House. This historic visit is a significant moment in history for our country, and an important opportunity for the 65 million American Catholics across the country to build a stronger rapport with their spiritual leader.

For one of my constituents, my friend and neighbor, Dr. Brennan Pursell, the Pontiff's visit is particularly special. Although Dr. Pursell has never met the Pope, he shares an intimate connection with him.

Dr. Pursell, a professor of history at DeSales University in the Lehigh Valley of Pennsylvania, has spent the past 3 years researching and writing about the upbringing, development, and motivations of Joseph Ratzinger, the man we know today as Pope Benedict.

Dr. Pursell's book, ''Benedict of Bavaria, An Intimate Portrait of the Pope and his Homeland,'' tells the story of a gifted intellectual and spiritual man who has been shaped by the rich traditions of Bavarian culture and deep devotion to the Catholic faith.

The portrait that Dr. Pursell paints in his book will help us all understand more about who the Pope is and what informs his perspectives.

I commend my constituents, Dr. Pursell; his wife, Irmgard, who is a German national; their son, Benedict; and daughter, Elena, for their dedication and for Brennan's significant contribution to history and the Catholic faith in capturing the story of Benedict of Bavaria.

I join with my constituents in warmly welcoming the Pope to our great country. I encourage everybody to take a look at this wonderful work ''Benedict of Bavaria'' by Dr. Brennan Pursell, my good friend and neighbor.

SANCTUARY CITIES SHOULD LOSE FEDERAL FUNDING

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Madam Speaker, American taxpayers ought not be footing the bill for sanctuary cities to serve as safe havens for illegal immigrants, especially hardened criminals.

Sanctuary cities do not allow money or resources to be used to enforce Federal immigration laws. Police or other employees cannot inquire about immigration status. An example is San Francisco as a sanctuary city.

I support the CLEAR Act authored by MARSHA BLACKBURN. The act would empower local law enforcement agencies in the fight against illegal immigration. Under her bill, sanctuary cities would lose Federal crime funding unless local governments rescind the policies that prohibit local law enforcement from working with the Department of Homeland Security.

Illegal immigrants know they are safe from deportation. If these cities refuse to enforce the law, especially when it comes to criminals, it ought to cost them.

This is a first step, and I urge the House to move forward with this legislation. Americans deserve our full support.

H–2B IS A SUCCESSFUL PROGRAM

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

Mrs. DRAKE. Madam Speaker, H–2B is a legal, temporary worker program that has been very successful in providing our Nation's small businesses with the workforce they need during peak business seasons. However, an important provision expired last September.

Many in Congress have acted in support of legislation that would have fixed this escalating problem. Bills, amendments, and discharge petitions have been introduced as early as last March; yet, no action.

Yesterday, the House passed an extension of the Religious Worker Visa Program while many of our Nation's small and seasonal businesses are still struggling to find workers, and Congress has responded with nothing but a hearing.

That hearing is today, Madam Speaker, nearly 7 months after the H–2B exemption expired. I can only hope that this Congress will give our small businesses a legal solution to their workforce needs.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. PETERSON of Minnesota. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5813) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2008 beyond April 18, 2008.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5813

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective as of April 18, 2008, section 1 of Public Law 110–196 (122 Stat. 653) is amended—

(1) in subsection (a), by striking ''the Secretary of Agriculture shall carry out the authorities, until April 18, 2008'' and inserting ''the authorities shall be carried out, until April 25, 2008''; and

(2) in subsection (d), by striking ''April 18, 2008'' and inserting ''April 25, 2008''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5813, a bill to temporarily extend the current farm programs until April 25, 2008.

Madam Speaker, since the House conferees were appointed last week, the conference committee has been meeting to try to work out the remaining unresolved issues between the House and Senate version of the farm bill. I'm pleased to report that on the core farm bill issues we have reached agreement, and there are only a few Member-level issues that must be resolved.

I want to take this moment right now to thank Chairman RANGEL, who has devoted a great deal of his time and his staff's time to helping us to come to resolution with the Senate about how to fund the additional $10 billion of new spending for farm bill priorities. Without his leadership and that of Speaker PELOSI and the leaders on the Republican side, we would not be so close to finalizing this bill.

The farm bill maintains and strengthens the safety net that helps farmers and ranchers stay productive and competitive. It also includes important new investments including $9.5 billion for nutrition programs that are even more important today as food prices continue to climb. It contains $4 billion for conservation programs that will help protect our land, even as crop reduction soars; $1.2 billion for renewable energy programs that will help us address the rising cost of gasoline and help us get independent of foreign oil; and $1.3 billion for new initiatives and programs to support fruit and vegetable producers, including new programs to help socially disadvantaged and beginning farmers and ranchers.

All these important investments will be lost if we don't have time to finish this conference. This short extension will allow us to finish our work and bring back to the House a conference report that meets the needs of all of American agriculture and the consumers.

Madam Speaker, I'm pleased to report that I've been in conversations with Chairman RANGEL and others that have been involved in the effort to identify the offsets, and can report that they have made significant progress, that we have been able to, apparently, convince the Senate to jettison the extraneous items, and so now we're talking about $10 billion instead of $12.5 billion, which is a major accomplishment and victory, and we are getting very close to being able to resolve the differences in the offsets because, where we've been at is the House has put out one set of offsets and the Senate has put out another, and we're trying to reconcile that.

I also, last night, had discussions with the Secretary of Agriculture, Mr. GOODLATTE and others, asking that the Secretary and the White House be brought into this negotiation to help us finish up. And from what I can tell, there appears to be an effort to get that engaged. So I think we're very close to having this offset issue resolved, hopefully, in a way that will have the bipartisan support in this body, as well as in the other body, and also hopefully have the support, at the end of the day, of the White House.

And that is what Mr. GOODLATTE and I have been struggling to accomplish since last July. We've made a lot of progress. We're not there yet, but we feel we've made huge progress in the last few days, enough to warrant another 1-week extension of the farm bill so that we can finish up our work.

I want to commend Congressman GOODLATTE for his outstanding leadership in this effort, his outstanding leadership when he was chairman of the committee last session, and getting this farm bill process started. And I can tell you that, without a doubt, that we would not be at this point without him being willing to work with us and help us make some tough decisions to get to where we are. So I just appreciate very much he and his staff and the leadership that they've shown because, over in the House, what we're trying to do here is not only have a bill that we can be proud of, but also have a bill we can pass. And I think we're heading in that direction.

Madam Speaker, I urge passage of the bill.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of the temporary farm bill extension that will extend some provisions of the 2002 farm bill just a little while longer so that we may complete the work on this farm bill. I believe we've made good progress on coming to agreement on the funding which has been the biggest obstacle preventing any real movement on the completion of a farm bill to this point. While we're not there yet, I do believe we are getting close.

The House and Senate conferees have been meeting every day this week, and we intend to continue our work throughout the rest of the week. We are committed to putting together a reform-minded bill that we can bring before this body soon and earn the support of our Members here and in the other chamber, and then go on to the President for his approval.

We all recognize the need for a new farm bill. This process has already been delayed enough, and while it is a long time coming, we shouldn't halt the momentum that is finally getting this process moving to a positive direction.

I urge my colleagues to support this farm bill extension to give us a little more time to work out the rest of the funding issues and wrap up the policy differences so that we can produce a good farm bill.

I want to thank the chairman of the committee, Mr. PETERSON, for his kind words, and say that there is no doubt that no one, in this body or the other, I'll take the chance of saying that, has worked harder or longer in order to try to get to this point than Chairman PETERSON has. He has spoken to innumerable people in order to try to bring about the kind of consensus it takes to get here. He has been down many different avenues, and if one doesn't work, he comes back, starts over again and tries a different approach. And his persistence and his attention to the details in this farm bill and his knowledge of the wide range of issues that comprise the farm bill has enabled us to negotiate effectively with the Senate to negotiate effectively with Members in this body who have legitimate concerns that need to be addressed in the farm bill.

But with the limited resources and the differences of opinion that arise in any bill, particularly one of this complexity, he has done an outstanding job of listening to the concerns of many different people, and I am optimistic that we can move forward and reach a final farm bill to bring before this body and before the other body.

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

Mr. PETERSON of Minnesota. I thank Mr. GOODLATTE for his kind words. I would just make one final comment, that we are extending this bill for 1 week at this point because we feel that's sufficient time to come to resolution.

I do want to warn people that we fully expect to have these things wrapped up by the 25th in terms of having the policy differences in the Ag Committee and the funding differences resolved. But everybody needs to understand that after that, we're going to need an additional extension probably of 2 weeks in order, this is a very complex, huge bill. It's going to take us time to pull together to enroll to get passed through the House and the Senate and get to the President in time for him to read it before he signs it. So people can expect that we're going to have to have another couple of weeks after next Friday, provided we get everything resolved, which I expect we will.

Again I thank my good friend, the gentleman from Virginia (Mr. GOODLATTE), all the other people that have worked with us, and encourage my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 5813.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5813.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3221. An act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

PROVIDING FOR CONSIDERATION OF H.R. 5715, ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1107 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1107

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and contrilled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5715 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1045

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

Ms. CASTOR. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my colleague from the Rules Committee, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1107.

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

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 1107 provides for consideration of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order four amendments in the Rules Committee report, each of which is debatable for 10 minutes. The rule also provides one motion to recommit, with or without instructions.

Madam Speaker, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, and the underlying rule. Under this act, the Congress will ensure that low-interest student loans remain available for college students and their families even in the face of the credit crunch. In doing so, the Congress will build on the new commitment to college and university students and their hardworking families that this new Democratic majority has provided.

See, our action today comes on the heels of the historic College Cost Reduction and Access Act that was signed into law a few months ago that saves college students an average of $4,400 on student loan interest. We increased the Pell Grant, and we now will forgive student loans for students that commit to a 10-year career in public service.

This single largest investment in college financial assistance since the GI Bill in 1944 comes at no new cost to taxpayers. The new Congress promised to make college more affordable for all Americans, and we have delivered on that promise.

Our next step today is to ensure that families can continue to access the loans they need to pay for college. See, in today's economy, a college education is as important as a high school diploma was a generation ago. And with college costs growing by nearly 40 percent over the last 5 years, students are graduating from college with more debt than ever before. It is estimated that 200,000 students do not go to college every year because they simply cannot afford the costs. Well, our efforts today will restore the American dream for those families.

We know that many families across this great country are facing severe financial strains. The economic downturn, the cost of housing, the cost of health care, gas prices have hit our families especially hard. Middle class families are especially being squeezed in this unfortunate Bush economy.

In addition to these basic needs, the rising cost of a college education has left many families very concerned that a college education may not be within reach for their children. A recent press report noted that 70 percent of parents said that they are very concerned about how they're going to be able to afford the cost of a college education for their kids.

Families now are forced to pull from many different sources to pay for college and to simply make ends meet. They're drawing on their savings account, Federal loans, private loans, and the equity in their homes all at the same time to send their kids to college. And despite all of their hard work and the fact that they've set money aside, they're still unable to come up with the cost of tuition because these costs are rising. The costs of sending their child away to school or just down the street to the community college is simply out of reach for so many so they turn to the loans.

In 2007, families borrowed almost $60 billion in Federal student loans. Now, in this credit crunch, banks are tightening their loan requirements and raising rates. We want to make sure that families have access to the low-interest loans, that they remain available for these hardworking families so their kids can attend college.

Madam Speaker, this bill has a number of very significant improvements under our Federal college loan program. The best deal going in college loans these days is the Stafford loan. We are going to increase the annual loan limit for the Stafford loan by $2,000 for undergraduates and graduate students. These loans are the most affordable and available to students with the best interest rates.

Currently, there's a cap on the amount that a student can receive, so our legislation today will raise that cap. It increases the total loan limit, as well, over the course of a student's college education from $31,000 for dependent undergraduates to $57,500 for independent graduate students.

The other significant loan available to families these days is the Parent PLUS loan. The Parent PLUS loan, the primary benefit for the PLUS loan for parents is that they can borrow Federally guaranteed low-interest loans, not tied to the students, but that's a loan for the parents. The parents can borrow the total cost of undergraduate education including tuition, room and board, supplies, lab expenses, and travel, and other aids. It's a non-need-based loan. Well, we're going to give parents a little more flexibility under our actions today to pay off their PLUS loans.

Currently, those loans become due 60 days after the bill is sent to them. We're going to give them a little extra time and allow the student to complete their college education before that loan becomes due. We're going to help struggling homeowners pay for college because right now, it is not clear under the law that parents that are struggling with pending foreclosure or difficulty in paying their housing costs can also access the great PLUS loans to help their kids get through college. So we're going to allow for that today.

We're also going to give the Department of Education additional tools so that these, the cost of college and the access to student loans, remain available for America's hardworking families.

I would like to thank Chairman GEORGE MILLER of the Education and Labor Committee here in the House for his leadership on making sure that families continue to have access for student loans but for also being a champion for American families, colleges, and our entire educational system which is in better hands now that the Democrats are in charge here in the House.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, we've all heard about how the housing crisis is really creating a credit crisis as well. And the credit crisis is not limited to the mortgage industry but is spreading to the many sectors of our economy. And one sector that the credit crisis has hit hard is the student loan industry.

Companies that offer student loans are finding it difficult to have access to the capital needed to finance student loans. There's over $340 billion in outstanding Federal and non-Federal student loans currently funded through capital markets with another $130 billion waiting in the pipeline to be funded by the markets. Because of the current conditions, a good portion of that $130 billion may never make it through the process.

As a result of the credit situation, the difficulty in the credit market, 18 of the top 100 lenders have left the Federal Family Education Loan program, FFEL, while another 45 smaller lenders have suspended their participation or left the program. In total, those lenders account for about 12 percent of the total of Stafford and PLUS student loans. Another 11 lenders have left the non-Federal loan program.

So what does that instability in the credit markets mean for students and parents? Less competition and choice and higher costs through increased interest rates and reduction of repayment benefits and increased fees.

So the Congress should not stand by and let the credit crisis have a detrimental effect on student loan programs. Those programs open the door of higher education to millions of students. And that's why I'm very pleased that the Committee on Education and Labor has decided, in a bipartisan manner, to really try to prevent the credit market instability from producing a crisis in student loan programs. And the underlying legislation, called the Ensuring Continued Access to Student Loans Act of 2008, will help provide new protections and clarify those in current law that ensure students and families have continued access to Federal loans despite the challenges created by current conditions in the credit market.

Specifically, legislation will increase adding loan limits for unsubsidized Stafford loans by $2,000 for each year of undergraduate and graduate school and increase aggregate limits accordingly. It also permits the Secretary of Education to give an entire institution the authority to become a lender of last resort. This will ensure all students and parents will be eligible to receive lender-of-last-resort loans. The Secretary of Education will also be given temporary authority to negotiate with lenders to purchase new loans, thereby freeing up capital.

I think it's appropriate, and I am pleased to commend the chairman of the committee, Chairman MILLER, and also the ranking member, Mr. MCKEON, who have worked in a bipartisan fashion, very diligently, on this very important issue, and they are to be commended, as is the committee generally.

Although the Education and Labor Committee worked in a bipartisan manner to draft this important legislation, that bipartisan spirit did not make it past the doors of the Rules Committee. Yesterday, the majority in the Rules Committee hit a new record of 50 closed rules. They had the chance to offer an open rule today on the underlying legislation, but instead, by party-line vote, the majority voted against an open rule and also blocked a number of Republican amendments from being offered, including an amendment from the ranking member of the Education and Labor Committee, Mr. MCKEON.

So much for bipartisanship in the Rules Committee.

At this time I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank my colleague, the Member from Florida, and I also thank the chairman of the committee and the ranking member, Representative MILLER and Representative MCKEON.

This whole question of the affordability of higher education we know is a crushing burden on middle class families. And it has been made much worse, as many of the speakers have pointed out, by the credit crisis, innocent victims caught up in the consequences of credit-gone-wild in the

subprime mortgage. So I really appreciate, and I think all of us appreciate, the quick work of the committee to provide flexibility in financing that's going to be beneficial to working families across this country.

One of the questions that has been on the mind of many of us, I think, on both sides of the aisle, however, is whether or not when we go to the well and ask taxpayers to put more money into student aid, as we've done and as we should do, and when we make loan eligibility more generous so families pinch themselves in order to take on additional debt and students take on additional debt, the question we're starting to ask is whether or not that becomes a way in which institutions of higher education simply increase tuition. And then at the end of the day, you find that the families are increasing their debt load. Their kids are going to school, but they're graduating with a mountain of debt that's equal to the mortgage on the house that many of us, when we first bought our home, is equal to.

□ 1100

So Representative CASTLE had an idea, and I joined with him, to ask for the first time to get a study from the General Services Administration to see what connection exists between tuition going up as student aid, both grants and loans, increases.

I am pleased that the committee has seen fit to support this amendment that Congressman CASTLE and I are offering because we have to do two things if we're going to make college affordable: One is, we've got to make grants and loans available to our students and the families. But two, we really have to ask the institutions of higher education to do something on the cost side. And that's the intent of this amendment, to start getting information that will be available to us to consider whether enough is being done on the cost side.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my privilege to yield 5 minutes to my distinguished friend from Texas (Mr. SESSIONS).

Mr. SESSIONS. I appreciate the gentleman from Florida, my good friend on the Rules Committee.

Madam Speaker, today we walk in to the floor to hear question after question after question. And I admire the gentlewoman from Florida for asking these questions that she asks and posing the issues, the issues of our time, energy policy, tax policy, men and women who are hardworking Americans trying to pay their bills. And yet I would say the conclusion that came out, which I agree with, ''And this is why, thank goodness, we have a Democrat majority,'' the Democrat majority has now been in power for some 17 months, and yet we find the Democrat majority is simply coming to the floor asking questions, ''Oh, my gosh, what's happening?'' And the answer that I heard over and over was, we've got to make sure ''we,'' meaning the government, provide these low-cost loans. We've got to make sure that the government has all these things available for people.

The government should not be the answer to the problem. The answer should be that this Democrat majority needs to understand that they've got to accept responsibility that gas prices have gone up 60 percent since they have taken over, that it is their agenda that this country now operates under; that we have seen and we understood now through not just two budgets, but through the policy that is being enunciated all around this country on behalf of the Democrat Party of raising taxes and making sure that we have an economic policy that is not based upon trying to grow more jobs, but rather, about fairness.

We have seen the tax policy from this new Democrat majority of 17 months, raising taxes, going to double the capital gains tax. Well, Madam Speaker, what I would say to you is, no wonder we're in economic problems. Seventeen months ago, the people who planned for jobs in this country—that are called employers—have understood that they're going to pay higher taxes. We already have the second highest corporate tax rate in the world, but now we're going to tax investors.

So the tax policy is very plain and simple. The tax policy is that we are going to bleed, soak investors for more money so that the government can get the money so that we can then do more from the government perspective. Well, Madam Speaker, I would have to say to you, this could be the death of the free enterprise system. When you tax people, they make decisions. And when you tax something, you get less of it. In this case, we are now seeing economic downturn. We are now seeing dollars that are investment dollars, rather than coming to the United States, they're going overseas. The tax policy does have an impact on the economic viability of this country.

Secondly, the energy policy. We have seen the answer from the Speaker. Speaker PELOSI put forth an energy bill that was really pretty good, but it had nothing to do with supply side. The supply of energy, of gasoline is what America needs today. And so we passed this big energy bill, and we see prices continuing to rise. We're told we're supposed to make this transition to this green environment, and all the jobs that will come as a result of that. But, in fact, what will happen is we will lose the jobs that we have today and wait for that to come.

Madam Speaker, we're almost to the point where a majority of the gasoline is no longer oil, it's gasoline, because the jobs that produce the oil to gasoline are overseas because we don't want those jobs in this country. Dubai is being built and has flourished as a result of Democratic Party policies. The money from American consumers are building Dubai. Since 1995, the Republican Party, in trying to work with President Clinton, we said, let us supply more energy here. What do we do? We get a veto.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 3 additional minutes to the gentleman from Texas.

Mr. SESSIONS. So, Madam Speaker, today we come to the floor now worried about college students and families trying to pay for college expenses, and what we get is question after question after question. This majority is not prepared, in my opinion, to deal with the things that will produce jobs, which will produce the ability for people to have money in their pocket to pay for their education. And that comes from the policies of tax and spend of the Democratic Party, where they are not in favor of a tax policy for investors to invest in America, but rather, for investors to pay an incredible increase in taxes to Uncle Sam. So what happens is that America no longer can look up and say we are the beacon of freedom, we are producing jobs.

The production of new jobs means that the free enterprise system is alive and well, which means that we don't have to come to government for our needs. It is the policy of the Democratic Party and of our Speaker to tax and spend America to the highest level in the history of our country and it is the policy of this House not to have supply side for our energy. And without a supply side, without a tax policy that allows investment dollars to be here, we will continue to see this Democrat majority come and ask questions and lament about all the problems that lie ahead of us, and we will continue to hear ''and government is the answer.''

Madam Speaker, I would suggest to you that the answer would be: The free enterprise system, lowering taxes, a supply side policy that helps get more energy available to consumers, and one where government is the backstop and not the first answer.

I will end by saying this: Without employers, we will not have employees, and that should be a challenge to the Democrat majority.

Ms. CASTOR. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding. And I thank the Rules Committee for bringing this rule to the floor that will enable us to consider the Continued Access to Student Loans Act to help families and students who are struggling to pay for the cost of education.

One of the more successful programs in this country has been the system of student loans that we provide under Federal guarantees to families and to students to pay for those educations. That program now has been caught up

in the decline and the seizing of the American credit markets, and therefore, we're worried that there will not be loans available to families and students who are applying for school this coming fall.

As a result of that, we have been working with the Secretary of Education and with the entire committee on the Republican side and the Democratic side of the aisle to make sure that we have in place a number of provisions that will allow, if necessary, the Federal Government to step in and assure those families that they will have access to those loans so they will not have to miss classes that they need, miss a semester that they need, and compound their problems by extending the time that they will have to remain in college before they graduate.

We have been meeting with the traditional lending community within the student loan community, and many of them have told us that they expect to participate in the student loans for the coming year, but they also believe that there will be a gap, that the supply of those loans will not meet the demands because of the seizing of the credit market, that the credit markets have failed to function over the last many weeks not only for student loans, but for the municipal bond market, for various joint agencies of the government that have very high credit ratings.

In the case of student loans, these are government-backed loans, but the markets are not purchasing the old loans as they were in the past. For that reason, we are seeking to activate and have on standby authority the lender of last resort authority that the Secretary of Education has under current law where if, in fact, the money is not available for those loans, she will be able to go to the Secretary of Treasury and make a demand to fund those loans.

There will also be available the direct lending program that currently exists. Many universities and students use that program today. We have been talking with them and making sure that they would be able to expand the capacity. Should the universities decide to direct a number of the students to the direct lending program, they have assured us they that could clearly double their capacity and in a short time be able to go beyond that.

So we have the lender of last resort program in place because there is not enough money in the banks to provide for student loans. We have the direct lending program in place for those who choose to go there so they can keep their eligibility for school.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. CASTOR. I yield the gentleman an additional 2 minutes.

Mr. GEORGE MILLER of California. And then we also, in this legislation, provide for the Secretary to purchase existing loans from those lenders so that they can recapitalize their liquidity situation and be able to make new loans to students and to families seeking those loans.

Those three tools should, in fact, provide a seamless system so if the private credit markets fail to provide the necessary resources, or the credit markets fail to provide the liquidity that's necessary, we will be able to stand in their place for a temporary period of time until the credit markets sort it out.

We also make provisions in this legislation to increase the amount of money that undergraduates can borrow in the program so that those students who have been using the private loan markets, which are in complete shambles, will be able to increase the amount of money that they may need to borrow for tuition and for school expenses and be able to continue their education.

I also want to acknowledge the fact that we've made provisions in here so that temporary problems that families may be having with home payments or with health care payments, those would be considered as exigent circumstances so that they can continue to be eligible for the loans under the government guaranteed program. Ms. CASTOR will be offering that amendment. And the gentleman from Vermont will be offering an amendment to really look at this link between increased tuition and increased resources made available to students.

This is an important package. It's a timely package. We hope that it won't be necessary to be used, but we need to have it in place so that we can backstop the failures of the credit market that are currently existing as an outflow of the subprime mortgage problem that is affecting the entire economy of this country and many other countries around the world.

I would urge my colleagues to support this legislation. Again, I want to thank the Rules Committee for recommending this bill to the floor.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, yesterday was a day commonly known as ''Tax Day,'' a day that millions of Americans headed down to their local post office to send their hard-earned money to the Federal Government. It's not to be confused with Tax Freedom Day, which the Tax Freedom Foundation has defined the day on which the average American has finally earned enough to pay this year's tax obligations to the Federal, State and local governments, which unfortunately will not arrive this year until next week, April 23.

□ 1115

In recognition of those two important days on every taxpayer's calendar, today I will be asking my colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider H.R. 2734, a bill offered by my friend the gentleman from Michigan (Mr. WALBERG). That legislation would repeal the sunset date of the 2001 Economic Growth and Tax Relief Reconciliation Act and make the tax reductions enacted by that law permanent. I'll say it again. It means that we will make the tax cuts permanent to make certain that all American taxpayers will not have to pay an increase in taxes.

So I will provide Members the opportunity to make those tax cuts permanent and to make certain that our Tax Code encourages economic growth and job creation. It also repeals the termination date for provisions of the 2003 Jobs and Growth Tax Relief Reconciliation Act, reducing income tax rates on dividends and capital gains. It amends the Internal Revenue Code to make permanent the tax deduction for State and local sales taxes, which is particularly important in States such as Florida that I'm honored to represent. It also includes a tax deduction for tuition and related expenses, the increased expensing allowance for small business assets and related provisions, and the tax credit for increasing research activities.

In summary, Madam Speaker, what it will do is to maintain, in a time of economic uncertainty, the ability for the Nation's economy to continue to create jobs and compete globally. On the other hand, if Members are for tax increases, if they want taxpayers to pay more in taxes, then they will simply vote with the majority.

Finally, it expresses the sense of the House of Representatives and the Committee on Ways and Means that they should report legislation on or before the end of the year to simplify the Federal income tax system.

Madam Speaker, I can think of no more fitting action for Congress during the week between Tax Day and Tax Freedom Day to provide this kind of certainty to the American taxpayer.

By voting ''no'' on the previous question, Members will not be voting to kill or delay the underlying student loan legislation. They will simply be voting to provide tax relief to Americans.

I encourage all of my colleagues on both sides of the aisle to vote ''no'' on the previous question on behalf of taxpayers who wish to continue economic growth.

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

Ms. CASTOR. Madam Speaker, today the Congress will build on the new commitment to college and university students and their hardworking families that this new Democratic majority in the Congress has provided. Our efforts to ensure continued access to low-cost student loans for families comes on the heels of the historic College Cost Reduction and Access Act that was signed into law a few months ago that will save college students an average of $4,400 on student loan interest, will increase the Pell Grant, and will forgive loans for those who provide 10 years of public service to their community.

This is the single largest investment in college financial assistance since the

GI Bill in 1944 and comes at no new cost to taxpayers. The new Congress promised to make college more affordable for all Americans, and we have delivered on that promise.

Our next step today is to ensure that families can continue to access the loans they need to pay for college. And let me provide you with one example from my hometown in Tampa, Florida: a student at the University of South Florida, a large public university of over 40,000 students. This student is a communications major and is one semester away from graduation. But she has reached her loan limit. She can't access that Stafford Loan that provides the lowest interest rate available out there. She is the first in her family to ever attend college. She only lacks 11 credit hours to graduate, and she plans to graduate this summer, but she has been forced to apply for a higher interest rate, private loan, to cover the expenses of her summer tuition. Well, this legislation is ready-made for her and thousands of other students across America and their families. It gives them that extra-added flexibility to be able to put the money to good use and graduate on time rather than end up paying higher loans and interest rates.

You see, Madam Speaker, we're not just Members of Congress. We are also parents ourselves. And we are also concerned about the increasing cost of college, especially given the fact that college costs have been increasing more rapidly than available grant and financial aid, Federal loans, and families' ability to pay. Well, our efforts today will restore the American Dream for many families. And we know and appreciate that many families are facing extreme financial strains. The economic downturn, the cost of housing, the cost of health care, gas prices have hit our families hard. Families are really being squeezed in this unfortunate Bush economy.

But there is a reason to hope because we will continue to fight for a new direction for our country, a direction that values access to education, values better jobs, and values an opportunity for all Americans.

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

Mr. MCKEON. Madam Speaker, this rule will allow consideration of a bill that takes a critical first step in addressing disturbances in the student loan financial markets brought on by broader market turmoil.

We've all read the headlines and spoken with our constituents about this difficult economy. Our economic confidence has been shaken, and people are nervous. But what may be overlooked is that students and families thinking about how to pay for college are in a particular bind.

It's hard enough to pay for college when tuition regularly rises at two or three times the rate of inflation and textbooks can run close to $1,000 each year. Add to that the idea that lenders are scaling back on student loans, and it's easy to see why Americans are nervous about paying for college.

Like most challenges to our economy, there's no easy answer to the difficulties in our student loan programs. We will need a combination of actions—maybe some legislatively, others through regulation—that will increase liquidity and restore confidence among investors and consumers.

This bill is a first step, and one that deserves bipartisan support. It signals our commitment to a strong Federal Family Education Loan program, and should help ease the minds of students and families. And it does these things without a cost to the taxpayer.

Madam Speaker, I am disappointed that the bill is not being brought up under an open rule. H.R. 5715 was developed on a bipartisan basis, and is stronger because of it. The idea that members will not be permitted to collaborate on this effort to protect college students and their families is disappointing, if not surprising given the track record of the 110th Congress.

I will oppose this rule because it limits the full participation of all members. But I will strongly support the underlying measure, H.R. 5715, when it is brought to the floor and I urge all my colleagues to join me in telling students and families that we are committed to college access.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1107, the Rule providing for consideration of H.R. 5715, ''Ensuring Continued Access to Student Loans Act of 2008.''

Every generation sets out to improve upon the previous generation. We teach our children that if they focus, are responsible, and work hard they can be anything. Yet we have provided a false truth for the majority of our children. Rising tuitions in higher education even at our community colleges are keeping a lot of our youth from attending college. For those that are able to attend, they are burdened by extensive loans just to buy books, attend class, and maintain housing.

Families are sending their children to school, trying to qualify for parent loans and wondering how they are going to make the payments when they are struggling to pay their mortgage and facing their own issues with possible unemployment.

In my home State of Texas, families are struggling to assist children with their education while they face an unemployment rate of 4.3 percent across the State. As of the end of last year, Texas was ranked as having the 20th highest unemployment rate (out of the 50 States). And we are not alone as States grapple with unemployment and a falling housing market.

H.R. 5715, ''Ensuring Continued Access to Student Loans Act,'' provides much needed support to our families in a time when they most need it by specifically addressing the needs of parents, students, and even lenders. The Student Loans Act would:

INCREASE UNSUBSIDIZED LOAN LIMITS FOR STUDENTS

This bill will increase unsubsidized loan limits by $2,000 for each year of undergraduate and graduate school. It also increases the aggregate loan limits to $31,000 for dependent undergraduates and $57,500 for independent undergraduate students.

DELAY REPAYMENT OF PARENT PLUS LOANS

Currently PLUS loan borrowers—parents—go into repayment 60 days after disbursement of the loan. This bill would give families an option of not entering repayment for up to 6 months after a student leaves school.

PLUS LOAN ELIGIBILITY FOR STRUGGLING HOMEOWNERS

Under current law, parents with an adverse credit history are ineligible to receive a parent PLUS loan, except under extenuating circumstances. In light of the current housing market, the bill temporarily qualifies up to 180 day delinquency on home mortgages as an extenuating circumstance, therefore making it more possible for parents struggling with the current housing market to secure loans for their children.

LENDER OF LAST RESORT FLEXIBILITY

The bill makes clear in statute that the Secretary of Education has the mandatory authority to advance Federal funds to Guaranty Agencies in the case that they do not have sufficient capital. Further, the bill allows a Guaranty Agency to designate a school (rather than an individual student) as a ''lender of last resort school,'' in accordance with guidelines set by the Secretary.

AUTHORITY FOR THE SECRETARY OF EDUCATION TO PURCHASE FFEL LOAN ASSETS

The bill gives the Secretary the temporary authority, upon a determination that there is inadequate availability to meet demand for loans, to purchase loans from FFEL lenders. Such purchases could only be made in the case they are revenue-neutral or beneficial to the Federal Government.

FEDERAL INSTITUTIONS' PARTICIPATION

The bill includes a Sense of the Congress that the Federal Financial Institutions and entities (including the Federal Financing Bank, the Federal Home Loan Banks, and the Federal Reserve) should consider using, in consultation with the Secretaries of Education and the Treasury, available authorities, if needed, to assist in ensuring continued student loan access.

CONCLUSION

I urge my colleagues to support this Rule, so that we can come to floor and discuss the Continued Access to Student Loans Act. I remind my colleagues that many of their own employees, right in the Capitol, are affected by this bill. Let's support education by allowing for greater flexibility, eligibility, and participation for students and their families.

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

AMENDMENT TO H. RES. 1107 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 2734) to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) an amendment in the nature of a substitute if offered by Representative Rangel of New York, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1103 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1103

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2634 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks on House Resolution 1103.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, House Resolution 1103 provides for consideration of H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule also makes in order four amendments printed in the Rules Committee report, each of which is debatable for 10 minutes. The rule provides for one motion to recommit, with or without instructions.

Madam Speaker, structured, responsible debt relief has been proven to be one of the most effective methods of fighting global poverty. In 1996 the World Bank and the IMF, the International Monetary Fund, developed the Heavily Indebted Poor Countries, or HIPC, Initiative to provide debt relief to the world's most impoverished nations. The 28 countries that participated in this program have been spending the debt relief on good things in their country for the very poor people, on education and health. In the first 10 years of the program, the IMF and the World Bank provided $62 billion of debt relief, cutting the countries' debt by an average of two-thirds.

The results speak for themselves. The participating countries now spend four times as much on health, education, and social services as they do on paying back debt. Tanzania, for instance, has used its money from debt cancellation to eliminate school fees for elementary school education. Think about it. The poorest countries, their kids were having to pay fees to go to elementary school, something that's not even required here, while Zambia eliminated fees for health care in rural areas. Multilateral efforts in Niger reduced debt from 76 percent of their

gross domestic product, and think about that, 76 percent of the gross domestic product was used in debt relief, in 2002 to 14 percent in 2006. With that savings Niger has been able to make investments in health and education. They've reduced the infant mortality rate, cut it in half. Primary school completion has increased from 16 to 28 percent, and access to drinkable water increased from 40 percent for the people in Niger to 69 percent.

The bill that this rule will bring to the floor today will build on this record of quantifiable success to expand efforts to reduce the debts owed by impoverished nations. This legislation makes debt forgiveness immediately possible for nine countries that meet the standards of the Jubilee Act. This is not a giveaway program.

□ 1130

These nations are among the poorest in the world with per capita incomes of less than $3 a day, $1,065 a year. Countries initially eligible under this legislation for debt relief would include Cape Verde, Georgia, Kenya, Mongolia and Vietnam.

But as I mentioned, the Jubilee Act does not give countries that borrowed money a free ride with debt forgiveness. It includes strict parameters to ensure that the participating countries: one, have transparent and effective budget processes; two, do not support terrorism; three, cooperate in international counternarcotic efforts; and, four, uphold human rights standards.

In addition, funds made available as a result of loan forgiveness must be directed toward antipoverty programs, and countries must publish an annual report to be accountable on how those funds were spent.

These criteria ensure the loan forgiveness funds are used wisely and well. They provide an incentive for noneligible countries to reduce corruption and improve human rights practices so they may, one day, become eligible for debt forgiveness.

Fifteen additional countries, including Bangladesh, Nigeria and Zimbabwe would be eligible for debt cancellation upon making required reforms.

This is the brand of leadership that America needs more of where we are doing our share, but we are working with our allies and where we are using the incentive of debt forgiveness. Many of these debts, incidentally, were taken by kleptocrats who formerly ruled in these countries, and now these countries are trying to free themselves of the yoke of this terrible leadership. This debt forgiveness program allows us, working with our allies, the IMF and the World Bank, to give them a boost.

Finally, Madam Speaker, it must be noted that because the international financial institutions like the World Bank and the IMF are expected to pay the bulk of the debt relief, the tremendous improvements that can be achieved under this bill come at a very reasonable cost to the U.S. taxpayer.

The cost of America canceling bilateral debt for the countries initially eligible is estimated to be $197 million. That is less than what we spend for 14 hours in Iraq, just to put it in perspective. However, this bill does not actually authorize any debt cancellation. It authorizes the Secretary of the Treasury to enter into negotiations to cancel debt. Any debt cancellation agreement reached by the Secretary returns to Congress for our approval. In fact, the Congressional Budget Office has scored this legislation at no cost to the taxpayers.

Debt reduction has been proven to be one of the most effective, both cost effective and socially effective, ways to achieve significant reductions in global poverty.

I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank my friend, the gentleman from Vermont, for the time that he is yielding me to discuss H.R. 2634, the Responsible Lending and Expanded Debt Collection Cancellation Act of 2007. This legislation follows on the heels of legislation passed just 2 weeks ago providing aid to mostly African and Caribbean countries to fight AIDS and promote development programs in underdeveloped countries, including programs to improve food, water, the treatment of other infectious diseases, poverty alleviation programs, microcredit, schools and teachers, legal aid, agricultural assistance and biomedical research.

Today's legislation would follow up on this enormous prior financial commitment by further reducing or eliminating the debt obligations of the world's poorest nations. It attempts to accomplish this goal by creating a framework to having the debts of low-income countries owed to the United States and to international financial institutions eliminated.

To do this, this bill authorizes the Secretary of the Treasury to negotiate the full cancellation of these countries' debts with the Paris Club, the IMF, and the World Bank, and to reach agreements on future creditor transparency and responsible lending.

It improves oversight by ensuring that countries receiving this debt relief have economies that are capable of redirecting their debt services payments, and requires a GAO audit of countries where illegal loans may have been made. Finally, it includes a sense of Congress that the U.S. should pay off $600 million worth of arrears to multilateral development banks.

Madam Speaker, no one in this body disputes the worthiness of this goal that is enshrined within this legislation. The reduction of global poverty and suffering around the world is a laudable goal, and it is certainly in our national interests to combat conditions that may breed the hopelessness and poverty that allows dictators and terrorists to thrive.

So it is doubtlessly important that the most heavily indebted poor countries be relieved of these kinds of crushing debt that prevents their future development, self-sufficiency and the improvement of their citizens' lives.

This policy should be implemented, along with other policies that increase public sector investment and decrease the barriers to trade with these countries, as well as ensuring that the countries eligible for this relief do not encourage terrorist activities or abuse human rights.

I am surprised, however, that Speaker PELOSI didn't see the irony in scheduling this step forward for developing nations on the first legislative week after handing them a serious defeat by turning off the fast track authority for the Colombia Free Trade Agreement. In other words, here we're trying to help poor countries and now the decision is made that we won't engage in trade with them that would help their countries also grow economically free.

While giving the most heavily indebted countries relief from crushing and unserviceable debt is necessary to increase their future development, it is simply not sufficient. The economies of these countries must be more integrated with the rest of the globe to provide their citizens with real choices and development alternatives for their future, and increased trade with America is a great way of accomplishing this.

So while I appreciate the Financial Services Committee's efforts on the issue of improving conditions for the world's poorest countries, I remind my colleagues that development does not occur in a vacuum, and that by postponing the Colombia Free Trade Agreement, we have effectively told all of these countries, people who should be our friends and we should be concerned about more than just their debt, but about their economic viability, we've said that Congress is less concerned about promoting trade with them and growing their economies than it is with complying with the demands of labor union bosses in an election year.

I encourage the Democrat leadership to take a long-term and more holistic view of global poverty, recognizing that these cycles of abject poverty cannot be broken without creating the conditions that encourage private sector investment, such as respect for contracts and rule of law and that it also encourages international trade.

Madam Speaker, I believe that a broader policy of understanding poverty and the United States' role in helping to make our world better would include trade and would include encouraging the private markets around the world.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr.

FRANK), the chairman of the Financial Services Committee.

Mr. FRANK of Massachusetts. Madam Speaker, I am pleased that we appear to have a very broad consensus in favor of this. My friend from Texas is right. There is no one single answer to the problems of poverty. But I am pleased that we have agreement that this is an important part of it.

We have some history here that argues for this bill. In the year, I think it was 2000, we in this House passed a bill on the floor over some objection from the administration at the time, the Clinton administration, and from some of the House leadership. But we passed a bill to begin the process known as the HIPC, the heavily indebted poor country debt relief, and it has worked very well. And for those who think that these enterprises are doomed to failure, we can point to many successes in HIPC. And we did this in a way so that countries that had not lived up to what should have been their part of the bargain didn't get the benefit.

The time has now come to do this again. And if this is done right, relieving countries of debt—debt that was often incurred by prior undemocratic and repressive regimes, and they will be primarily African but not entirely—relieving these countries of debt does as much to promote education and reduce poverty as anything else we can do.

I think it is particularly noteworthy on this day when His Holiness the Pope is in our city that we received a letter from the Most Reverend Thomas G. Wenski, the Bishop of Orlando, who is chairman of the Committee on International Policy of the United States Conference of Catholic Bishops. He strongly supports the bill, and I ask that that be introduced into the RECORD now, along with a letter from the Jubilee Coalition, the Jubilee Network, many religious and civic organizations, and the NAACP.

COMMITTEE ON INTERNATIONAL JUSTICE AND PEACE; DEPARTMENT OF JUSTICE, PEACE AND HUMAN DEVELOPMENT, U.S. CONFERENCE OF CATHOLIC BISHOPS,

Washington, DC, April 9, 2008.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: As Chairman of the Committee on International Policy of the United States Conference of Catholic Bishops (USCCB), I urge you to support the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007 (HR 2634).

Inspired by the call of our late, beloved Pope John Paul II, USCCB has long been a strong advocate of lifting the heavy burden of debt from the backs of millions of people living in the world's poorest countries. As Pope Benedict XVI makes his first Apostolic Visit to the United States, it is fitting that Congress show support for this important initiative that would help alleviate the debt burden of some of our poorest brothers and sisters around the world.

As you know, since 1999 major new debt relief initiatives have been adopted by the international community. These initiatives have resulted in the reduction of the debt of 22 poor countries by over $60 billion. Another 19 countries are receiving, or are potentially eligible to receive, billions more in debt cancellation. These reductions are freeing up substantial funds each year for expenditures in education, health and other investments essential for improving the lives of poor people.

Despite this progress, a substantial number of needy countries are not eligible for the existing debt relief initiatives. HR 2634 represents a major new step towards correcting this deficiency and making debt cancellation a reality for virtually all very poor countries that have participatory processes and financial management systems sufficient to assure that debt cancellation savings will be used to benefit the poor. We urge you to complete the unfinished business of poor country debt relief and support HR 2634.

Sincerely yours,

THOMAS G. WENSKI,
Bishop of Orlando,
Chairman.

SEPTEMBER 4, 2007.

DEAR MEMBER OF CONGRESS: As organizations committed to ending global poverty, we write to urge you to co-sponsor the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007 (H.R. 2634). The Jubilee Act safeguards the gains made by debt cancellation to date and expands eligibility for cancellation to countries that need it to meet the Millennium Development Goals (MDGs).

Debt cancellation is a proven way to reduce poverty. The debt cancellation supported by Congress in 1999 and 2005 has reached more than two dozen countries in Africa and Latin America. This year, Zambia is using its savings of $23.8 million on agricultural projects and to eliminate fees for health care in rural areas. Uganda is using the $57.9 million freed by debt cancellation to increase spending on primary education, malaria control, health care and infrastructure.

But significant challenges remain. First, the IMF and World Bank continue to urge impoverished nations to adopt policies including privatization of essential services and liberalization of trade in sensitive sectors in exchange for debt cancellation or new aid, the net effect of which can be to limit spending on public services. Today, IMF/World Bank conditions are holding up much needed debt cancellation for eligible countries including Haiti, the Democratic Republic of Congo, and Liberia. These economic conditions are undermining the benefits of debt cancellation and hurting the poor; the Jubilee Act would prohibit them. Second, rogue lenders and so-called ''vulture funds'' threaten to compromise the benefits of debt cancellation. The Jubilee Act requires the Secretary of the Treasury to curtail the activity of vulture funds.

2007 marks the half way point to the MDGs, but we are far from halfway to meeting the goals, especially in Africa. Debt cancellation should be expanded to include countries that need it to meet the MDGs and to fight HIV/AIDS and other diseases. The Jubilee Act would make up to 27 additional low-income countries eligible for debt cancellation by the United States, the World Bank, and the International Monetary Fund provided that they demonstrate their ability to use the money to fight poverty and provide an annual report detailing the use of funds on poverty reduction.

In order to learn from past errors and ensure more responsible lending, we must address the problem of odious and unjust debts (debts accrued by undemocratic regimes or that did not benefit the population). The Jubilee Act does this by requiring the Comptroller General of the US to undertake audits of debt portfolios of previous regimes in countries such as the Democratic Republic of Congo and South Africa, where there is accepted evidence of odious loans.

In order to prevent a continual and wasteful debt/forgiveness cycle, it is essential to establish a framework for responsible and transparent lending in the future. The Jubilee Act calls for the development of responsible financing standards where creditors and aid/loan recipients alike adhere to standards to assure transparency and accountability to citizens, human rights, and the avoidance of odious debt, while encouraging the development of renewable energy and a transition away from dependence on oil.

The U.S. can lead the way to completing the good work already begun on debt cancellation. We urge you to cosponsor H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007.

Sincerely,
ActionAid International USA.
AFL–CIO.
Africa Action.
Ainsworth United Church of Christ, Portland, Oregon.
Alliance for Global Justice.
American Friends Service Committee.
American Jewish World Service.
Americans for Informed Democracy.
Bread for the World.
Capuchin Franciscans, Midwest Province.
The Capuchin Province of Mid-America.
Center of Concern.
Church World Service.
Citizens for Global Solutions.
Conference of Major Superiors of Men.
DATA—Debt AIDS Trade Africa.
The Episcopal Church.
Essential Action.
Evangelical Lutheran Church in America.
Friends of the Earth US.
Gender Action.
Institute for Justice and Democracy in Haiti.
Jubilee Justice Task Force of the United Church of Christ.
Jubilee National Capital Area.
Jubilee Northwest Coalition, Seattle, Washington.
Jubilee San Diego.
Jubilee USA Network.
Justice, Peace & Integrity of Creation Office of the Wheaton Franciscans.
Marianists International.
Maryknoll Office for Global Concerns.
Medical Mission Sisters' Alliance for Justice.
Mennonite Central Committee.
Metanoia Peace Community United Methodist Church, Portland, Oregon.
Missionary Oblates of Mary Immaculate, Justice, Peace/Integrity of Creation Office.
Missionary Society of St. Columban (US Region).
National Association for the Advancement of Colored People (NAACP).
Nicaragua Network.
Oil Change International.
The ONE Campaign.
Oxfam America.
Pax Christi USA: National Catholic Peace Movement.
Presbyterian Church, (USA), Washington Office.
Priority Africa Network.
RESULTS.
SHALOM Network, Dallas Unit of the School Sisters of Notre Dame.
School Sisters of Notre Dame, Mankato Province.
School Sisters of Notre Dame-St. Louis Mission Effectiveness Office.
Sisters of the Holy Cross, Notre Dame, IN.
Sojourners/Call to Renewal.
South Bay Jubilee Coalition.
St. Francis Xavier Jubilee parish, Missoula, MT.

TransAfrica Forum.
Union for Reform Judaism.
Unitarian Universalist Association of Congregations.
United Church of Christ, Justice and Witness Ministries.
United Methodist Church, General Board of Church and Society.
Washington Office on Africa.
Witness for Peace.
Women's Edge.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, April 14, 2008.

Re Support for the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act of 2007, H.R. 2634.

Members,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I strongly urge you to support legislation to address the debilitating debt that many countries throughout the world face. While debt is often a necessary tool used for a plethora of economic reasons, unmanageable debt can cripple a country, preventing it from meeting the most basic human needs of its people. Specifically, I urge you to support H.R. 2634, the Jubilee Act, when it comes before you on the floor of the House tomorrow.

As a signatory to the Millennium Development Goals, the U.S. is charged with helping to alleviate poverty as well as promote education and health throughout the world. H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007, would make great strides in freeing resources to achieve these goals through the forgiveness of debts. This crucial piece of legislation would help ease the overwhelming debt burden many countries face while making available funds for these nations to use to provide their citizens with vital resources and services. For example, in countries such as Burundi, Ghana, Honduras, Tanzania and Zambia, money saved from debt relief has been used to improve infrastructure, education, and health care and to increase access to daily necessities of life such as food and clean drinking water.

While these reports are certainly encouraging, more needs to be done. For example, in Sub-Saharan Africa, the approximate number of people living on less than a dollar a day has actually increased since 1990. If current trends are not reversed, Africa will be the only region in the world where there will be more poor people in 2015 than in 1990.

Thank you in advance for your attention to the NAACP position. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463–2940.

Sincerely,

HILARY O. SHELTON,
Director.

Helping countries reduce the debt is a very effective way of giving them the tools to go forward with development.

One other important point here. We have been plagued in the past by the international financial community and the judgment of many of us, liberal, conservative, Democrat and Republican, unduly injecting itself into the decisions in particular countries. Democratic societies should not be told from the outside what the water rate should be, what the tax structure should be and what education fees should be. And very often in the past, these had a very negative effect from the standpoint of poverty alleviation.

Unanimously out of our committee, this bill includes a restriction on what is called conditionality of that sort. There will be no possibility of using debt relief as a lever for outsiders to impose on these Democratic societies choices that ought to be made within their society. We do say that the donors, and these are both the individual countries and the international financial institutions, should insist on a variety of procedural safeguards of democracy, of openness and negotiating with the minority.

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

Mr. WELCH of Vermont. I yield the gentleman 1 additional minute.

Mr. FRANK of Massachusetts. We have said that from the standpoint of the U.S., in order to be eligible for our help, they will have to cooperate with us against human trafficking, against terrorism and against illegal immigration. Those are the kind of conditions that is appropriate to impose.

Finally, we should note that this bill obviously does not, as it cannot itself, accomplish debt relief. It is a mandate to the United States executive branch to begin negotiations. And these negotiations must be multilateral, because we do not want to see America give debt relief when other countries don't do it and that nullifies the effect. And we also want to press the international financial institutions to do it using our influence there.

Today, we take a step widely hailed by particularly those who are concerned with the alleviation of poverty in other parts of the world. We take the step that does more than any other single step to reach that goal.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has again expired.

Mr. WELCH of Vermont. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. We have had a problem in the world of economic growth occurring in ways that shut out a great majority of the people in various countries from the benefit. We need a coordinated strategy so that we can have growth, but we can have growth in an equitable way. Debt relief is an essential part of that overall strategy.

I thank the gentleman.

Mr. SESSIONS. Madam Speaker, if I could inquire of my friend of any remaining speakers that he has.

Mr. WELCH of Vermont. I am the last speaker on our side.

Mr. SESSIONS. I thank the gentleman very much.

The SPEAKER pro tempore. The gentleman from Texas is recognized to close.

Mr. SESSIONS. Madam Speaker, I would like to put into the RECORD a statement of administrative policy from the White House on this bill.

STATEMENT OF ADMINISTRATION POLICY, H.R. 2634—JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

(Rep. Waters (D) CA and 104 cosponsors.)

The Administration has provided strong international leadership on debt relief for the world's most heavily-indebted poor countries. Ongoing debt relief initiatives, including the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative and the Multilateral Debt Relief Initiative (MDRI), are expected to provide over $100 billion in debt reduction to 32 countries and another eight countries could eventually qualify under these initiatives. To ensure that gains from debt relief are available for the long term, the Administration led efforts in the multilateral development banks to use a debt sustainability framework to determine the appropriate mix of grants and lending. While the Administration believes the goals of this bill are laudable, the Administration does not support H.R 2634 for the reasons stated below.

The countries to be covered by the bill are managing their debt, and some of the countries that would be covered by this bill are now actively working towards expanded access to international capital markets. Providing debt relief to countries that can service their debt sends the wrong message, and undermines efforts to assist countries in developing sound debt management practices that will allow them to transition gradually toward access to private capital markets.

Any debt relief should be conditioned on the adoption of policies that promote sound economic practices. Policy conditionality is important and often necessary to ensure that debt relief is used in a manner that will promote economic growth and provide real benefits to the poor.

The budget impact of such a program would be significant, and would require trade-offs that could affect key foreign policy priorities. The Treasury Department estimates that the budget cost to forgive the $2.5 billion in nominal debt (including loan guarantees) owed to the United States by countries that do not currently qualify under the HIPC Initiative would be approximately $1 billion. This cost estimate assumes that all potentially eligible International Development Association countries would qualify for debt relief in FY 2008 and would change depending on the year that each country qualifies. These countries also owe the World Bank and IMF over $32 billion in nominal debt, in addition to other bilateral and multilateral debts. While the bill calls for international financial institutions to fund debt relief from internal resources, the availability of such resources is very likely to be limited, as recently demonstrated by the requirements for donor funding of the MDRI. Any additional debt relief from the international financial institutions is therefore likely to require substantial additional contributions from the U.S., in addition to the estimated $1 billion cost of the bilateral debt relief portion of the proposal. Rather than embarking on expanded debt relief, the United States must focus on fulfilling its current commitments.

The Responsible Lending Framework described by the bill could also hinder access by poor countries to private capital. The bill calls for the creation of a binding international legal framework for lending by all multilateral, bilateral, and private creditors. While we recognize the goals underlying such a framework—to encourage sustainable lending and borrowing levels—the prospects for such an agreement are doubtful. Given the wide range of international creditors, creation of such a framework would be very difficult and enforcement would be nearly impossible. Finally, the threat of sanctions

based on such a framework would likely discourage legitimate creditors from lending to poor countries, further reducing these countries' access to financial markets.

Finally, H.R. 2634 contains several provisions raising constitutional concerns by purporting to limit the President's ability to conduct the Nation's foreign affairs.

Madam Speaker, as every American taxpayer is acutely aware, yesterday was Tax Day, or the final day for individuals and families to file taxes without incurring financial penalties. This is not to be confused with Tax Freedom Day, which the Tax Freedom Foundation has defined as the day on which the average American has finally earned enough money to pay this year's tax obligations at the federal, State and local level, which won't arrive this year until next week on April 23.

□ 1145

In recognition of these two important days on every taxpayer's calendar, today I will be asking each of my colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make in order for the House to consider H.R. 2734, a comprehensive bill offered by my friend from Michigan, Congressman TIM WALBERG.

This legislation repeals the sunset date of the 2001 Economic Growth and Tax Relief Reconciliation Act and makes the tax reductions enacted by that act permanent. In other words, instead of increasing taxes, we would like to make these tax cuts permanent for economic growth and development in this country, which will encourage investment and thereby grow jobs in this country.

We have heard today several speakers from the Democrat majority question what is wrong with America today, and even blaming President Bush for the economic woes that exist. But today the Republican Party is saying if we want to do the things that President Bush wants, and I think that the American people want, let's make tax cuts permanent to ensure that we have job growth and development of companies and employers in America.

It also repeals the termination date for provisions of the 2003 Jobs and Growth Tax Relief Reconciliation Act of 2003, reducing income tax rates on dividends and capital gains, because that is how you grow jobs. The reverse is happening, which America understands right now, and that is the new Democratic majority wants to increase taxes, which causes the economy not to stimulate, but to contract, which is exactly what is happening now, which is exactly what we understand the new policies of the Democratic majority have been about for 17 months.

At some point, this Democratic majority is going to have to take responsibility for the things that happen under their watch, instead of just blaming President Bush. President Bush says let's make these tax cuts permanent. That is what has worked up to now, and we need to do it today.

We will also amend the Internal Revenue Code to make permanent a tax deduction for State and local sales tax. That needs to be done. We have done that each of the last 5 years. Also the tax deductions for tuition. Let me repeat that; the tax deduction for tuition. Here we are on the floor trying to do something for students, to get student loans, but yet we will not have a deduction for tuition and related expenses.

The increased expensing allowed for small businesses. Small business is the engine of our economy. That is why Republicans want to make the tax cuts permanent, so that we make sure that we allow small businesses to grow, not contract.

And the tax credit for increasing research and development. Research and development is how we are going to cure the ills and the problems of the world that we see today.

Instead, the new Democratic majority, now for 17 months, wants to increase taxes. They want to take away the deductions for tuition; they want to increase taxes on small business; they want to make investment very difficult in this country, doubling, if you listen to some of the candidates that are on the trail, doubling the capital gains rate. And certainly they won't be for increasing research and development. They want to tax that.

Finally, this opportunity today would express the sense of the House of Representatives that the Committee on Ways and Means should report legislation on or before the end of the year to simplify the Federal income tax system.

Madam Speaker, I can think of no more fitting action for Congress during this week between Tax Day and Tax Freedom Day than to provide this kind of certainty to the American taxpayer. That is what we should be about, is good policy that encourages the opportunity to grow our economy and have new jobs.

By voting ''no'' on the previous question, Members will not be voting to kill or delay this debt relief legislation. They will simply be voting to provide tax relief, so that we can grow our economy for Americans at the same time that we provide debt relief to the world's poorest countries. What a wonderful opportunity.

Madam Speaker, I encourage all my colleagues on both sides of the aisle to vote ''no'' on the previous question.

Madam Speaker, I would also like to ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

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

There was no objection.

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

Mr. WELCH of Vermont. Madam Speaker, I want to point out a couple of things. Number one, this legislation comes to you with bipartisan support from the Financial Services Committee. There was a recognition on that committee between the members on the majority and the members on the minority that this Congress had an opportunity to do something concrete, something practical, to help the most impoverished countries in this world.

This legislation is practical. It is going to give relief that translates into higher literacy rates, lower infant mortality rates and better access to education, and it is done at very modest expense to the American taxpayer. It also is America working with other countries and with international institutions, the IMF and the World Bank, to have a positive influence in foreign policy. It makes sense. It is bipartisan. It should be done.

I have to say I disagree with the suggestion of my good friend from Texas that we essentially transform this into a debate about extending the Bush tax cuts. That is a refrain we are hearing constantly that is brought up as a way of taking attention off of the things that we can do immediately in the legislation that is before us.

The fact of the matter is that what we have seen in the past few years under the fiscal leadership of the Bush administration is we have gone from a record surplus to a record deficit. We have gone from a point of paying down our national debt to increasing it to close to $7 trillion.

The reality is that this legislation is about one thing and one thing only: It is about helping countries where the daily income of its citizens is on average $3 a day. That is what it is. We can decide that we are going to take concrete action to help those countries move ahead, or use this as an opportunity to engage in a debate about whether to extend tax cuts, as is being requested by the gentleman.

So, Madam Speaker, by passing this proposed rule and this bill for which it provides consideration, Congress can build on this immensely successful debt relief effort we have had on a bipartisan basis and started more than a decade ago to provide relief for the world's poorest countries. It is an essential tool in the fight on the war on poverty.

Incidentally, it is money well spent. Much less of our money and the money of our allies is spent than when we have to engage in military conflict. The legislation represents what I believe should be the face of American leadership around the globe. I believe the sponsors of this legislation believe it will make the world a better place and make the world safer and more stable.

This is a good bill, a bipartisan bill. It enjoys the support not only of Chairman FRANK and Chairwoman WATERS, but of their Republican counterparts on the committee, our colleagues Congressman BACHUS and Congresswoman BIGGERT. That is why I urge a ''yes''

vote on the previous question and on the rule.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1103—Rule providing for consideration of H.R. 2634—Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007. I also strongly support the underlying legislation, H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, which I am proud to join over 100 of my colleagues in cosponsoring. I would like to thank my colleague, Congresswoman WATERS, for introducing this bill, as well as the Chairman of the Financial Services Committee, Congressman FRANK, for his leadership on this important issue.

This rule allows for the consideration of four amendments. I am proud to support the Manager's Amendment, introduced by Congressman FRANK, which adds additional conditions to the eligibility criteria for debt relief, including complying with minimum standards for eliminating human trafficking, cooperating with American efforts to stop illegal immigration, and being committed to free and fair elections.

I also support the amendment offered by my colleague Congressman HASTINGS of Florida. This amendment adds a Sense of Congress stating that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions. After deadly food riots last week in Port-au-Prince, which resulted in the death of a Nigerian U.N. peacekeeper, I believe that this amendment is both crucial and timely.

I also support the amendment introduced by my colleague Mr. WEINER. This amendment modifies the qualification for ''eligible low-income country'' to include those countries that are eligible for both International Development Association loans and World Bank loans.

Countries throughout the world suffer from the heavy burden of debt. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Nearly three years ago, we saw an outpouring of support for debt relief as G8 leaders met in Gleneagles, Scotland, to pursue a policy of poverty reduction. While some positive progress has been made since that meeting, it is absolutely undeniable that this is an issued on which a great deal remains to be done.

Today, we have an opportunity to take a positive and concrete step toward ending global poverty by helping needy and deserving low-income countries. The Jubilee Act expands existing debt relief programs for the world's poorest countries, and it includes measures to ensure that the benefits of debt relief are not eroded by future abusive lending.

Debt relief has, in the past, proved an effective tool to reduce poverty in some of the world's poorest countries. Debt relief initiatives passed in 1999 and 2005 are benefiting more than two dozen countries in Africa and Latin America. Uganda is using the $57.9 million it has saved from debt cancellation on primary education, to ensure a future for its children, as well as much needed improvements in malaria control, health care, and infrastructure. Zambia is using its savings of $23.8 million on agricultural projects, and to eliminate fees for health care in rural areas.

Debt cancellation has enabled programs in Uganda and Zambia to directly help the people of these nations. However, there are many impoverished and deserving countries that do not currently benefit from debt relief. The International Monetary Fund, IMF, and the World Bank continue to place restrictive conditions on debt cancellation, calling for policies requiring the privatization of essential services and the liberalization of trade in sensitive sectors in exchange for debt cancellation. These conditions are currently holding up desperately needed debt relief in several eligible countries, including Haiti, the Democratic Republic of Congo, and Liberia.

Madam Speaker, the legislation we are considering today will not only bring the benefits of debt cancellation to more countries than ever before, it will also ensure that these benefits are felt by all strata of society. This bill would direct the Secretary of the Treasury to negotiate an agreement with the IMF and World Bank, as well as other bilateral and multilateral creditors, to make up to 25 additional low-income countries eligible for complete debt cancellation. Governments of these countries will be required to allocate the money saved through debt cancellation to poverty reduction programs, such as initiatives to improve economic infrastructure, basic education, nutrition, health services, and programs to redress environmental degradation.

This legislation does not remove all conditions from debt relief programs. Countries still must demonstrate transparent and effective budget and financial management systems, and they can be excluded from debt relief if they do not. In addition, countries committing massive violations of human rights are not eligible, nor are countries that support international terrorism, have excessive levels of military expenditures, or fail to cooperate on international narcotics control. The Jubilee Act encourages the developing of responsible financing standards, and assures financial transparency and accountability.

Finally, but perhaps most importantly, the Jubilee Act calls for the development of a responsible financing framework for the future. Debt forgiveness is a good short-term solution, but to be truly effective we must find a way to fix the broken system of international lending. Of particular concern to me has been the proliferation of vulture funds, which, like their avian namesake, seek to make a profit off of already weakened prey.

Madam Speaker, vulture funds purchase the debt of countries (or companies) in financial distress. They then hold out for the full value of the debt, plus any interest, which they pursue through litigation, much of which takes place in U.S. courts. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Though these countries may not appear to be the most profitable prey for vulture funds, which in theory prefer to purchase debt that a country has, or may in the future develop, the ability to pay, according to reports there are numerous lawsuits currently pending against HIPC countries.

Vulture funds, together with other forms of irresponsible lending, undermine international efforts to provide much needed debt relief to the world's most indebted poor countries. The Jubilee Act directs the Secretary of the Treasury to develop and promote policies to prevent bilateral, multilateral, and private creditors from eroding the gains of debt relief through irresponsible or exploitive lending. I am particularly pleased that this legislation takes this important step toward fixing broken systems of international lending.

Madam Speaker, if we are serious about meeting the Millennium Development Goals, we must take concrete steps toward reducing poverty. Debt cancellation is a proven way to do this. This legislation has the support of numerous organizations doing excellent work around the world, including the AFL–CIO, American Jewish World Service, Church World Service, DATA—Debt AIDS Trade Africa—Jubilee USA Network, the ONE Campaign, Oxfam America, and RESULTS.

I strongly urge my colleagues to join me in supporting this rule, and the underlying legislation.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1103 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 2734) to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) an amendment in the nature of a substitute if offered by Representative Rangel of New York, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on

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

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

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

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

Mr. WELCH of Vermont. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered; ordering the previous question on House Resolution 1107; and adopting House Resolution 1107, if ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 18, as follows:

[Roll No. 192]

YEAS—217

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

NAYS—196

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

NOT VOTING—18

Bono Mack
Brady (PA)
Costa
DeLauro
Fattah
Ferguson
Harman
Mack
Markey
Meek (FL)
Nunes
Peterson (PA)
Roskam
Rothman
Rush
Slaughter
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1218

Mr. SAXTON and Mr. BARTON of Texas changed their vote from ''yea'' to ''nay.''

Ms. MCCOLLUM of Minnesota and Ms. VELÁZQUEZ changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on roll-call No. 192, had I been present, I would have voted ''yea.''

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 190, not voting 21, as follows:

[Roll No. 193]

YEAS—220

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

NAYS—190

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

NOT VOTING—21

Aderholt
Brady (PA)
Costa
Cramer
DeLauro
Fattah
Ferguson
Harman
Mack
Markey
Meek (FL)
Nunes
Peterson (PA)
Reyes
Rogers (AL)
Rothman
Rush
Weldon (FL)
Wexler
Wilson (NM)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

□ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5715, ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1107, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 198, not voting 15, as follows:

[Roll No. 194]

YEAS—218

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

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin

Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bilbray
Boswell
Brady (PA)
DeLauro
Fattah
Ferguson
Mack
Markey
Meek (FL)
Peterson (PA)
Rothman
Rush
Wexler
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1232

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 192, not voting 16, as follows:

[Roll No. 195]

YEAS—223

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

NAYS—192

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

NOT VOTING—16

Bilbray
Brady (PA)
DeLauro
Fattah
Ferguson
Foxx
Holt
Mack
Meek (FL)
Peterson (PA)
Rothman
Rush
Schwartz
Wexler
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HOLT. Madam Speaker, on rollcall No. 195, I was detained and was not able to cast my vote. Had I been present, I would have voted "yea."

Stated against:

Ms. FOXX. Madam Speaker, on rollcall No. 195, on agreeing to the resolution, H. Res. 1107, a resolution providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. NUNES. Madam Speaker, on the legislative day of Wednesday, April 16, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: Rollcall 192—"no"; nay"; rollcall 193—"no"; nay rollcall 194—"no"; nay; rollcall 195—"no". "nay."

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2634 and to insert extraneous material thereon.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 891

Mr. CONAWAY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 891.

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

There was no objection.

JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1103 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2634.

□ 1242

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, according to the World Bank, more than 10 million children in developing countries die every year before the age of 5, most from preventable illnesses. More than 1 billion people in developing countries do not have access to save drinking water. And approximately 100 million school-age children do not attend school.

In sub-Saharan Africa, 41 percent of the population lives on less than $1 a day.

It was because of these injustices that I first got involved in the issue of debt relief, and I would like to thank many of my colleagues who have been working with me over the years on debt relief and who have joined with me to present this legislation.

First, I'd like to thank Chairman BARNEY FRANK, who's always been a big supporter and a fighter, and who's worked very hard in the past to ensure that we are on record doing the right thing for poor children and poor families all over the world.

And of course I've been very pleased to work with the ranking member of the Financial Services Committee, Mr. SPENCER BACHUS, who worked with me on Jubilee 2000, and who's been involved in debt relief for many, many years.

I'd like to thank the original cosponsors, Mr. EMANUEL CLEAVER, Mr. LUIS GUTIERREZ, Ms. CAROLYN MALONEY, Mr. DONALD PAYNE, Ms. BARBARA LEE, and others such as Ms. JUDY BIGGERT, who serves on our Financial Services Committee, and Ms. ILEANA ROS-LEHTINEN, who is the Ranking Member on Foreign Affairs, for all of the work and the assistance and the cosponsorship for this legislation.

□ 1245

In 1999, I worked with my colleagues on the Financial Services Committee to pass legislation to provide debt relief to the world's poorest countries. Our legislation provided complete debt cancellation for the bilateral debt that certain poor countries owed to the United States. Several other donor countries followed our example and cancelled the debts that were owed to them as well.

Our legislation also directed the Clinton administration to negotiate with other world leaders to significantly reduce poor countries' multilateral debts. The following year, the House passed my amendment to the fiscal year 2001 Foreign Operations appropriations bill, which increased funding for debt relief from $69 million to $225 million. This amendment proved that Congress supported full funding for the debt relief programs.

Since then, we have continued to work together in a bipartisan way to urge not only the Clinton administration but the Bush administration as well, the IMF, the World Bank, and other multilateral financial institutions to expand debt relief. As a result of our efforts, 23 heavily indebted poor countries have received complete cancellation of their debts.

Debt cancellation has proven to be effective in freeing up resources for poverty reduction. Cameroon is using its savings of $29.8 million from debt cancellation in 2006 for national poverty reduction priorities including infrastructure, social sector, and governance reforms. Uganda is using its savings of $57.9 million to improve energy infrastructure, to ease acute electricity shortages, as well as primary education, malaria control, health care, and water infrastructure. Zambia is using its savings of $23.8 million to increase spending on agricultural projects and to eliminate fees for health care in rural areas.

I'm proud to report that debt relief has made a real difference in the lives of millions of impoverished people. This came to pass because our country showed leadership, and our country showed leadership because this Congress showed leadership.

We are here today to continue our efforts. We are here today to enable additional needy and deserving poor countries to benefit from the cancellation of their debts. The Jubilee Act would make up to an additional 25 low-income countries eligible for debt relief, provided these countries meet strict criteria and use the savings for poverty reduction programs such as improvements to economic infrastructure, basic education, nutrition and health services, and programs to redress environmental degradation.

I would like to share with you a few of the observations and perhaps comments that I have learned about since I have been involved with debt cancellation.

Julius Nyerere, the former President of Tanzania, once asked, ''Must we starve our children to pay our debts?'' For Tanzania, the answer to this question is, ''not anymore.'' That is because Tanzania is one of the lucky ones. It is one of the 23 countries that have already received complete debt cancellation. Tragically, many other countries are still starving their children in order to pay their debts.

Debt forgiveness is a moral imperative, and it is encouraged by many religious traditions. The Bible instructs the people of ancient Israel to cancel debts periodically through the celebration of a sabbath year every 7 years and a jubilee every 50 years.

Leviticus 25:10 says, ''Proclaim liberty throughout the lands and to all the inhabitants thereof. It shall be a jubilee for you.''

Let us once again proclaim a jubilee for millions of people in some of the poorest countries in the world.

I would ask my colleagues to join with me in support of this Jubilee Act.

Before yielding the balance of my time, I would like to thank Speaker NANCY PELOSI for urging us to get this bill up and get it on the floor so that we could go on record in support of debt cancellations for the poor countries of the world.

At this time, I would like to yield the balance of my time to Chairman FRANK, and I ask unanimous consent that he be permitted to control the time.

The CHAIRMAN. The gentleman from Massachusetts will be recognized.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I ask for such time as I may consume.

I speak in support of the legislation. First of all, let me thank Chairman FRANK and Subcommittee Chairman WATERS for the bipartisan cooperation they've shown in bringing this bill to the floor.

Mr. Chairman, this legislation is very good legislation. I would urge all Members to support it. What the legislation does, as Congresswoman WATERS said, it allows the administration to negotiate debt relief arrangements with the 25 poorest countries of the world. It does not require them to enter into any specific agreement. It simply gives them that authorization.

Once they have gone to those countries and negotiated debt relief, that

agreement then has to come back to the Senate and the House for our approval. So we're not approving any specific action today. We're simply authorizing them to do what most of us in this body believe is the right thing to do, and that's debt relief for the poorest people of the world.

Alexander Solzhenitsyn said that a disaster is defined by magnitude and distance. We hear about a million and a half citizens of Darfur starving to death, and it is halfway around the world. It somehow does not grip us like seeing someone in our own community starve to death on the streets. But in reality, 1.5 million people have died in Darfur, and they're dying in Sub-Saharan Africa. They're dying in these 25 countries.

And people say, how do they die? You hear of 25,000, but what we're really talking about is one child at a time, one young person at a time, one older lady or grandmother that simply dies because there is nothing to eat or because there is no clean water or because there is no vaccinations.

Now, let me give you three reasons why we should support it. People say let me answer this first, and I'm going to answer it by submitting for the RECORD, and I would ask the Members, if you're trying to decide whether to support this legislation or not, I'm going to introduce the remarks of Ward Brehm, who is the chairman of the U.S. Africa Development Fund. He spoke at this year's prayer breakfast. I wish every Member could have been there.

REMARKS OF WARD BREHM, CHAIRMAN OF U.S. AFRICAN DEVELOPMENT BOARD, NATIONAL PRAYER BREAKFAST, THURSDAY, FEBRUARY 7, 2008

Thank you, Senator Enzi. I am deeply humbled by your introduction and proud to be able to call you my friend.

Most of you were probably surprised when you picked up the program and saw a speaker you've never heard of before. Me too . . . One month ago, I sent in my registration . . . and was just hoping for a good seat!

My thanks also to the members of the Senate group for this opportunity. A good friend emailed me last night and said that if God was going to speak through me I didn't need to be nervous. . . .

God is the one who should be nervous!

My wife read to me from Scripture last night that Jesus said when two or more gather in His name He will be there. That's good enough for me!

My work has given me the high privilege of serving you, Mr. President, the American people, and above all, the poor in Africa.

The best way to help the poor is to help them not be poor anymore. The only way I know how to do that is through job creation, and the very best form of sustainable development is a steady paycheck.

It's been said that if you give a man a fish, you feed him for a day; teach a man to fish, and you feed him for a lifetime. But that's not the full story. If you want to eat for a lifetime, you need to own the pond.

So a bit of background . . . Despite that eloquent introduction, I am a recovering Type-A controlling businessman. I've been described even by people who like me as someone who is often wrong but seldom in doubt. I was a bit of a problem child growing up. In fact, my pastor since childhood, Arthur Rouner, recently referred to me as a ministerial long shot!

They say that if God wants to get your attention He will toss a pebble into your life. If that doesn't work He'll throw a rock. As a last resort He'll heave a brick!

Africa was my brick.

In 1994, Africa was not on my personal radar screen.

In fact, the only thing on that radar screen was me.

In the Los Angeles Airport I bought a copy of Stephen Covey's book, The Seven Habits of Highly Effective People.

I didn't buy it to learn anything, but just wanted to make sure he got them all right!

I was intrigued by Covey's notion of paradigms: identical sets of facts can mean something totally different because of your world view.

Somalia was in the news at the time, and countless numbers of Africans were dying from starvation. I felt no real connection to this humanitarian crisis. My radar screen was full.

Paradigms usually change because of shock or trauma, but I wondered if it might be possible for someone to change their paradigm on purpose. I supposed that if I were to see people starving, it would change that paradigm and perhaps much more. The thought left me nearly as quickly as it came.

But God sent me a reminder . . . One week later, I made one of my occasional stops at church . . . My pastor, out of the blue, took me aside and said, ''Ward, I'm going to Africa in two months, and I would like you to go with me.''

I told him I couldn't believe the coincidence of his invitation given my recent reflections on Somalia. Then I said . . . ''No!''

He looked at me in a strange way, and he said, ''Would you at least pray about it?'' I looked at him and said, ''You're the pastor; you pray about it. I will think about it but suspect my answer will still be no.''

He must have prayed hard . . . because two months later, I found myself in the Minneapolis airport with a ticket to Ethiopia in my hand. I was surrounded (for lack of a better word) by church ladies. And they were hugging me . . . Then someone suggested we pray before we departed, so I found myself outside Gate 8A, holding hands with a group of strangers. And as I stand here before the National Prayer Breakfast I can honestly say I uttered my first heartfelt and sincere prayer . . .

''Lord . . . Don't let any of my clients see me!''

And then we flew. 12,000 miles to Africa, and a million miles from my comfort zone. I had the high privilege of having my heart broken. I saw poverty on an obscene level.

Children with flies on their eyes and for the lack of a 50 cent medicine doomed to blindness, the emaciated faces of famine, families shattered by civil war. And in Masaka, Uganda, I held the hand of a 22-year-old Mother as she died of AIDS and then turned and looked directly into the eyes of four brand new orphans.

I was an eyewitness.

It put a face on the statistics. I always believed that those statistics were true, but now they were real. It got personal. . . .

More recently, I took a long walk with a warrior turned pastor friend deep into an unknown wilderness along the northern Rift Valley that divides Northwest Kenya with Uganda. He took me to where they had never seen a person with white skin. When they first spotted me, they thought I was a ghost . . . a dead man walking. For a while, I thought they'd be right.

I fasted for five days on this walk to experience real hunger, but had brought along protein bars in the case of (as Lodinyo put it) an ''emergency''. At the end of the walk, I collapsed in a borrowed sleeping hut; when I awoke 13 hours later, I saw a little boy peeking through the door. While he was initially terrified, curiosity eventually got the best of him, and I noticed he was concentrating more on my stash of power bars than he was on me. He succeeded in snatching a bar, and immediately ran away. ''Kids are the same everywhere,'' I thought, until I stepped outside the hut, and found a little boy kneeling over his two-year-old sister with a terribly distended stomach, feeding her tiny pieces of protein. . . .

I found out 3 months later that she had died . . . another paradigm shift.

Now after more than 30 trips to Africa, the question I have been asked more than any other by my African friends is ''What do you pray for?''

Most of us among the affluent have too many things. Too much food, multiple cars, great health care, retirement plans, insurance. . . .

It's only when things fall completely apart, and we're totally out of control that we feel totally dependent, and thus closest to God. Death, cancer, business failure, addiction, divorce, crises; these are the things that drop us to our knees.

All across the world including America things are continually falling apart for the truly poor . . . They are always out of control, constantly living in a crisis mode, and thus dependent and faithful to God's own commandment that we love Him with all our hearts. God is often all the poor have.

The leaders that God anoints are their only hope. And despite the often-horrific conditions they live in, the poor are thankful for their very existence.

Scripture asks, ''Hasn't God chosen those who are poor in the eyes of the world to be rich in faith and inherit the Kingdom?'' Yes, He has. I've seen it with my own eyes.

The question I'm asked the most by my American friends is, ''Why cross an ocean to help people when you need only cross the street, to help your own?'' It's a great question, and the answer is, of course, that we need to do both.

Solzhenitsyn said that disaster is defined by two things: magnitude and distance. So a small disaster close to home or a huge disaster faraway, results in what he describes as ''bearable disasters of bearable proportions.'' We've become too good at ''bearing.'' Our hearts should be broken by the things that break the heart of God.

Specifically in Africa, there are many faraway disasters of epic proportions. In 1994 . . . In Rwanda, a country the size of Maryland, the political genocide claimed over 800,000 lives. Nine thousand lives per day for 90 days. That's two World Trade Center disasters per day for 3 months.

Today . . . in Darfur, Sudan, 1.5 million homeless. Thousands terrorized, raped and killed. AIDS is killing 4,400 people per day in Africa, and even more are dying from curable malaria. Epic disasters of epic proportions, far from home for most of us. We have hundreds right here in this room from all around the world, our neighbors this morning . . . who experience these epic disasters close to home.

I do want to say this while I have the chance with the President sitting right here. Very few people are aware that due to President Bush's commitment and the resulting partnership with Congress there has been an absolutely historic four-fold increase in American assistance to fight poverty and AIDS in Africa.

In 2003 there were 50,000 Africans on Anti Viral medication and today there are over 1.5 million. I have not met a single person who hasn't agreed with this high calling.

Proverbs, the book of Wisdom says, ''speak up for those who can't speak for themselves and defend the rights of the poor and destitute.'' You have been that voice and on behalf of the ''least of these'' in Africa as well as the collective American conscience, I want to say . . . ''Thank you Mr. President.''

Do you remember when Jesus was talking to His disciples, and asked them when He was hungry, why they didn't give Him any food, and when He was naked, why they didn't give Him any clothes? And the disciples said something like, ''Lord, we never did any of those things to You.'' I always thought (like most folks) that Jesus replied ''Whenever you did this to the least of these, you did this unto Me.''

Except He didn't say that. What He said was, ''Whenever you did this to one of the least of these, you did this unto Me.''

How often do we forget the word ''one.''

It changes the meaning of what Jesus said completely. In our quest to be helpful, we can rob the poor of their dignity. In order to be of any help to the poor, we need to understand them, we need to know them, and we need to Love them. They are not a group. The poor is not a species. They are identical to us in their hopes and dreams. They love their families and long for a better life. The only difference is that they are poor.

And people don't stiffer and die in groups. It's one at a time. And each one of those deaths leaves an identical wake of agony to what you and I and our families would experience.

So what are we supposed to do with all of this? How does this fit with our own world, so different and so faraway? Frankly, I'm not sure, but we do have some clues . . . Jesus said, ''The poor will always be with you.'' What an odd thing to say. . . . especially coming from Him!

Jesus also said, ''To whom much has been given, much will be expected.'' So maybe This is a test of sorts. If so . . . how are we doing?

I have heard stories similar to mine of peoples' lives being changed: from orphanages in Russia to inner-city schools in Minneapolis, from the slums of Calcutta to remote medical clinics in the mountains of Afghanistan, from the streets of Washington, DC, to wretched prisons in East Asia. Indeed, all across the world people are answering Jesus' question, ''Who is my neighbor?''

And these people are finding themselves changed, engaged, and discovering meaning and relevance by being involved in things much bigger than themselves. . . .

I believe that, deep down, most people would love to have God change their lives. Here's the thing: If asked, He will, every time, guaranteed. And while these changes may initially seem scary, they ultimately lay a foundation for a life lived on purpose rather than by default.

I will be forever indebted to Africa. Africa awakened me when I didn't even know I was asleep. I pray that everyone who seeks one will find a similar path.

I pray that each of you will find your own Africa. . . .

A few years ago my good friend, Gary Haugen, asked me the most important question of all. . . .

For those four orphans I was with in Uganda who watched their mother die of AIDS and were suddenly completely on their own . . . For a twelve year old girl kidnapped and sold into slavery in rural India . . . For a single mom evicted and homeless on the streets of DC . . . For each one of them:

What is God's strategy for letting them know that He is good?

The mother in Ethiopia sees her baby die of malnutrition. Why would she think God is good? And what is God's strategy For allowing her to know that He loves her?

The answer is astounding. The answer is . . . us.

Even more astonishing . . . He has no plan B. . . .

God bless you One and all.

And what he said is, and I'm going to quote him: ''The question I have been asked by most of my American friends, 'Why cross an ocean to help people when you need only cross the street to help your own?' '' He said, ''It's a great question.'' And the answer is, of course, that we need to do both.

He goes on to quote many people that we look to for directions, many spiritual leaders of all different religions, including Christ Jesus. And that is the answer. Yes, we have an obligation to our nextdoor neighbor, but I do believe that we should have at least compassion and the desire to help people in other countries. We can do that easily and almost without effort, and when you say ''almost without effort,'' aren't we talking about money?

The first round of debt relief for seven countries cost every American citizen 50 cents. Fifty cents. But what did that 50 cents do? It reduced infant mortality in those countries by 9 percent. Nine percent. What is 9 percent? Well, in some of those countries, it was literally hundreds of children surviving that wouldn't have survived. It also included many little girls, millions, millions of little girls that were able to go to school who were never afforded that opportunity before, all for a cost of 50 cents.

This next round of debt relief is estimated to cost $2 for every American citizen. Now, how often could you reach in your pocket, could you put $2 down, and could you see hundreds of thousands of children being given an opportunity to read and write? How many times could you reach in your pocket and offer $2 and know that thousands of people would survive the night?

There was a Catholic priest, a nun, Sister Trujillo in Nicaragua, and she was asked sometime, how do these people survive? How do they survive in such conditions? And she said, I came to say often they don't. They don't survive.

And whether we pass this legislation or not, all over the world in these poor countries, tens of thousands of people won't make it through the night tonight. They will die. They won't see another day. But if we pass this legislation, we can be assured, because we have a track record of success, we can be assured that hundreds of thousands will survive.

In some of these countries, and these are stories that are phenomenal to me, in many countries for special-needs children, people with Down Syndrome, people with severe physical limitations, there was absolutely no services, no services. They were basically born into total hopelessness. In those countries where we've afforded debt relief and their debt services have dropped, there are actually, today, services for those children, for handicapped children.

Anyone who has children, little boys or girls or grandchildren, don't you take pride when they start learning how to read, when they start learning how to write? If for almost nothing you could ensure that little children all over the world have that same right, would you do something? I think you would, and you would vote for this legislation.

Let me give you three reasons again why this is the right thing to do not from a moral standpoint but from even from a good government economic standpoint.

First, it's yielded results. Wherever we have done this, we have benefited. The United States of America has benefited, these countries have benefited, the citizens of these countries have benefited. As I said, the poverty rate in the Sub-Saharan African countries which we gave debt relief is down 6 percent. Over 1 million children a day are receiving health care that weren't receiving it, all for almost no cost to us.

□ 1300

Second, and I think this is essentially important and I want to try to find this. This is a quote from the 9/11 Commission. And if you don't hear anything else that I say today, you're concerned about our country, you're concerned about our security, then realize that debt relief is, I believe, dollar for dollar the most effective program in assuring our national security because it helps to combat poverty, and it is poverty that leads to instability and hopelessness. It creates terrorism and terrorist factions to breed and thrive.

The 9/11 Commission, in talking just about programs such as this, said, ''Terrorism is not caused by poverty. Indeed, many terrorists come from relatively well-off backgrounds. Yet when people lose hope, when societies break down, when countries fragment, the breeding ground for terrorism is created.'' They go on to say, ''Where there is not basic education, where the children are not afforded an education, those are the very countries that the next terrorist threat will come from.''

It's no accident that the U.N. listed Afghanistan prior to the Taliban taking over as the country with the fewest number of children attending public education, or any education. Now, we have a choice that we can stand aside and let these children go to madrassas where they're taught to hate America, or we can help these countries help their own future generations by allowing them to go into public education systems which will not brainwash their children.

And the beneficiaries will not only be them, it will be us. It will be those of us who have had children in the military. I can tell you, as the father of a young marine, this bill is very important to me. I believe that this bill, as much as anything else, allows, long

term, in our next generations, us to keep more of our children from having to go over and try to combat these terrorist activities.

Third, it's cost efficient. The U.S. share of the expected first round of debt relief under this act, as I said, will cost no more than 50 cents a piece for every man, woman and child in this country.

During the debate on this bill, we Republicans asked for and were readily joined by the Democrats in asking for some changes in this debt modification from the ones that went on in prior years. One, we asked the President not to grant debt relief to countries that are not moving in the direction of democracy, that are not committed to the rules of law which are committed to improving human rights and the constitutional rights and the fundamental rights of their citizens. Second, there are countries that engage in human trafficking. Under this legislation, they are not eligible for debt relief. They will either have to turn from those practices or they will be denied even an opportunity to negotiate. And third, they cannot harbor or promote terrorism.

Let me simply close by urging the Members; we all want a safer country, we want a freer America. And for America to be secure in the present global economy we really cannot ignore the rest of the world. We cannot just simply watch as these countries slip into chaos and discord.

This legislation, as much as anything we will bring forward this year, for almost no money, will, I believe, fundamentally improve lives all over this world, all over the globe, but will also be a very good investment for the United States of America, both economically, militarily and morally.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds by way of introducing our next speaker.

Last Tuesday, I was very pleased to go to a dinner of an organization called the Bank Information Center. And it was a gathering of representatives all of the groups fighting hard to relieve poverty in much of the rest of the world, especially Africa. And they particularly wanted to celebrate the anniversary of an amendment that was successfully authored by a then very junior Member of the House of Representatives that mandated that in international financial institutions due attention be paid to matters of the environment and human rights and decent standards for individuals. And we have come a long way there. That was then known as the Pelosi amendment, because the author of it is now the Speaker, she has continued that leadership, and I yield her 1 minute.

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his kind words of recognition to the Pelosi amendment. And I thank him for his tremendous leadership on debt forgiveness, not only now, but for a number of years.

I remember watching the master at work to see Mr. FRANK work with the then Clinton administration in the year 2000 when we were trying to get the millennium debt forgiveness. He, along with Congresswoman MAXINE WATERS, have really made a tremendous difference in all this. And they have talked about some of the differences made in the countries, Congresswoman WATERS did earlier.

God bless us in this House to be able to serve with Congressman BACHUS. He has just been such a wonderful leader in the House; his value-based policies, sensitive to the needs of people in the world, and how that relates to the security of our country, and how this is important from the standpoint of security and compassion, but it makes good, practical economic sense as well. You're a wonderful leader in this regard, and it is an honor to call you colleague, SPENCER BACHUS, distinguished ranking member of the committee.

This has been a bipartisan initiative from the start. I appreciate the letter that was sent out by Chairman WATERS and SPENCER BACHUS, BARNEY FRANK, ILEANA ROS-LEHTINEN, JUDY BIGGERT, a senior member of the Financial Services Committee, as well as CAROLYN MALONEY from that committee, advocating for this Jubilee Act to be passed today and spelling out exactly what it does as Mr. BACHUS did so very clearly just a moment ago. And so with all the recognition to those on the committee and those who have worked on this issue, thank you for bringing us to this moment on this day.

And I was very pleased and accept Congresswoman WATERS' acknowledgment of our insisting that it be brought up today because today is the day we welcomed the Holy Father, Pope Benedict, to Washington, D.C. Many of us have just returned from the White House, where we were very proud of the welcoming ceremony presided over by President Bush and Mrs. Bush to welcome Pope Benedict and to be stirred by both of their words, the words of our President and also of the Holy Father.

In his remarks, the Holy Father talked about truth and justice and freedom. He talked about respecting the dignity and worth of every person, regarding each other as brothers and sisters, all God's children. He made a beautiful and inspiring speech. And really his speech was reflected in the remarks that SPENCER BACHUS made here in that same regard of what our responsibilities are to our brothers and sisters.

Today is the Holy Father's birthday. And as the President said, he is spending his birthday with friends. And in friendship, we bring this Jubilee Act to the floor today.

This is not the first resolution to welcome His Holiness to America. Last week, we all voted in strong support in a bipartisan way for Congressman MCCOTTER's resolution of welcome to the Holy Father. Yesterday, Congresswoman ZOE LOFGREN had legislation on the floor relating to religious workers' visas and their ability to work in the United States, which is an issue of importance to His Holiness. And now today, this very important resolution.

The former Holy Father, Pope Paul II, said, ''If you want peace, work for justice.'' There has always been a connection here. With this debt forgiveness, it enables countries to do many more things to promote justice in their countries, whether it's the eradication of disease, the alleviation of poverty, eliminating some of the factors that contribute to the fury of despair that leads to violence that makes the world less safe.

Again, this was a high priority, this debt forgiveness, for John Paul II when he was Pope, and he led the Cardinals in America Conference of Bishops to advocate for this. But it has not just been a Catholic initiative, it has been an interfaith initiative in the country, in the world, and certainly in this Congress.

So it's very exciting, on this Holy Father's birthday, as we welcome him to America, we do so in a way, as Mr. BACHUS said, that just gives the authority to negotiate for these improvements in the forgiveness of debt so that we can, again, do what is right for respecting the spark of divinity that exists in every person in the world, that we can try to bring some justice to it, we, who have so much, for those who are also God's children need our help, and give them hope.

People say to me, where is hope? I say, hope; it's right where it's always been. Hope sits right there comfortably between faith and charity. We are people of faith who believe in the goodness of people. And we have faith that the charity that that will evoke or bring forth will help honor the hope that people have in the world.

So this is a great occasion, again, to welcome His Holiness, to stand up for all the people in the world, and to do what he called upon us to do this morning, he called upon us, he said, ''we must have the courage.''

Today, I hope that we have a unanimous bipartisan show of courage to do what is right. Again, I thank Mr. FRANK, Mr. BACHUS and Congresswoman WATERS for their relentlessness on this issue and the opportunity that they give us to give hope today.

Mr. BACHUS. Mr. Chairman, in a minute, I'm going to yield to the gentleman from California, but at this time I yield myself such additional time as I may use.

In recognizing the bipartisan nature of our efforts here on the floor today and in committee and over the past few years, this has been an issue that I think has brought the Congress together. That's not to say that Members are not concerned about certain parts. Members have expressed, will this work? This may not work, I'm not sure

it will work. Well, it did work, it did work. We now have a proven track record of accomplishment.

Did we have failures? Yes. Did it work better in certain places than others? Yes. Were there places where perhaps it didn't work very well at all? Yes. Were there places that it amazed us as to how well it worked? And the answer again is yes.

Let me tell a story that completely blind-sided me. I was in Namibia with BOB GOODLATTE and STEVE KING, and we were on an agriculture mission. We met with the President. And Namibia, by the way, they were not accorded debt relief. They don't have that much debt, so they were not one of the countries that we extended debt relief to. So I was surprised when the President of that country sat down with us and one of the first things he said is, please express our country's gratitude. And this is one of the largest countries, geographically, and most strategic countries in Africa, right above South Africa. And he said, please express to the Congress and the people of the United States my thanks for debt relief and the blessings it has brought to this country. And I said, well, Mr. President, you didn't receive debt relief. He said no, but Namibia is much better off today because of debt relief because some of our neighbors did, and those neighbors were trying to destabilize our democracy. They were trying to send rebels into our country. And it stabilized our borders. And we've been able to take money from troops that we had positioned on the border, and also money that the United States had supported to help them do that, they no longer spend that money because their neighbors are more stable, and they are not sending rebels across the border.

So here is an ally of ours that we've not had to spend money on to help defend them from anti-democratic movements simply because the countries where those movements came from are more stable. So again, in places where we didn't even extend debt relief, we've seen tremendously beneficial things.

□ 1315

I want to recognize Mrs. BIGGERT, the gentlewoman from Illinois. Mrs. BIGGERT, as ranking member of the subcommittee over the past few years, has really taken a leadership role in debt relief. She's knowledgeable on the issues. She has been a real asset, and I thank her.

Recently, she and I asked two members of the Republican Caucus who had been opposed to debt relief issues in the past to travel on a delegation to Africa. They did. They came back, and both of them immediately within a week called our office, and I think they expressed to Chairman FRANK, now I've seen with my own eyes many things that Members of this body had talked about. I've seen what a little bit of money can do and how far it can go. I see not only the great need, but I see the ability to address that need for what we in America call an almost inconsequential amount.

And I wish every Member, before they took this vote, could travel to Latin America, could travel to Africa, could travel to these countries in the Middle East or Asia, and they could witness for themselves many of the amazing success stories, countries whose people are better off today than they were yesterday. Not because we gave them money because this is not what debt relief is about. Debt relief is not about giving them foreign aid; it's about allowing them to help themselves, taking their money and spending it on their own people so that they won't be coming to us for a handout. This is about a hand up, a totally different approach, an approach that's working.

Mr. Chairman, at this time I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this basic legislation, which would instruct, of course, the Secretary of Treasury to negotiate debt relief for developing countries, especially those new democracies.

And let me note that much of the debt that we have heard about today that has had such a horrible impact on the way of living, on the standard of living of people throughout the developing world, that debt is basically a result of dictatorship. It is not a result of democratic governments making wrong decisions. By and large we're talking about governments that have been run by authoritarians and gangsters who are putting their own people in debt. I would suggest that anyone who lends money to a dictatorship should take notice and they are doing so at their own risk. However, these people who establish democratic government and replace dictatorships should not be forced to bear the burden of having massive debt. This is what keeps these countries down even once they've replaced their dictators.

For example, in the Soviet Union, once the Communist Party was displaced and they had free elections, we insisted that they not renounce their debt. We did not forgive their debt. That threw the Soviet Union into horrible economic chaos, which then democratic Russia that was paying for the sins of the Communist dictatorship that preceded it. We almost lost democracy in Russia because we were insisting on debt repayment and the people didn't have any moral reason to pay that back.

I will have an amendment, and I am very grateful to Barney Frank for backing my ability to propose the amendment, that suggests that it be a democratically elected government and not just someone who's suggesting they will be democratic in the future that gets this debt relief. This gives the right kind of incentive.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ROHRABACHER. I would ask for an additional 1 minute.

Mr. BACHUS. We don't actually have any additional time to yield.

Mr. ROHRABACHER. I would just say that Ethiopia is an example of a country that we should not be providing debt relief to until it has democratic elections.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 3 minutes to a former member of our committee whose actions we only mildly begrudge, who has been a leader on the issue of trying to provide effective poverty relief throughout the world, particularly in Africa, who has been a cosponsor of this, the gentlewoman from California (Ms. LEE).

Mr. BACHUS. Mr. Chairman, I have been called away to an agricultural conference. I would ask unanimous consent to yield all time remaining to be managed by the gentleman from Connecticut (Mr. SHAYS).

The CHAIRMAN. The gentleman from Connecticut will be recognized.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, let me first just say how happy I am today to be able to speak on behalf and in support of H.R. 2634, and I have to first thank our Speaker for leading this House in doing the right thing on behalf of the poor and those yearning for a better life.

I also must thank my colleague Congresswoman MAXINE WATERS for introducing this important legislation. She is a true leader in the debt relief movement. The world truly owes her a debt of gratitude for her consistent work and for never letting up on finding ways to relieve the suffering of the poor.

Also, let me thank Chairman BARNEY FRANK for his leadership and for bringing this bill to the floor today in a bipartisan and timely manner and for his commitment to help those who need our help, and to SPENCER BACHUS, who has been committed to debt relief since I have been here, because they fundamentally believe that this is the morally right thing to do. And working together, they have shown the world, really, the best in elected leadership in this House.

So thank you, Chairman FRANK.

Mr. Chairman, as an original cosponsor of this bill, I feel very strongly in the power and the benefit of a simple act of forgiveness and what that can bring. In my travels to the developing world, I have witnessed what Mr. BACHUS and what Ms. WATERS so eloquently described today.

As a result of this legislation, an additional 27 countries could potentially be eligible for expanded debt relief.

This speaks volumes to what can be done to alleviate poverty or help address crises in the developing world, especially in Sub-Saharan Africa, such as the devastating HIV/AIDS pandemic. These countries would have to meet strict criteria to guarantee transparency in their financial management systems and ensure that the savings are actually spent on alleviating poverty. The bill would also ensure the involvement of civil society organizations, so important, to help set priorities for how this money should be spent.

The action we take today is not only the right thing to do for countries facing a crushing debt burden, but it speaks volumes about our fundamental values as a nation and as a people. This bill does not give people fish but the means to catch their own fish, feed their families, and live their lives in the manner that all God's children deserve.

Is it any wonder that this bill has the support of over 60 groups led by the Jubilee U.S.A. network? Backing this effort, this coalition includes such a broad range of organizations from the faith community, environmentalists, labor, international development groups, and grassroots advocacy organizations.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the gentlewoman 1 additional minute.

Ms. LEE. Thank you very much, Mr. Chairman.

Let me just say these organizations should be saluted today. They deserve our support and thanks for their work in raising their voices and doing the hard work to help build this great bipartisan support for this bill.

Debt forgiveness is the right thing to do. It is consistent with our values as a Nation. And I urge my colleagues to support this bill and proclaim today as a day of jubilee.

Mr. SHAYS. Mr. Chairman, just before yielding, I would like to explain to my colleagues on the other side that we have 8 minutes left. We are going to yield 5 minutes to the gentlewoman from Illinois and then reserve our 3 minutes and you are going to have an opportunity to go through a number of speakers.

With that, I would yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation and applaud Chairman WATERS for her hard work on this legislation.

Mr. Chairman, I must admit that I wanted to cosponsor this bill for a very long time, but the bill as introduced had a number of problems for me. But I am pleased to say that they have been resolved, and I want to thank Chairman FRANK for offering in the Financial Services Committee a manager's amendment that addressed many of my concerns and allowed me to become a cosponsor and also for the manager's amendment that will be brought up today. So I am pleased to join him and Ranking Member BACHUS in offering a manager's amendment today that makes it an even better bill, addressing the most important concerns, including economic conditionality that the administration expressed in its statement of administration policy issued on Monday.

Mr. Chairman, over a decade of hard work and determination has produced results for the poorest countries in the world. Poverty has been reduced and living conditions are improving. Today's bill recognizes and builds upon the previous work of this body on debt and development issues, and I hope that this trend will continue.

When I served in 2004 and 2005 on the Domestic and International Monetary Policy Subcommittee as the Vice Chair, I was pleased to work with many members of the Financial Services Committee, the administration, and interested organizations to craft legislative language that eventually authorized funding for the Multilateral Debt Relief Initiative, or MDRI.

MDRI expanded the Heavily Indebted Poor Countries, HIPC, Initiative of 1999. In short, this historic, U.S.-led initiative called on the international community to provide up to 100 percent of debt relief and performance-based grants to the world's poorest countries. So Congress has since then appropriated about two-thirds of its financial obligation towards MDRI and HIPC. Unfortunately, I think we fall a little bit short on our commitment, but despite this shortfall, the program is working for 41 of the poorest countries in the world: 22 have graduated from the HIPC program, 10 are on their way, and 9 are beginning the process. So I'm pleased that the bill under consideration today, with both the committee and floor managers' amendments, recognizes these facts and seeks to preserve and build upon the impressive progress made under MDRI and HIPC.

So why do we need the Jubilee Act? Well, the fundamental purpose of today's legislation is to establish a plan for ''phase two'' of the U.S. debt relief initiative. And that's what we need. The bill sets out to forgive the debt and issue grants to the next group of the world's poorest countries, 24 in total, which do not currently qualify under HIPC self-sufficiency and sustainable debt initiatives. Importantly, it also seeks to prevent these countries from entering new lending post-relief debt so that they don't squander the economic and social progress achieved through the debt relief.

I would like to note that the statement of administration policy on this bill recognizes that debt relief should be tied to economic conditionality to ensure that it will promote economic growth and provide real benefits to the poor. In addition, the bill including the manager's amendment, would ensure that countries eligible for debt relief don't have excessive levels of military expenditures, don't support acts of international terrorism, are cooperating with the U.S. on international narcotics control matters, and are complying with the U.S. standards to eliminate human trafficking and are working with the U.S. to stop illegal immigration to the U.S.

I worked really closely with constituents from my district, and I really want to thank Sister Sheila Kinsey, Dan Driscoll-Shaw, Ron Durbin, and my other constituents too numerous to mention here for their guidance, their compassion, and encouragement of this bill. It's an honor to work with them.

As I close, I just want to say that the important part of our discussion today is to recognize that the ultimate goal of both ''phase one'' and now ''phase two'' of the U.S. international debt relief and poverty reduction initiatives is to improve the life of the people of impoverished countries around the world, and this is going to happen because of this bill.

□ 1330

Mr. FRANK of Massachusetts. I now yield 3 minutes to another member of the Committee on Financial Services who has been a leader in our relationships with the multinational institutions, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I would certainly like to thank Representative WATERS, Representative BACHUS, Chairman FRANK and Speaker PELOSI for their outstanding stewardship on debt relief and for bringing this important measure to the floor today.

When governments are burdened with overwhelming and unmanageable debt, it prevents them from providing rudimentary quality of life to their citizenry, and that is access to clean water, modest shelter, basic nutrition, education and health care. When citizens are living on less than $1 a day, civility, democratization of institutions and innovation are greatly compromised or made improbable.

Therefore, it is not only our moral obligation to relieve debt, but it is in our national interests to promote a sustainable world with cooperating partners in our efforts to address global problems such as pandemic diseases, climate change and the prevention of genocide and terrorism.

I would urge all my colleagues to support H.R. 2634 and join in this day of jubilee.

Mr. FRANK of Massachusetts. I believe the gentleman wants me to finish up, so I will yield to one of the congressional leaders on affairs on Africa from the Foreign Affairs Committee, the gentleman from New Jersey (Mr. PAYNE), for 3 minutes.

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, let me begin by commending Chairman FRANK for bringing this very important legislation to the floor, and his ranking member, Mr. BACHUS, who has really been a real champion in these issues over the years. Let me give special congratulations to Congresswoman MAXINE WATERS for her tireless effort to bring H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation to the floor for consideration, and her long history of working to help the world's countries to elevate their people out of poverty.

While nonprofit organizations and Members of Congress initially fought for debt relief, many of us never imagined that we would still find ourselves here today. Unfortunately, with the likes of Debt Advisory International, Elliott Associates, the burdensome IMF and World Bank policies, we must redouble our efforts to prevent such policies and companies from pecking away at the hard-won gains that we have made and must continue to make.

As chairman of the Subcommittee on Africa and Global Health, I understand how the redirection of monies towards debt servicing and vulture funds has crippled African countries' attempts to improve upon development indicators. Sub-Saharan Africa receives approximately $13 billion in aid every year, yet spends $15 billion in servicing old and many times odious debts.

This type of deficit spending perpetuates the vicious cycle that prevents African governments from truly creating their own solutions to the challenges that they face.

Three billion people in nations around the world are living on less than $2 per day. For some of these nations, they are beholden to servicing debts instead of focusing their financial and human capital towards creating the necessary infrastructure to educate, feed, employ and care for their people. By eliminating many of the debts that are tying their hands, they will be able to direct the necessary energies to alleviating poverty in their countries.

Debt cancellation works. Zambia is a prime example as to how monies freed from servicing a country's debt can be used to better the lives of its people. It is using its savings of $23.8 million under the multilateral debt relief initiative to increase spending on agricultural projects on smallholder irrigation and livestock disease control, as well as eliminating fees for health care in rural areas.

The Jubilee Act will establish an agreement among the U.S., other countries and international financial institutions to provide debt cancellation for deserving, eligible low-income countries. It will also work to create a binding legal framework to ensure that entities, particularly unscrupulous vulture funds, will not be able to lie in wait in order to seize upon newly awarded debt relief.

I congratulate Congresswoman WATERS on getting this wonderful and timely bill to the floor of the House. I encourage other Members of Congress to support it.

Mr. FRANK of Massachusetts. I now yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Mr. Chairman, for yielding me the time.

I rise in strong support of H.R. 2634 and am proud to recognize Chairman FRANK, his Ranking Member BACHUS, Congresswoman WATERS, Representative LEE and Representative PAYNE because they are leaders in this very, very necessary important issue of debt relief. And I want to tell you I admire their absolute stick-to-itiveness on this important issue, because 7 years ago, grass-roots groups asked Congress and the administration to release heavily indebted poor countries from their overwhelming debt. In many cases, the debt was acquired under dictatorships and despotic regimes. These emerging developing nations could not move forward while buried under seemingly crushing debt.

With bipartisan support, and this is bipartisan in the way it has come to the floor, it passed the first time. Now it is improved upon and going forward again. It is stronger than it was before. In so doing, we forgave debt owed by poor countries, countries that were spending vast sums on debt servicing while forgoing investment into education or health care, infrastructure and other social services so desperately needed in their small countries.

With this bill, we are putting a downpayment on the future of the developing world. We are getting more kids into classrooms. We are providing lifesaving health care. We are building the pathways for entrepreneurship.

And I thank you again, Mr. Chairman, for your leadership, and I honor one more time, as we all have, Congresswoman WATERS for her stick-to-itiveness in making these wonderful, important issues come forward and pass positively.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is a moving moment to come to the floor of the House. And I was moved by the words of our Speaker, quoting the Pope and saying that we must have courage. Then, of course, the ranking member from Alabama got up and said, Chairman FRANK, that there were those who came back and said, I have seen it with my own eyes.

And this is what this bill is about. It is about people understanding that extending the opportunity to teach individuals the ability to fish, to reduce the debt, gives them a lifelong opportunity of survival.

Let me thank Chairman FRANK, Congresswoman WATERS and the ranking member of the full committee, my subcommittee chair, Mr. PAYNE, and Ms. LEE for their stick-to-itiveness on a very important concept, reduce the debt on the continent of Africa, and you give the opportunity to children and others to survive.

This is not a give-away. It is an effective tool to reduce poverty in some of the world's poorest countries. I've had the privilege and honor of representing this nation in my visits to place like Zambia, Zimbabwe, South Africa, Ghana in those early days, Nigeria, Angola and places where you might not imagine the poverty, Lesotho. Debt relief initiatives passed in 1999 and 2005 are benefiting more than two dozen countries in Africa and Latin America, just to the south of us.

Uganda is using the $57.9 million it has saved from debt cancellation on primary education to ensure a future for its children as well as much-needed improvements in malaria control, health care and infrastructure.

Many of us take for granted our public school system. But are you aware that children stay out of school because they don't have the fees, they don't have the money for books, and they don't have the money for clothing? In most African countries, and maybe in Latin American countries, school is not free. There is no concept of ''public school.'' Zambia, one of the poorest nations, is using its savings of $23.8 million on agricultural projects and to eliminate fees for health care in rural areas. Debt cancellations enable programs in Uganda and Zambia to directly help the people.

This is the face of America and the face of our faith, and it is saying that we care for the least of those. We are, in fact, a good Samaritan.

And so today, as we stand here, this is a time of jubilee, for this legislation not only reduces or excuses debt, but it also helps to restructure and finance new opportunities. This Act calls for the development of a responsible financing prime rate for the future. Debt forgiveness is a good short-term solution.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 additional minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. Debt forgiveness is a good short-term solution, but to be truly effective, we must find a way to fix the broken system of international lending.

I am very grateful that our Financial Services Committee has been one of the most proactive in time of need. They are facing the economic crisis of Americans. They have not forgotten you. They are facing the economic crisis around the world. They are restructuring and looking at how we can unify our financial system here. We are, in fact, the keepers of our brothers and sisters as I started out by saying. We must have the courage that has been dictated to us and said to us today by the Pope who is visiting America. And it is good for our colleagues, who may

doubt this legislation, to go and see it with their own eyes. Once they do so, they will understand that this is absolutely the right direction. And might I just thank the AFL–CIO, the American Jewish World Service, the Church World Service, the DATA organization and others for their support.

I ask my colleagues to support this.

Mr. Chairman, I rise today in strong support of H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation. I am proud to join over 100 of my colleagues in cosponsoring this timely legislation. I would like to thank my colleague, Congresswoman WATERS, for introducing this bill, as well as the Chairman of the Financial Services Committee, Congressman FRANK, for his leadership on this important issue.

Countries throughout the world suffer from the heavy burden of debt. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Nearly three years ago, we saw an outpouring of support for debt relief as G8 leaders met in Gleneagles, Scotland, to pursue a policy of poverty reduction. While some positive progress has been made since that meeting, it is absolutely undeniable that this is an issue on which a great deal remains to be done.

Today, we have an opportunity to take a positive and concrete step toward ending global poverty by helping needy and deserving low-income countries. The Jubilee Act expands existing debt relief programs for the world's poorest countries, and it includes measures to ensure that the benefits of debt relief are not eroded by future abusive lending.

Debt relief has, in the past, proved an effective tool to reduce poverty in some of the world's poorest countries. Debt relief initiatives passed in 1999 and 2005 are benefiting more than two dozen countries in Africa and Latin America. Uganda is using the $57.9 million it has saved from debt cancellation on primary education, to ensure a future for its children, as well as much needed improvements in malaria control, healthcare, and infrastructure. Zambia is using its savings of $23.8 million on agricultural projects, and to eliminate fees for healthcare in rural areas.

Debt cancellation has enabled programs in Uganda and Zambia to directly help the people of these nations. However, there are many impoverished and deserving countries that do not currently benefit from debt relief. The International Monetary Fund, IMF, and the World Bank continue to place restrictive conditions on debt cancellation, calling for policies requiring the privatization of essential services and the liberalization of trade in sensitive sectors in exchange for debt cancellation. These conditions are currently holding up desperately needed debt relief in several eligible countries, including Haiti, the Democratic Republic of Congo, and Liberia.

Mr. Chairman, the legislation we are considering today will not only bring the benefits of debt cancellation to more countries than ever before, it will also ensure that these benefits are felt by all strata of society. This bill would direct the Secretary of the Treasury to negotiate an agreement with the IMF and World Bank, as well as other bilateral and multilateral creditors, to make up to 25 additional low-income countries eligible for complete debt cancellation. Governments of these countries will be required to allocate the money saved through debt cancellation to poverty reduction programs, such as initiatives to improve economic infrastructure, basic education, nutrition, health services, and programs to redress environmental degradation.

This legislation does not remove all conditions from debt relief programs. Countries still must demonstrate transparent and effective budget and financial management systems, and they can be excluded from debt relief if they do not. In addition, countries committing massive violations of human rights are not eligible, nor are countries that support international terrorism, have excessive levels of military expenditures, or fail to cooperate on international narcotics control. The Jubilee Act encourages the developing of responsible financing standards, and assures financial transparency and accountability.

Finally, but perhaps most importantly, the Jubilee Act calls for the development of a responsible financing framework for the future. Debt forgiveness is a good short-term solution, but to be truly effective we must find a way to fix the broken system of international lending. Of particular concern to me has been the proliferation of vulture funds, which, like their avian namesake, seek to make a profit off of already weakened prey.

Mr. Chairman, vulture funds purchase the debt of countries (or companies) in financial distress. They then hold out for the full value of the debt, plus any interest, which they pursue through litigation, much of which takes place in U.S. courts. The inability of nations to escape from these financial commitments has profound impacts on any attempts they make at poverty reduction, health care, economic development, and sustainable growth. The Highly Indebted Poor Countries, HIPCs, the majority of which are located in Africa, are particularly crippled by debt. Though these countries may not appear to be the most profitable prey for vulture funds, which in theory prefer to purchase debt that a country has, or may in the future develop, the ability to pay, according to reports there are numerous lawsuits currently pending against HIPC countries.

Vulture funds, together with other forms of irresponsible lending, undermine international efforts to provide much needed debt relief to the world's most indebted poor countries. The Jubilee Act directs the Secretary of the Treasury to develop and promote policies to prevent bilateral, multilateral, and private creditors from eroding the gains of debt relief through irresponsible or exploitive lending. I am particularly pleased that this legislation takes this important step toward fixing broken systems of international lending.

I am proud to support the Manager's Amendment to this legislation, introduced by Congressman FRANK, which adds additional conditions to the eligibility criteria for debt relief, including complying with minimum standards for eliminating human trafficking, cooperating with American efforts to stop illegal immigration, and being committed to free and fair elections.

I also support the amendment offered by my colleague Congressman HASTINGS of Florida. This amendment adds a Sense of Congress stating that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions. After deadly food riots last week in Port-au-Prince, which resulted in the death of a Nigerian UN peacekeeper, I believe that this amendment is both crucial and timely.

I also support the amendment introduced by my colleague Mr. WEINER. This amendment modifies the qualification for ''eligible low-income country'' to include those countries that are eligible for both International Development Association loans and World Bank loans.

Mr. Chairman, if we are serious about meeting the Millennium Development Goals, we must take concrete steps toward reducing poverty. Debt cancellation is a proven way to do this. This legislation has the support of numerous organizations doing excellent work around the world, including the AFL–CIO, American Jewish World Service, Church World Service, DATA, Debt AIDS Trade Africa, Jubilee USA Network, the ONE Campaign, Oxfam America, and RESULTS.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. SHAYS. Let me ask my colleague, does he just have one last speaker?

Mr. FRANK of Massachusetts. Yes.

Mr. SHAYS. Thank you, Mr. Chairman.

I yield myself the remaining time. I appreciate first the work of Congresswoman MAXINE WATERS and Congressman SPENCER BACHUS to bring the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008 to the floor, and in particular, my chairman, BARNEY FRANK, who continues to be an American first and is an outstanding chairman of the Finance Committee and puts all the partisan stuff second. I appreciate that.

Debt cancellation has proven to reduce poverty and save lives. It sends a strong message that we care about the rest of the world. It is sound economics, and it is humane.

The debt cancellation support by Congress in 1999 and 2005 has reached more than 2,000 countries in Africa and Latin America as has been described already. When Uganda is using $57.9 million freed by debt cancellation to increase spending on primary education, malaria control, health care and infrastructure, that is good for every Ugandan citizen, its neighbors and the world at large.

Today's legislation, adopting an additional nine impoverished countries to the list of countries eligible for debt cancellation and making an additional 15 countries eligible for relief is a very positive step. The bill costs an estimated $197 million if all nine countries enter into the agreement, and $119 million if Vietnam decides not to participate.

This is reasonable expenditure, a wise investment and a significant effort of goodwill by our country towards the world community.

While I support this legislation, debt relief by itself will not lead to reforms that are needed in many of these countries. Investment in foreign policy programs that promote world stability is crucial, and that is why oversight is so important.

Many of us in this Chamber believe responsible debt relief is not only the right thing to do, but it is also in our national security interests, particularly when coupled with reforms that will lead to substantial development. Developing nations that improve economically and help their citizens out of poverty and despair are much less likely to develop in ways that make them a threat to their neighbors and the greater world.

I urge passage of H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008, and I again thank all those involved, the chairman of the full committee Mr. FRANK, Ms. WATERS and my ranking member, SPENCER BACHUS.

I yield back my time.

Mr. FRANK of Massachusetts. I yield myself the remaining time.

I join in thanking all those who participated. It may seem that this is an orgy of self-congratulations but it really is a celebration of an important point, namely that we are capable of disagreeing with each other strongly on very important public policy issues without that injuring our ability to cooperate in other areas where we can agree.

□ 1345

The Committee on Financial Services has some very sharp divisions, for example, in the role of the Federal Government in helping to build affordable housing and the rules that should apply there on the restrictions that should apply. I am very proud that has not in any way hindered us from working together on these things which are both in the national interest and in the interests of humanity.

Talking about the committee, I do want to mention one other person who has played a very important role here, no longer a Member, but the former chairman of the committee, the gentleman from Iowa, Mr. Leach.

The initial effort to put through debt relief was over the objection of the leadership of the House and the administration, the Republican House leadership and the Clinton administration. They weren't opposed to it in principle, they were hesitant. A group of Members pushed it through, and among those was the then chairman of the Committee on Financial Services, Mr. Leach, and we are following in the footsteps of those actions.

There are just a couple of points about this that I want to stress. We have some amendments. I will be agreeing to all the amendments. One or two may need some little work later on. But there is an important principle here.

During the nineties in particular, we had a great deal of turmoil in the world because as the international institutions, the World Bank and the International Monetary Fund and the others, provided some financial assistance to low-income countries, they also provided some very intrusive prescriptions about public policy and decisions. If you are going to talk about democracy, Mr. Chairman, you have to honor it. You can't be for democracy only when you know you are going to agree with the outcome.

For the international institutions, with the backing of the American government all too often, and other governments, to have used the need of these countries for assistance, financial assistance, as a lever to dictate what should have been left to the democratic process, was harmful theoretically and practically. It led to decisions being imposed which undermined popular support for the governments and even for the concept of democracy.

So what we say in this legislation, and I know the President raised some concerns about it, there is a constitutional issue here, we think we are very clear, when the Congress of the United States authorizes activity that will reduce revenue to the government, not by an enormous amount, as the gentleman from Connecticut mentioned, but we are talking here about revenues, when we say we are willing to forgo some of these revenues because we think much more good will come from forgoing them than we could do with collecting them in this situation because of the need for stability and peace in the world, we have a right to set the terms under which it happens, and we say in here that there shall be no intrusion into the democratic processes.

We also say, and it is perfectly consistent, we do insist that there be democratic processes. This is not a bill that says no conditions. It sets conditions. The conditions are democracy. The conditions are no corruption, transparency and democracy in the sense of votes and democracy in the sense of free speech and democracy in the sense of people knowing what is happening.

We do say we want a framework of honesty and openness, which hasn't always been there. We will talk a little bit later about some of the differences about interpretation of that. Essentially it goes in the right direction.

I do want to note, this is a decision that it is not appropriate in the guise of providing financial assistance for international institutions or other governments to dictate to the recipient government issues that ought in a normal society be the subject of a democracy.

I repeat my gratitude that we have got broad support for this. I think there is an overwhelming consensus that reducing the debt of those countries which are trying to do the right thing for their people is, of course, primarily in the interest of the poor children and the other poor people in those countries, but also in our interest in trying to promote a stable and peaceful world.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, for over 20 years, creditor nations have been passing bilateral agreements to forgive debt in poor and developing countries.

Since 1991, the United States has waived roughly $23.9 billion in debt.

Now the House of Representatives is considering further debt relief for 23, possibly 24, nations under H.R. 2634. After two decades of making loans with taxpayer dollars to countries that clearly are unable to pay it back, we're asking Americans to do it again.

The U.S. national deficit is $9.4 trillion, and we're asking hardworking, taxpaying Americans, our children and grandchildren, to waive an additional $6.1 billion in loan assistance we've provided to developing countries.

This is simply illogical, which is why I offered my amendment to this bill in Rules on Monday. The amendment would prohibit the waiving of any debt owed to the United States if the United States carries a federal deficit.

Of course, the majority decided to shortchange the debate and to make my amendment not in order.

I feel for these poor, developing countries, and their people. But we have some real crises here in the United States with 223,000 homes in foreclosure in February, the unemployment rate at 4.8 percent, and more than 46.6 million Americans without health care insurance.

I know my constituents can think of a million things to do with $6.1 billion in debt cancellation for foreign nations. With this type of logic, it's no wonder Americans consider to question the mental stability of their Members of Congress.

Until the United States is in the black and no longer has a federal deficit, I urge Members to protect American taxpayer dollars. I urge Members to vote against this restrictive rule and oppose this ill-conceived bill.

Mr. STARK. Mr. Chairman, I rise today in strong support of legislation that will save thousands of lives around the world. By allowing poor countries to use scarce resources to provide for the health and well being of their citizens rather than to repay debt to wealthy nations, we are doing what is humane, right, and just.

Many nations struggling to escape the grip of poverty are imprisoned by debt that siphons off large portions of their budgets. In many cases, any type of debt relief is conditioned on adoption of policies that privatize large sections of the economy and primarily benefit international corporations. Such a "Hobbesian choice" undermines sovereignty and exacerbates poverty. There is another way that can lift up nations and allow them to invest in their own citizens rather than sending money to foreign capitols, while maintaining control of their

own economies. The "Jubilee Act" before us today provides such an alternative.

This legislation will expand our existing debt relief program to cancel the debts of the world's 24 poorest countries and provide greater relief to many more without imposing harsh economic conditions. Even under the current limited relief program, numerous countries have made great strides:

Mozambique was able to vaccinate 500,000 additional children;

Uganda doubled enrollment in public schools;

Zambia hired 4,500 new teachers and eliminated health care fees.

Imagine the progress that can be made if we pass this bill and bring debt relief within reach of virtually all of the world's most impoverished nations.

Debt cancellation under this legislation is not simply a handout that could be used by corrupt regimes to enrich their cronies or build their militaries. This legislation makes eligibility contingent on using the savings to reduce poverty. Countries are ineligible if their government lacks transparency, violates human rights, or spends excessively on defense.

We have a moral obligation to help alleviate suffering in our own country and around the world. At a time when much of the world has lost faith in America as a beacon of freedom and compassion, it is also in our self-interest to restore this lost faith and lift countries out of poverty. I hope all of my colleagues will join me in voting for this legislation.

Mr. FARR. Mr. Chairman, I am very pleased to express my support for the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act.

This Jubilee Act is a vital piece of legislation that will liberate poor countries from the burden of heavy indebtedness. These countries simply cannot invest in their futures if they are tethered to the illegitimate debts of their past.

Today we have the opportunity to take a major step forward in our effort to combat global poverty and elevate our Nation's moral standing in the world. For that we should all feel a great sense of accomplishment.

By one simple act here in the U.S. House of Representatives, we have the ability to strike a blow against one of the great scourges of the world: poverty. I have spent a lifetime in public service fighting the root causes of poverty—from my time in Colombia as a Peace Corps volunteer, straight through to this vote today as a Member of Congress.

It has long been apparent to me that steady and adequate investments in health care, education, housing, and sanitation are absolute minimums to be able to eliminate poverty and hopelessness. And this bill makes those investments possible for a whole swath of the world where they would not be otherwise.

This bill lifts the burden of past debts off the backs of governments that are behaving responsibly and have a proven record of investing in their own people. This is important to note, because many of these indebted nations incurred their debt, not under their current democratically elected governments, but under past autocratic regimes that pilfered the money and left the people of these countries in utter poverty.

The Jubilee Act is a follow-on extension to a debt relief program with proven results. Since 1996, 30 countries have received nearly $80 billion in some form of debt relief. The money that these countries have saved in debt financing charges have gone directly into fighting poverty. By passing this bill, an additional 24 countries will have the opportunity to throw off the yoke of severe debt and begin anew to confront the conditions that perpetuate poverty with additional resources at their disposal.

I am pleased to join today with so many of my colleagues, from both political parties, to reinvigorate our effort to fight global poverty. I am pleased to join today with so many of my colleagues, from both political parties, to reinvigorate our effort to fight global poverty.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2634

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Many low-income countries have been struggling under the burden of international debts for many years.

(2) Since 1996, when the Heavily Indebted Poor Countries Initiative (HIPC) was created, more than 30 nations have seen some form of debt relief totaling approximately $80,000,000,000.

(3) Congress has demonstrated its support for bilateral and multilateral debt relief through the enactment of comprehensive debt relief initiatives for heavily indebted low-income countries in—

(A) title V of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of the Act entitled ''An Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes'', approved November 29, 1999 (Public Law 106–113; 113 Stat. 1501–311) and the amendments made by such title;

(B) title II of H.R. 5526 of the 106th Congress, as enacted into law by section 101(a) of the Act entitled ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes'', approved November 6, 2000 (Public Law 106–429; 114 Stat. 1900A–5); and

(C) title V of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 117 Stat. 747) and the amendment made by such title.

(4) In 2005, the United States and other G–8 nations reached an agreement to provide cancellation of 100 percent of the debts owed by eligible poor nations to Paris Club members, the IMF, the World Bank, and the African Development Bank. The Inter-American Development Bank reached an agreement in early 2007 to provide similar treatment.

(5) The 2005 agreement led to the creation of the Multilateral Debt Relief Initiative (MDRI). As of April 2007, 22 nations have seen the majority of their debts to the IMF, World Bank, and African Development Bank cancelled under the terms of the MDRI. In March 2007, the Inter-American Development Bank announced it would provide full debt cancellation to 5 Latin American countries on MDRI terms.

(6) Resources released by debt relief efforts to date are reaching the poor. Cameroon is using the $29,800,000 of savings it will gain from the MDRI in 2006 for national poverty reduction priorities, including infrastructure, social sector and governance reforms. Uganda is using its $57,900,000 savings in 2006 on improving energy infrastructure to try to ease acute electricity shortages, as well as primary education, malaria control, healthcare and water infrastructure (specifically targeting the poor and underserved villages). Zambia is using its savings of $23,800,000 under the MDRI in 2006 to increase spending on agricultural projects, such as smallholder irrigation and livestock disease control, as well as to eliminate fees for healthcare in rural areas.

(7) While debt cancellation has a record of success, there remains an unfinished agenda on international debt. There are a number of challenges to both the effective reduction of poverty and inequality and the achievement of broader debt cancellation.

(8) 2007 is an important year to address the unfinished agenda on international debt as the global Jubilee debt campaign has declared 2007 a ''Sabbath year'', 7 years after the historic Jubilee 2000 campaign.

(9) A critical issue which needs to be addressed on debt is the way that non-concessional lenders stand to gain financially from lending to poor countries that have benefited from debt relief without having paid for past debt relief or facing the prospect of paying for the future relief of unsustainable and irresponsible new lending. In these cases, the gains of debt relief for poor debtor countries are at risk of being eroded. This takes the form of new lending to countries that have received debt cancellation from countries including China.

(10) It is also essential that all lenders and borrowers accept co-responsibility and learn from past mistakes—as evidenced by the debt crisis itself—by making more productive investment choices and engaging in more responsible lending and borrowing in the future. In October 2006, Norway became the first creditor to accept co-responsibility for past lending mistakes and cancelled the debt of 5 nations on the grounds that the loans reflected poor development policy.

(11) A growing number of governments and intergovernmental bodies, including the United Kingdom, the European Commission, and Norway, are raising concerns about the harmful impacts of economic policy conditionality. Many impoverished countries that have received debt cancellation under the HIPC and MDRI initiatives have done so at a high social cost, because they have had to implement economic policy conditions such as privatization of public utilities and other basic services, adhere to budget ceilings imposed by the IMF, and comply with other harmful requirements. Some of these policies have had the effect of limiting fiscal space for productive investment and threatening growth and human development. Several countries currently eligible for debt cancellation under the HIPC or MDRI programs are facing extended delays in receiving cancellation because they are struggling to comply with such requirements from the IMF and World Bank.

(12) There is also an urgent need to look beyond the constraints of current debt relief initiatives to address the need for expanded debt cancellation. The current initiatives allow countries to qualify for relief based on economic criteria rather than human needs. A January 2007 report by the United Nations Human Rights Council found that eligibility for debt cancellation should be expanded to cover all low-income countries.

(13) The Government of the United Kingdom has proposed that qualification for the MDRI be

extended to the 67 nations which qualify for assistance exclusively from the International Development Association. To be eligible for cancellation, countries must meet requirements pertaining to public financial management, anticorruption measures, and budget transparency.

(14) Since debt cancellation is an essential component of the United States development assistance strategy and the United States has been able to lead the debt cancellation efforts of the international community by example, the United States should continue to work to improve and expand initiatives in this area.

(15) The United States has been a leader in supporting debt relief efforts to date and should continue to work to improve and expand initiatives in this area.

SEC. 3. CANCELLATION OF DEBT OWED BY ELIGIBLE LOW-INCOME COUNTRIES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p–8) is amended by adding at the end the following:

"SEC. 1626. CANCELLATION OF DEBT OWED BY ELIGIBLE LOW-INCOME COUNTRIES.

''(a) IN GENERAL.—The Secretary of the Treasury shall commence immediate efforts, within the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and the other international financial institutions (as defined in section 1701(c)(2)), to negotiate an agreement to accomplish the following:

''(1) Cancellation by each international financial institution of all debts owed to the institution by eligible low-income countries, and, to the extent possible, financing the debt cancellation from the ongoing operations, procedures, and accounts of the institution.

''(2) Cancellation by the United States of all debts owed to it by eligible low-income countries.

''(3) Ensuring that any waiting period for the enhanced debt cancellation is not excessive.

''(4) Ensuring that the provision of debt cancellation to eligible low-income countries is not followed by a reduction in the provision of any other development assistance to the countries by international financial institutions and bilateral creditors.

''(5) Encouraging the government of each eligible low-income country to allocate at least 20 percent of its national budget towards poverty-alleviation programs such as the provision of basic health care services, education services, and clean water services to all individuals in the country.

This subsection shall not be interpreted to authorize the Secretary of the Treasury to enter into an agreement to accomplish any of the foregoing without express congressional authorization to do so.

''(b) ESTABLISHMENT OF FRAMEWORK FOR CREDITOR TRANSPARENCY.—The Secretary of the Treasury shall commence immediate efforts, within the Paris Club of Official Creditors, the International Monetary Fund, the World Bank, and the other international financial institutions (as so defined), to ensure that each of the institutions—

''(1) continues to make efforts to promote greater transparency regarding the activities of the institution, including credit, grant, guarantee, and technical assistance operations, following a policy of maximum disclosure; and

''(2) supports continued efforts to allow informed participation and input by affected communities, including translation of information on proposed projects, provision of information (including draft documents) through information technology application, oral briefings, and outreach to and dialogue with community organizations and institutions in affected areas.

''(c) ESTABLISHMENT OF FRAMEWORK FOR RESPONSIBLE LENDING.—The Secretary of the Treasury shall commence immediate efforts to—

''(1) develop and promote policies to ensure all creditors, with no distinction, will contribute to preserving the gains of debt relief for low-income debtor countries;

''(2) provide that the external financing needs of low-income countries are met primarily through grant financing rather than new lending;

''(3) seek the international adoption of a binding legal framework on new lending that—

''(A) guarantees that no creditor can take or expect to take financial advantage of acquired or newly awarded debt relief through the terms and rates of such lending to beneficiary countries;

''(B) is binding on all creditors, whether multilateral, bilateral or private;

''(C) foresees, as a sanction for creditors who violate it, an equitable share in the burden of the losses from any future debt relief needed by the sovereign debtor to whom lending was irresponsibly provided;

''(D) provides for decisions on irresponsible lending to be made by an entity independent from the creditors; and

''(E) enables fair opportunities for the people of the affected country to be heard; and

''(4) support the development of responsible financing standards where creditors and aid/loan recipients alike adhere to standards to assure transparency and accountability to citizens, human rights, and the avoidance of new odious debt, while encouraging the development of renewable energy and helping countries to transition away from dependence on oil.

''(d) GAO AUDIT OF DEBT PORTFOLIOS OF COUNTRIES WITH QUESTIONABLE LOANS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall undertake an audit of the debt portfolios of previous governments in countries such as the Democratic Republic of Congo and South Africa, where there is significant evidence that odious, onerous, or illegal loans were made to the government. Each such audit shall—

''(A) consider debt owed to the World Bank, the IMF, and the other international financial institutions (as so defined), export credit debts owed to governments, and debts owed to commercial creditors, and assess whether or not past investments produced the intended results;

''(B) investigate the process by which the loans were contracted, how the funds were used, and determine whether United States or international laws were violated in the contraction of these loans, and whether any of the loans were odious or onerous; and

''(C) be planned and executed in a transparent and consultative manner, engaging congressional bodies and civil society groups in the countries.

''(2) REPORT.—Within 2 years after the date of the enactment of this section, the Comptroller General of the United States shall prepare and submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Foreign Relations of the Senate a report that contains the results of the audits undertaken under paragraph (1).

''(e) AVAILABILITY ON TREASURY DEPARTMENT WEBSITE OF REMARKS OF UNITED STATES EXECUTIVE DIRECTORS AT MEETINGS OF INTERNATIONAL FINANCIAL INSTITUTIONS' BOARDS OF DIRECTORS.—The Secretary of the Treasury shall make available on the website of the Department of the Treasury the full record of the remarks of the United States Executive Director at meetings of the boards of directors of the International Monetary Fund, the World Bank, and the other international financial institutions (as so defined), about cancellation or reduction of debts owed to the institution involved, with redaction by the Secretary of the Treasury of material deemed too sensitive for public distribution, but showing the topic, amount of material redacted, and reason for the redaction.

''(f) REPORT FROM THE COMPTROLLER GENERAL.—Within 1 year after the date of the enactment of this section, the Comptroller General of the United States shall prepare and submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Foreign Relations of the Senate a report on the availability of the ongoing operations, procedures, and accounts of the IMF, the World Bank, and the other international financial institutions (as so defined) for canceling the debt of eligible low-income countries.

''(g) ANNUAL REPORTS FROM THE PRESIDENT.—Not later than December 31 of each year, the President shall submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate a report, which shall be made available to the public, on the activities undertaken under this section, and other progress made in accomplishing the purposes of this section, for the prior fiscal year. The report shall include a list of the countries that have received debt cancellation, a list of the countries whose request for debt cancellation has been denied and the reasons therefor, and a list of the countries whose requests for debt cancellation are under consideration.

''(h) ELIGIBLE LOW-INCOME COUNTRY DEFINED.—In this section, the term 'eligible low-income country' means a country—

''(1) that is eligible for financing from the International Development Association but not the World Bank, and does not qualify for debt relief under the Enhanced HIPC Initiative (as defined in section 1625(e)(3)) and under the Multilateral Debt Relief Initiative;

''(2) that has transparent and effective budget execution and public financial management systems which ensure that the savings from debt relief are spent on reducing poverty;

''(3) the government of which does not have an excessive level of military expenditures;

''(4) the government of which has not repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

''(5) the government of which is cooperating on international narcotics control matters; and

''(6) the government of which (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.''.

SEC. 4. LIMITATION ON CONDITIONALITY OF DEBT RELIEF FOR ELIGIBLE LOW-INCOME COUNTRIES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p–8) is further amended by adding at the end the following:

"SEC. 1627. LIMITATION ON CONDITIONALITY OF DEBT RELIEF FOR ELIGIBLE LOW-INCOME COUNTRIES.

''(a) IN GENERAL.—The Secretary of the Treasury shall commence immediate efforts within the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and the other international financial institutions (as defined in section 1701(c)(2)), to ensure that debt cancellation is provided to eligible low-income countries (as defined in section 1626(h)) without any conditions except requiring the government of such a country to—

''(1) take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

''(2) make policy decisions through transparent and participatory processes;

''(3) adopt an integrated development strategy to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

''(4) implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

''(5) broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance;

''(6) promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government; and

''(7) produce an annual report disclosing how the savings from debt cancellation were used, and make the report publicly available and easily accessible to all interested parties, including civil society groups and the media.

''(b) ANNUAL REPORTS TO THE CONGRESS.—Not later than December 31 of each year, the President shall submit to the Committees on Financial Services and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate a report, which shall be made available to the public, on the activities undertaken under this section, and other progress made in accomplishing the purposes of this section, for the prior fiscal year.''.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that to further the goals of debt reduction for low-income countries, in addition to the efforts described in this Act, the United States should pay off outstanding arrearages of $595,800,000 to the International Development Association and regional development banks, and become current on all debt reduction efforts, including those carried out by the International Development Association and under the Enhanced Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 110–586. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–586.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer that amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 6, beginning on line 17, strike ''economic policy conditionality'' and insert ''certain economic policy conditionalities''.

Page 6, beginning on line 22, strike ''economic'' and all that follows through ''IMF,'' on line 24 and insert ''certain economic policy conditions, including the privatization of essential basic services such as water,''.

Page 7, line 22, strike ''requirements'' and insert ''economic criteria''.

Page 9, line 5, insert '', without undermining the financial integrity of the institution'' before the period.

Page 9, line 14, insert '', or to other countries eligible for assistance from the International Development Association'' before the period.

Page 15, line 9, insert ''from'' before ''the''.

Page 15, line 20, strike ''repeatedly''.

Page 16, line 1, insert ''with the United States'' after ''cooperating''.

Page 16, line 2, strike ''and''.

Page 16, line 5, strike ''consistent''.

Page 16, line 6, strike ''rights.'' and all that follows through the second period and insert ''rights (as defined in section 116 of the Foreign Assistance Act of 1961 (Public Law 87–195));''.

Page 16, after line 6, insert the following:

''(7) the government of which has not been identified in the most recent Trafficking in Persons Report issued by the Department of State as not fully complying with minimum standards for eliminating human trafficking and not making significant efforts to do so;

''(8) the government of which has been determined by the President to be cooperating with United States efforts to stop illegal immigration to the United States; and

''(9) the government of which has been determined by the President to be committed to free and fair elections.''.

Page 16, beginning on line 21, strike ''without any conditions except requiring the government of such a country to—'' and inserting ''only on the condition that the government of such a country—''.

Mr. FRANK of Massachusetts. Mr. Chairman, In consultation with the minority, I ask unanimous consent that the amendment be amended.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 3, in the first undesignated line, strike ''only on the condition that'' and insert ''subject to all and only the following conditions: That''.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 1103, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentlewoman from Illinois (Mrs. BIGGERT) alluded earlier to this amendment. We reject the kind of conditions that try to set tax policy or education policy or resource policy within a country, because if you go with democracy, you allow the countries to make them. But we did have a right, we thought, to set some conditions that affect us. We set forth some conditions involving democracy and openness, in consultation with the minority. We were reminded of some other conditions. So this adds to the conditionality.

If this amendment is adopted, there will be conditions requiring that people assuage terrorism, that they work with us on immigration, and that they avoid any participation in human smuggling.

I believe that these are agreed on, and in fact in some cases were put forward at the request of the minority. In some cases we thought they were clear. But one of the things I learned when you are legislating is never object to redundancy. It is better to say it twice than to have some ambiguity about whether you offered it at all.

So I offer this amendment I believe on behalf of the leadership and the membership of both sides of the committee.

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

Mr. SHAYS. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bipartisan manager's amendment. I would like to thank Chairman FRANK, Mr. BACHUS and Mrs. BIGGERT for their work on the amendment, which addresses several concerns that Members had with the version of the bill reported by the Committee on Financial Services. With the adoption of this amendment, the Jubilee Act will be a better bill.

The manager's amendment clarifies the conditions for that relief. Specifically, it will ensure that countries receiving debt relief comply with specific outlined conditions. By doing do, these countries will be held accountable, and, as a result, the debt relief accorded them will be effective in alleviating poverty, establishing sustainable development and ensuring good governance.

Beyond clarifying the requirements for eligible countries, this amendment adds three more: Requiring greater cooperation with the U.S. on human trafficking, preventing illegal immigration to the U.S., and promoting Democratic standards within the country benefiting from debt relief. These additional measures will have a positive effect not only on the recipient nations, but on the U.S. as well.

Finally, the manager's amendment makes clear that countries that have engaged in human rights violations and aided terrorism are excluded from receiving debt relief.

This manager's amendment represents progress towards making this a more effective measure. I again commend the sponsors of the amendment, and urge its adoption.

Without objection from the chairman, I would like to yield 1 minute to my colleague, the gentleman from California (Mr. ROHRABACHER), who had wanted a minute when we didn't have time. I would like to give him a minute at this time.

Mr. ROHRABACHER. Let me congratulate and thank Congressman FRANK. BARNEY has been very fair. He backed my ability to have an amendment on the floor, and I will talk about that amendment next. But let me note when he stated that our goal is debt relief for these countries that are trying

to do right for their people, I think that in the manager's amendment, and the Congressman did reach out to try to find language that was agreeable, but I don't think that we have reached that language.

I think there is still wiggle room in the language of the manager's amendment that would permit countries that are governed by authoritarian people who are claiming that they are going to have democratic elections is still there. Our State Department quite often supports those governments and would like to claim they are heading in that direction, like the government of Ethiopia, which in their last election threw everybody who won the elections in jail. But now they are our greatest ally in Africa. The State Department would love to have debt relief to a country like that. We shouldn't be doing that.

Mr. FRANK of Massachusetts. Mr. Chairman, I will finish by saying the gentleman from California was gracious and said I had been fair and he talked about my not being partisan. I want to congratulate him for his lack of partisanship, because having served the majority of his time here under Republican administrations, he retains a deep distrust of the State Department, including the current State Department, and apparently his point is he cannot trust the current State Department to enforce democracy.

I am inclined to appreciate his point. And while we have some differences, I did want to give him credit for his very bipartisan skepticism.

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

Mr. SHAYS. I want to emphasize we support this amendment, and I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

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

AMENDMENT NO. 2 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–586.

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ROHRABACHER:

In section 1626(h) of the International Financial Institutions Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (5), strike the period at the end of paragraph (6) and insert ''; and'', and add at the end the following:

''(7) the government of which was chosen by and permits free and fair elections.''.

The CHAIRMAN. Pursuant to House Resolution 1103, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the amendment I am offering is easy to understand. It insists that if we provide debt relief, the recipient country's government must have a democratically elected government. The reason this is important is very clear. The dictators and kooks and gangsters who rule many Third World nations and developing countries will simply steal more if we give them the chance. Those who steal from their people will steal from us. Debt relief to dictators is a license to steal.

I understand there are those who believe that we should not set such a high standard of having a democratically elected government as a prerequisite to debt relief. If dictatorships are overthrown, it is postulated then that democratic reformers will need time to hold a free election. The monetary impact of that short time period in order to have a free election organized is minimal and the number of such cases are very, very few. But that is the worst case scenario. The price of debt relief will in fact prevent foot dragging so there will be free elections at a quicker pace.

On the other hand, a standard of requiring only a commitment to future and free elections opens the door to large scale manipulations and backtracking on democratic commitments by dictators or by those holding power after dictators have been overthrown. Give those in power in the Third World countries a chance to put off elections and they will just do that. Giving them the wrong incentives and opening up the door to false promises for future elections and giving them a benefit for it enables large scale theft.

The chances of this negative impact, of having a lower democratic standard, is great as compared to the number of minimal cases that we will have if we are just asking true democratic reformers to hold elections before we give debt forgiveness.

We have seen it over and over again in the Third World. Third World politicians claim they will hold elections, but never quite seem to get there.

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If we don't act to close it, this loophole will have a huge impact and allow debt relief to governments that have not instituted and have no real intent of instituting Democratic reform.

Yes, I have no faith in our State Department or this administration to enforce that rule to see if they are really intent on democracy. If our standard is that words are enough, the tough guys of the world who rule too many countries will lie and get their hands on the loot with our State Department's approval, surprise, surprise.

That's why my amendment is important. We should side with the Democratic reformers, not those who simply use the right words.

I urge my colleagues to support this amendment, which makes sense, and reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I seek recognition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I know I am taking the time in opposition. I am not so much in opposition, but I am about as close to it as anybody we are going to find here, so I think I qualify.

I agree very much. On a case-by-case basis, I believe the gentleman from California and I would agree at each instance. And so I hope the amendment is adopted.

I would make one point, as I thought about it. It does reinforce the point that we should not be imposing on the recipient government's policy choices that a democratic government ought to make. The flip side of a commitment to democracy is recognizing the validity of those decisions.

I also agree with the gentleman. His wording is better than the wording I put in here for the future, permits free and fair elections, although there is always, when you are talking about the future, some weasel word.

I will work with the gentleman going forward. I am going to suggest to him maybe later that we might empower them to do a moratorium for a short period of time on payments in the following situation. We have had cases where bad governments were overthrown by people who are democratic. East Timor is an example. There is Ghana, where Jerry Rawlings overthrew a government and then had an election. His party is now in the opposition. Uganda. The gentleman is right. Ordinarily it may not take that much time, but things could be so chaotic, like in Liberia, when the new government came in there with some bad people. Maybe a year would be too little.

I will be talking to him later. I hope this amendment is adopted. Perhaps we could provide a temporary moratorium for a government that took over in those circumstances for perhaps 6 months or a year. But that's something we might work out.

The gentleman seems to agree that that is something that, while no commitment is obviously made, that we could work on.

I hope the amendment is adopted.

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

Mr. ROHRABACHER. I appreciate that thought very much.

Again, I appreciate the fairness that I have been treated with. I will show my bipartisanship a little more. I

think that I have been treated more fairly and a number of my Republican colleagues have been treated more fairly since the Democrats have become the majority than I was treated by my own leadership.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. ROHRABACHER. Sure, I would yield.

Mr. FRANK of Massachusetts. I know the gentleman joins me in looking forward to continued years of such treatment.

Mr. ROHRABACHER. Well, I won't go that far, but I do appreciate the fact that there has been this effort to reach out and treat people fairly on our side of the aisle.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–586.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

At the end of the bill, add the following:

SEC. _____. SENSE OF THE CONGRESS.

(a) FINDING.—The Congress finds that Haiti is scheduled to send $48,700,000 in debt payments to multilateral financial institutions in 2008.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions.

The CHAIRMAN. Pursuant to House Resolution 1103, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to the Jubilee Act which urges expedited international debt relief for Haiti. The current situation in Haiti, a nation that has been historically afflicted by violence and natural disasters, is increasingly desperate and volatile.

In recent days, thousands of Haitians have flooded the streets of Port-au-Prince and other cities throughout the country in desperation to decry rapidly escalating food prices in a nation where three-quarters of the population lives on under $2 a day. The cost of staple foods in Haiti has skyrocketed 50 percent within the last year.

Haiti is not only the poorest country in the Western Hemisphere, but it also ranks third behind Somalia and Afghanistan as the nation with the highest per capita daily deficit in calorie intake. Recent anger over food prices threatens the stability of this Caribbean nation already haunted by chronic hunger.

The humanitarian crisis in Haiti underscores the importance of quick and deliberate leadership by the United States. Haiti still is scheduled to pay almost $50 million in 2008 to unilateral financial institutions.

This amendment would put Congress on record encouraging the expedited cancellation of Haiti's international debt to help alleviate poverty and increased stability in Haiti. The United States government cannot and should not turn a blind eye again to the struggles of this undeveloped, underdeveloped, impoverished nation.

I applaud President Bush's recent announcement that he would release $200 million in U.S. emergency food aid to help alleviate food shortages in developing countries, including in Haiti, but these funds are not nearly enough to assist with the immediate or long-term humanitarian crisis. They fall far short of putting Haiti on a sustained path to development. I ask the President and all of us to do more.

This amendment is an initial step in the right direction. We could follow it up with giving temporary protective status, as President Preval of Haiti has requested and President Bush could grant. I ask for my colleagues to support this amendment and ask that they join us in supporting our Haitian friends.

Yesterday, 247 Haitians were sent back by the Coast Guard, and the Coast Guard has increased its vigilance in the area in light of this impending crisis. At a time of extreme instability and crisis, Congress must not turn its back on Haiti.

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

Mr. SHAYS. Mr. Chairman, I claim time in opposition, although I am not in opposition.

The CHAIRMAN. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. SHAYS. Mr. Chairman, I don't want to be silent to the concerns that my colleague from Florida Mr. HASTINGS has expressed.

Haiti is a country that has tremendous poverty, and while his resolution speaks to the HIPIC package of the 43 nations who have already been authorized for debt forgiveness. I hope the folks in the administration are listening to his concern that is shared by so many.

While the legislation before us deals with countries to be added to the list, I think he is right in pointing out a concern that I know many on this side of the aisle share. Haiti is a country in desperate need of help, and it is a very close neighbor and friend and we need to do everything we can to help it.

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

Mr. HASTINGS of Florida. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Florida has 2 minutes remaining.

Mr. HASTINGS of Florida. At this time I am very pleased to yield 1 minute to the gentlelady from Texas, my colleague and good friend, SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman and member of the Rules Committee, Mr. HASTINGS. I acknowledge, again, the members of the Financial Services Committee and Congresswoman MAXINE WATERS.

I salute the gentleman for this forthright and vital acknowledgment and sense of Congress in this bill.

Mr. Chairman, people are starving in Haiti. Haitians are starving, they are in the streets. They are crying out for relief. As was said earlier, this is the poorest country in the western hemisphere. President Preval has made a commitment to this Nation, and he has worked hard on political stability.

We have seen incarcerated persons who are held as political prisoners be released. But I think it is crucial that we join in a unified voice today to acknowledge that we stand against the starvation and the financial crisis that is in Haiti.

This is an important statement to cancel the debt to all international financial institutions and also such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement.

I thank the distinguished gentleman for yielding to me, and I join them also on the request for TPS. I support the Hastings amendment.

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

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I wish to thank Chairman FRANK for the expeditious handling of this matter. In addition, I thank my good friend from Connecticut for his statement and his support of this amendment.

This is an important initial step toward finally freeing Haiti from its onerous debt. Not only our administration, but the institutional community

has some responsibilities in this matter that they can discharge much.

My appeal goes way beyond just the American responsibility. I ask the international community to weigh in and deal with this subject in a meaningful way to give this opportunity the relief that it rightly deserves.

I ask for my colleagues' support.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–586.

Mr. FRANK of Massachusetts. Mr. Chairman, it's my information that the author did not intend to offer it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–586 on which further proceedings were postponed, in the following order:

Amendment No. 1, as modified, by Mr. FRANK of Massachusetts.

Amendment No. 2 by Mr. ROHRABACHER of California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 12, as follows:

[Roll No. 196]

AYES—424

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

NOT VOTING—12

Bachus
Brady (PA)
Brown, Corrine
Faleomavaega
Fattah
Gillibrand
Mack
Meek (FL)
Peterson (PA)
Rush
Wilson (NM)
Wynn

□ 1435

Messrs. KILDEE, WALSH of New York, CLEAVER and WELDON of Florida changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN (Mr. JACKSON of Illinois). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 382, noes 41, answered ''present'' 2, not voting 11, as follows:

[Roll No. 197]

AYES—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley

Cubin	Johnson (IL)	Price (GA)
Cuellar	Johnson, Sam	Pryce (OH)
Culberson	Jones (NC)	Putnam
Cummings	Jordan	Radanovich
Davis (AL)	Kagen	Ramstad
Davis (CA)	Kanjorski	Rangel
Davis (IL)	Kaptur	Regula
Davis (KY)	Keller	Rehberg
Davis, David	Kennedy	Reichert
Davis, Lincoln	Kildee	Renzi
Davis, Tom	Kind	Reyes
Deal (GA)	King (IA)	Reynolds
DeFazio	King (NY)	Rodriguez
DeGette	Kingston	Rogers (AL)
Delahunt	Kirk	Rogers (KY)
DeLauro	Klein (FL)	Rogers (MI)
Dent	Kline (MN)	Rohrabacher
Diaz-Balart, L.	Knollenberg	Ros-Lehtinen
Diaz-Balart, M.	Kuhl (NY)	Roskam
Dicks	LaHood	Ross
Dingell	Lamborn	Rothman
Doggett	Lampson	Roybal-Allard
Donnelly	Langevin	Royce
Doolittle	Larsen (WA)	Ruppersberger
Doyle	Larson (CT)	Ryan (OH)
Drake	Latham	Ryan (WI)
Dreier	LaTourette	Salazar
Duncan	Latta	Sali
Edwards	Levin	Sánchez, Linda T.
Ehlers	Lewis (CA)	
Ellsworth	Lewis (KY)	Sanchez, Loretta
Emanuel	Linder	Sarbanes
Emerson	Lipinski	Saxton
Engel	LoBiondo	Schakowsky
English (PA)	Loebsack	Schiff
Eshoo	Lofgren, Zoe	Schmidt
Etheridge	Lowey	Schwartz
Everett	Lucas	Scott (VA)
Fallin	Lungren, Daniel E.	Sensenbrenner
Farr	Lynch	Sessions
Feeney	Mahoney (FL)	Sestak
Ferguson	Maloney (NY)	Shadegg
Filner	Manzullo	Shays
Flake	Marchant	Shea-Porter
Forbes	Markey	Sherman
Fortenberry	Marshall	Shimkus
Fortuño	Matheson	Shuler
Fossella	Matsui	Shuster
Foster	McCarthy (CA)	Simpson
Foxx	McCarthy (NY)	Sires
Frank (MA)	McCaul (TX)	Skelton
Franks (AZ)	McCollum (MN)	Slaughter
Frelinghuysen	McCotter	Smith (NE)
Gallegly	McCrery	Smith (NJ)
Garrett (NJ)	McHenry	Smith (TX)
Gerlach	McHugh	Smith (WA)
Giffords	McIntyre	Solis
Gilchrest	McKeon	Souder
Gillibrand	McMorris Rodgers	Space
Gingrey	McNerney	Speier
Gohmert	Meeks (NY)	Spratt
Gonzalez	Melancon	Stark
Goode	Mica	Stearns
Goodlatte	Michaud	Stupak
Gordon	Miller (FL)	Sullivan
Granger	Miller (MI)	Sutton
Graves	Miller (NC)	Tancredo
Green, Al	Miller, Gary	Tanner
Green, Gene	Mitchell	Tauscher
Grijalva	Moran (KS)	Taylor
Hall (NY)	Murphy (CT)	Terry
Hall (TX)	Murphy, Patrick	Thompson (CA)
Hare	Murphy, Tim	Thompson (MS)
Hastings (FL)	Murtha	Thornberry
Hastings (WA)	Musgrave	Tiahrt
Hayes	Myrick	Tiberi
Heller	Napolitano	Tierney
Hensarling	Neal (MA)	Turner
Herger	Neugebauer	Udall (CO)
Herseth Sandlin	Norton	Udall (NM)
Higgins	Nunes	Upton
Hill	Oberstar	Van Hollen
Hinojosa	Pallone	Velázquez
Hirono	Pascrell	Visclosky
Hobson	Pastor	Walberg
Hodes	Paul	Walden (OR)
Hoekstra	Pearce	Walsh (NY)
Holden	Pence	Walz (MN)
Holt	Perlmutter	Wamp
Hooley	Peterson (MN)	Wasserman Schultz
Hoyer	Petri	Watson
Hulshof	Pickering	Waxman
Hunter	Pitts	Weiner
Inglis (SC)	Platts	Welch (VT)
Inslee	Poe	Weldon (FL)
Israel	Pomeroy	Weller
Issa	Porter	Westmoreland
Jefferson	Price (GA)	Wexler
Johnson (GA)	Pryce (OH)	Whitfield (KY)
Johnson, Sam	Putnam	Wilson (OH)
Jones (NC)	Radanovich	Wilson (SC)
Jordan	Ramstad	Wittman (VA)
Kagen	Rangel	Wolf
Kanjorski	Regula	Wu
Kaptur	Rehberg	Yarmuth
Keller	Reichert	Young (AK)
Kennedy	Renzi	Young (FL)
Kildee	Reyes	
Kind	Reynolds	
King (IA)	Rodriguez	
King (NY)	Rogers (AL)	
Kingston	Rogers (KY)	
Kirk	Rogers (MI)	
Klein (FL)	Rohrabacher	
Kline (MN)	Ros-Lehtinen	
Knollenberg	Roskam	
Kuhl (NY)	Ross	
LaHood	Rothman	
Lamborn	Roybal-Allard	
Lampson	Royce	
Langevin	Ruppersberger	
Larsen (WA)	Ryan (OH)	
Larson (CT)	Ryan (WI)	
Latham	Salazar	
LaTourette	Sali	
Latta	Sánchez, Linda T.	
Levin	Sanchez, Loretta	
Lewis (CA)	Sarbanes	
Lewis (KY)	Saxton	
Linder	Schakowsky	
Lipinski	Schiff	
LoBiondo	Schmidt	
Loebsack	Schwartz	
Lofgren, Zoe	Scott (VA)	
Lowey	Sensenbrenner	
Lucas	Sessions	
Lungren, Daniel E.	Sestak	
Lynch	Shadegg	
Mahoney (FL)	Shays	
Maloney (NY)	Shea-Porter	
Manzullo	Sherman	
Marchant	Shimkus	
Markey	Shuler	
Marshall	Shuster	
Matheson	Simpson	
Matsui	Sires	
McCarthy (CA)	Skelton	
McCarthy (NY)	Slaughter	
McCaul (TX)	Smith (NE)	
McCollum (MN)	Smith (NJ)	
McCotter	Smith (TX)	
McCrery	Smith (WA)	
McHenry	Solis	
McHugh	Souder	
McIntyre	Space	
McKeon	Speier	
McMorris Rodgers	Spratt	
McNerney	Stark	
Meeks (NY)	Stearns	
Melancon	Stupak	
Mica	Sullivan	
Michaud	Sutton	
Miller (FL)	Tancredo	
Miller (MI)	Tanner	
Miller (NC)	Tauscher	
Miller, Gary	Taylor	
Mitchell	Terry	
Moran (KS)	Thompson (CA)	
Murphy (CT)	Thompson (MS)	
Murphy, Patrick	Thornberry	
Murphy, Tim	Tiahrt	
Murtha	Tiberi	
Musgrave	Tierney	
Myrick	Turner	
Napolitano	Udall (CO)	
Neal (MA)	Udall (NM)	
Neugebauer	Upton	
Norton	Van Hollen	
Nunes	Velázquez	
Oberstar	Visclosky	
Pallone	Walberg	
Pascrell	Walden (OR)	
Pastor	Walsh (NY)	
Paul	Walz (MN)	
Pearce	Wamp	
Pence	Wasserman Schultz	
Perlmutter	Watson	
Peterson (MN)	Waxman	
Petri	Weiner	
Pickering	Welch (VT)	
Pitts	Weldon (FL)	
Platts	Weller	
Poe	Westmoreland	
Pomeroy	Wexler	
Porter	Wilson (NM)	
Price (GA)	Wilson (OH)	
Pryce (OH)	Wilson (SC)	
Putnam	Wittman (VA)	
Radanovich	Wolf	
Ramstad	Wu	
Rangel	Yarmuth	
Regula	Young (AK)	
Rehberg	Young (FL)	
Reichert		
Renzi		
Reyes		
Reynolds		
Rodriguez		
Rogers (AL)		
Rogers (KY)		
Rogers (MI)		
Rohrabacher		
Ros-Lehtinen		
Roskam		
Ross		
Rothman		
Roybal-Allard		
Royce		
Ruppersberger		
Ryan (OH)		
Ryan (WI)		
Salazar		
Sali		
Sánchez, Linda T.		
Sanchez, Loretta		
Sarbanes		
Saxton		
Schakowsky		
Schiff		
Schmidt		
Schwartz		
Scott (VA)		
Sensenbrenner		
Sessions		
Sestak		
Shadegg		
Shays		
Shea-Porter		
Sherman		
Shimkus		
Shuler		
Shuster		
Simpson		
Sires		
Skelton		
Slaughter		
Smith (NE)		
Smith (NJ)		
Smith (TX)		
Smith (WA)		
Solis		
Souder		
Space		
Speier		
Spratt		
Stark		
Stearns		
Stupak		
Sullivan		
Sutton		
Tancredo		
Tanner		
Tauscher		
Taylor		
Terry		
Thompson (CA)		
Thompson (MS)		
Thornberry		
Tiahrt		
Tiberi		
Tierney		
Turner		
Udall (CO)		
Udall (NM)		
Upton		
Van Hollen		
Velázquez		
Visclosky		
Walberg		
Walden (OR)		
Walsh (NY)		
Walz (MN)		
Wamp		
Wasserman Schultz		
Watson		
Waxman		
Weiner		
Welch (VT)		
Weldon (FL)		
Weller		
Westmoreland		
Wexler		
Whitfield (KY)		
Wilson (OH)		
Wilson (SC)		
Wittman (VA)		
Wolf		
Wu		
Yarmuth		
Young (AK)		
Young (FL)		

NOES—41

Baldwin	Kilpatrick	Ortiz
Blumenauer	Kucinich	Payne
Butterfield	Lee	Price (NC)
Capuano	Lewis (GA)	Rahall
Cleaver	McDermott	Richardson
Cohen	McGovern	Scott (GA)
Gutierrez	McNulty	Serrano
Hinchey	Miller, George	Snyder
Honda	Mollohan	Towns
Jackson (IL)	Moore (WI)	Tsongas
Jackson-Lee (TX)	Moran (VA)	Waters
	Nadler	Watt
Johnson, E. B.	Obey	Woolsey
Jones (OH)	Olver	Wynn

ANSWERED ''PRESENT''—2

Clarke	Ellison

NOT VOTING—11

Brady (PA)	Harman	Peterson (PA)
Brown, Corrine	Mack	Rush
Faleomavaega	Meek (FL)	Wilson (NM)
Fattah	Moore (KS)	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that they have 2 minutes, approximately 2 minutes on this vote.

□ 1444

Messrs. JACKSON of Illinois, CLEAVER and GUTIERREZ changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. JACKSON of Illinois, 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. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes, pursuant to House Resolution 1103, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARIO DIAZ-BALART of Florida. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Mario Diaz-Balart of Florida moves to recommit the bill, H.R. 2634, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

Page 16, line 2, strike ''and''.

Page 16, line 6, strike the 1st period and all that follows and insert ''; and''.

Page 16, after line 6, insert the following:

''(7) the government of which does not have business interests with Iran.''.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this motion to recommit is frankly very simple. All it basically says is that countries that have business relationships with Iran are not eligible to be considered under this debt relief program. Let me repeat that.

This motion to recommit is frankly very, very simple. It just states the following, that countries that have a business relationship with Iran are not eligible to be considered under this debt relief program.

Now, the underlying bill in front of us today has a very noble goal, Madam Speaker. It is to work comprehensively to ensure that poor countries that have heavy international debt are able to relieve these debts through certain responsible actions. But the question is, should we separate these goals, these noble goals, from our broader foreign policy interests?

The Iranian regime, we all know, has a very active program to acquire weapons of mass destruction, and therefore, it makes it one of the most dangerous regimes in the entire world.

In addition, Madam Speaker, as we heard just recently, just last week from General Petraeus, we are increasingly concerned by the Iranian terrorist regime's efforts on behalf of terrorist elements in Iraq and elsewhere. The lives of our troops are at stake, and any country that assists Iran economically should not benefit from the bill in front of us today.

Our country, obviously the United States, does not have diplomatic or financial ties to Iran, and I don't think it's unreasonable to expect that countries that choose to participate in our debt relief program should shatter whatever economic ties they currently have with that terrorist regime. And if they don't have them now, if they don't have those ties now, they clearly should not develop them as long as they want or expect debt relief from us through this program.

Let's send the right message today, Madam Speaker. Americans are very generous and responsible in regard to the treatment of countries that owe us great debt. But we are also extremely concerned with the very dangerous actors abroad, around this world.

So that's why, Madam Speaker, I respectfully ask to pass this motion to recommit today and make sure that our friends abroad appreciate how seriously we take this matter.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I rise to claim the 5 minutes in opposition; although I'm open to persuasion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. First of all, let me ask, if I could, the gentleman says, the government of which does not have business interest with Iran. Would this wording cover the Government of Iraq?

I would yield if someone would tell me that, that they may not be eligible for debt relief. Although we give them a lot of money, I don't think we lent it to them. But would someone tell me if this would include the Government of Iraq as currently constituted?

I would yield for a response. I yield to anyone who would respond.

I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Iraq is not eligible under this bill.

Mr. FRANK of Massachusetts. I understand that. Iraq is not currently there, but here's the deal. This is not just for now. It is conceivable to me that Iraq will end up owing us money. I hope it will, because we've sure given them a lot, and if they don't owe us any money, it's a big gift.

So the question is going forward, if in the future, because there is no current list of countries, we're talking about an eligibility criteria. Would this prevent debt relief from the United States or the International Monetary Fund, to the World Bank, to Iraq going forward?

I would yield to anyone who would answer.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield.

Mr. FRANK of Massachusetts. Yes.

Mr. MARIO DIAZ-BALART of Florida. Again, your bill, as you know, specifically deals with countries that owe the United States right now. You're talking about a hypothetical, whether one country in the future.

Mr. FRANK of Massachusetts. I will take back my time because I'm trying to get an honest answer.

We are setting policy here, not just for this week. We are saying here that if you do business with the government, if your government has business interests with Iraq, you're ineligible. I think it is fair to ask whether Iraq, if it were to become eligible in other ways, would be covered. That's not a trick question. Would this have the effect of excluding Iraq from such a program in the future?

I yield for an answer.

Mr. MARIO DIAZ-BALART of Florida. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. MARIO DIAZ-BALART of Florida. And I will try to see if I can make this answer understood.

In the first place, obviously no country would benefit more from not having a nuclear Iran.

Mr. FRANK of Massachusetts. Reclaiming my time, we only get 5 minutes. You know, if the minority had wanted to put this forward as an amendment, we could have debated it. They did it this way. So we can debate all of the other things. It's a very straightforward question.

You limit eligibility under this program. Iraq might very well owe us money. The question isn't nuclear weapons. It is, would this prevent Iraq from being eligible, these criteria. And I would hope someone would answer that.

I will yield again for an answer.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman will yield again, and I will try to answer it again.

Your bill does not deal with Iraq. It does not affect Iraq. If you don't like the answer, that's one thing, but that's what the answer is.

Mr. FRANK of Massachusetts. No. The answer is, of course, one that leads me to suggest that the answer really is ''yes.'' When people dance around and won't give you the answer, Madam Speaker, the answer is ''yes.''

Apparently, under the criteria set forward here, while Iraq is not now on the list for relief, it could not get it in the future. We will be setting policy that would have screwed you up because apparently, as this is defined, I infer that the Government of Iraq is covered because if the Government of Iraq wasn't covered by this, the answer would be ''no.'' When I don't get ''no,'' but when I get a discussion of nuclear weapons and what's currently in the bill and I don't get an answer to the question, then it is clear to me.

So Members, I guess, are free to vote on this.

Mr. MARIO DIAZ-BALART of Florida. Would the gentlemen yield?

Mr. FRANK of Massachusetts. No, I'm sorry.

Here's the response. The minority had the right to offer this in a way in which we could debate it. They didn't choose to do that. They chose to do it in this limited fashion.

So it does look to me like you are having problems here that does the Government of Iraq have business interests with Iran. I know there are close ties between the Governments of Iraq and Iran. There's interchangeability.

I think this is a pretty sketchy way to go forward. I'm not sure that there are any other countries. I think Iraq may be one of the few that doesn't. It's fairly narrowly drawn, but that's of great concern. And I couldn't get a direct answer, and I don't know if anybody really knows it.

Mr. MARIO DIAZ-BALART of Florida. Will the gentleman yield for a one-word answer?

Mr. FRANK of Massachusetts. Yes.

Mr. MARIO DIAZ-BALART of Florida. You're asking if it's ''yes'' or ''no.'' The answer is ''no.''

Mr. FRANK of Massachusetts. So the gentleman is telling me that the Government of Iraq has no business interests in Iraq?

Mr. MARIO DIAZ-BALART of Florida. What I'm telling the gentleman—

Mr. FRANK of Massachusetts. No. I'm asking the question, does the government—

Mr. MARIO DIAZ-BALART of Florida. Not as it concerns with this bill.

Mr. FRANK of Massachusetts. No, I'm sorry. The gentleman does not seem to understand the rules. I'm giving you a lot more of my time. Well, I guess free speech that we put in is for other countries.

Look, I understand the thought. The minority thought they came up with a clever idea and they outsmarted themselves. They put language in here that I think would interfere with the ability to have economic relations with Iraq. And apparently what I'm being told is if you believe that the Government of Iraq has no business interests with Iran, then you can vote for this bill and not worry about Iraq.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 291, nays 130, answered ''present'' 1, not voting 9, as follows:

[Roll No. 198]

YEAS—291

Aderholt	Boyda (KS)	Costa
Akin	Brady (TX)	Costello
Alexander	Broun (GA)	Courtney
Altmire	Brown (SC)	Cramer
Arcuri	Brown-Waite, Ginny	Crenshaw
Baca	Buchanan	Cubin
Bachmann	Burgess	Culberson
Bachus	Burton (IN)	Davis (AL)
Barrett (SC)	Buyer	Davis (IL)
Barrow	Calvert	Davis (KY)
Bartlett (MD)	Camp (MI)	Davis, David
Barton (TX)	Campbell (CA)	Davis, Lincoln
Bean	Cannon	Davis, Tom
Berkley	Cantor	Deal (GA)
Biggert	Capito	DeFazio
Bilbray	Cardoza	DeGette
Bilirakis	Carnahan	DeLauro
Bishop (UT)	Carney	Dent
Blackburn	Carson	Diaz-Balart, L.
Blunt	Carter	Diaz-Balart, M.
Boehner	Castle	Dicks
Bonner	Chabot	Donnelly
Bono Mack	Chandler	Doolittle
Boozman	Coble	Drake
Boren	Cohen	Dreier
Boucher	Cole (OK)	Duncan
Boustany	Conaway	Edwards
Boyd (FL)		Ehlers

Ellsworth
Emanuel
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—130

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Braley (IA)
Butterfield
Capps
Capuano
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (CA)
Delahunt
Dingell
Doggett
Doyle
Ellison
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gilchrest
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kind
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Markey
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Thompson (MS)
Tierney
Tsongas
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—9

Brady (PA)
Brown, Corrine
Fattah
Harman
Mack
Meek (FL)
Peterson (PA)
Rush
Wilson (NM)

□ 1521

Messrs. CONYERS, KUCINICH, PASTOR, and STARK changed their vote from ''yea'' to ''nay.''

Messrs. CARSON of Indiana, DAVIS of Alabama, LAMBORN, COSTELLO, CRAMER, HOLDEN, CARDOZA, COSTA, YARMUTH, MELANCON, KENNEDY, WEXLER, BOUCHER, GORDON of Tennessee, FOSTER, COHEN, HODES, AL GREEN of Texas, HARE, KANJORSKI, DICKS, SALAZAR, KILDEE, ORTIZ, BACA, REYES, MOORE of Kansas, MURPHY of Connecticut, COURTNEY, DAVIS of Illinois, THOMPSON of California and Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Ms. HERSETH SANDLIN, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Ms. HOOLEY, Mrs. BOYDA of Kansas, Ms. DELAURO, and Ms. MATSUI changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 2634 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

Page 16, line 2, strike ''and''.

Page 16, line 6, strike the 1st period and all that follows and insert ''; and''.

Page 16, after line 6, insert the following:

''(7) the government of which does not have business interests with Iran.''.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 285, noes 132, not voting 15, as follows:

[Roll No. 199]

AYES—285

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space

Speier	Udall (CO)	Weiner
Spratt	Udall (NM)	Welch (VT)
Stark	Upton	Weller
Stupak	Van Hollen	Wexler
Sutton	Velázquez	Wilson (OH)
Tanner	Visclosky	Wittman (VA)
Tauscher	Walden (OR)	Wolf
Terry	Walsh (NY)	Woolsey
Thompson (CA)	Walz (MN)	Wu
Thompson (MS)	Wasserman Schultz	Wynn
Tierney	Waters	Yarmuth
Towns	Watson	Young (AK)
Tsongas	Watt	
Turner		

NOES—132

Aderholt	Forbes	Miller, Gary
Akin	Fossella	Moran (KS)
Altmire	Foxx	Musgrave
Bachmann	Franks (AZ)	Myrick
Barrett (SC)	Gallegly	Neugebauer
Bartlett (MD)	Gillibrand	Nunes
Barton (TX)	Gingrey	Paul
Bilbray	Gohmert	Pence
Bilirakis	Goode	Petri
Bishop (UT)	Goodlatte	Pitts
Blackburn	Granger	Platts
Blunt	Graves	Poe
Boehner	Hall (TX)	Price (GA)
Bonner	Hastings (WA)	Putnam
Boozman	Hayes	Radanovich
Brady (TX)	Heller	Regula
Broun (GA)	Hensarling	Reynolds
Brown-Waite, Ginny	Herger	Rogers (KY)
Buchanan	Hoekstra	Rogers (MI)
Burgess	Hulshof	Royce
Burton (IN)	Hunter	Ryan (WI)
Buyer	Issa	Sali
Calvert	Johnson (IL)	Saxton
Campbell (CA)	Johnson, Sam	Sensenbrenner
Cannon	Jones (NC)	Sessions
Cantor	Jordan	Shadegg
Carney	Keller	Shuster
Carter	King (IA)	Smith (NE)
Chabot	Kingston	Smith (TX)
Coble	Kline (MN)	Souder
Conaway	Lamborn	Stearns
Crenshaw	Lampson	Sullivan
Culberson	Latta	Tancredo
Davis (KY)	Lewis (KY)	Taylor
Davis, David	Linder	Thornberry
Davis, Tom	LoBiondo	Tiahrt
Deal (GA)	Manzullo	Tiberi
Dent	Marchant	Walberg
Drake	McCarthy (CA)	Wamp
Duncan	McHenry	Weldon (FL)
Ellsworth	McKeon	Westmoreland
Everett	McMorris Rodgers	Whitfield (KY)
Feeney	Mica	Wilson (SC)
Flake	Miller (FL)	Young (FL)

NOT VOTING—15

Brady (PA)	Hall (NY)	Peterson (PA)
Brown, Corrine	Harman	Rush
Carson	Mack	Slaughter
Fattah	Meek (FL)	Waxman
Gordon	Melancon	Wilson (NM)

□ 1529

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 199, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. HALL of New York. Madam Speaker, on rollcall No. 199, I was already on my way to question witnesses at the Transportation and Infrastructure hearing. Had I been present, I would have voted "aye."

Mr. FATTAH. Madam Speaker, had I been present for the vote on H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation Act, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. WATT. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2634, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

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

There was no objection.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1107 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5715.

□ 1532

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

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

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

Mr. GEORGE MILLER of California. I yield myself 5 minutes.

Mr. Chairman, Members of the House, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. It was reported by the Committee on Education and Labor with unanimous bipartisan support, and I want to thank my colleagues on both sides of the aisle for all of the effort they put into this legislation. It is a very important piece of legislation.

At a time when the turmoil in the Nation's credit markets has made it difficult for some lenders to access the capital they need to finance their student lending activity, this bipartisan bill will ensure that students and parents are able to continue to access the federal loans they need to pay for college.

For quite some time now, the worsening economic downturn has made life more difficult for many of America's families. But this downturn has its root in the housing crisis, which has led to significant tightening in the credit markets. What began as a challenge for home loan borrowers has now become a challenge for other borrowers, like those with credit card debt and automobile loans.

And in recent months, we have now seen questions raised about the availability of student loans for the coming year, especially when those who finance their loans through the auction rate securities, that system has ceased to function.

As a result, some lenders are reducing their lending activity in the federally guaranteed student loan programs, while other lenders are anticipating increasing their market share.

And while the stress in the credit markets is taking a toll on some lenders, students so far have not encountered serious difficulties in getting federal loans they need to pay for college. That's the good news.

But as we have seen too often, the shocks in the financial markets come as a surprise leaving those affected with little time to react. There is emergency authority already built into the current law which would maintain access to federal loans for families in the event of any of these surprises.

It is critical to make sure that this authority is ready to be implemented to ensure America's families can continue to access the federal college loans they are eligible for, regardless of what's happening in the credit markets.

As we work with Secretary Spellings to make sure these safeguards are ready to become operational at a moment's notice, we must also take additional steps on behalf of students and their families.

This legislation provides new protections, in addition to those in current law, to ensure that families can continue to access the loans they need to pay for college.

The bill reduces borrowers' reliance on costlier private loans while encouraging responsible borrowing by increasing the annual student loan limits for federal student loans by $2,000 for all students. It also increases the total amount of Federal loans students can borrow to $31,000 for dependent undergraduates and to $57,500 for independent undergraduates.

H.R. 5715 gives parent borrowers more time to pay off their federal parent PLUS loans by allowing families to delay entering repayment for up to 6 months after a student leaves school. It helps struggling home owners pay

for college by making sure that short-term delinquencies in mortgage payments don't prohibit otherwise eligible parents from being able to pay their PLUS loans.

It clarifies that existing law gives the Secretary of Education the authority to advance federal funds to guaranty agencies in the event that they do not have sufficient capital to originate new loans. It allows guaranty agencies to make lender-of-last-resort loans on a school-wide basis.

And the bill ensures that lenders can continue to access capital to originate new student loans by giving the Secretary of Education the temporary authority to purchase federally guaranteed student loans from lenders, if needed.

Finally, this legislation carries no new costs for taxpayers.

Especially in light of today's economic conditions, the high cost of a college education continues to be one of the primary worries facing American families. A recent poll conducted by the New York Times and CBS News found that 70 percent of the parents surveyed said they were ''very concerned'' about how they would finance their kids' college education.

Over the past year and a half, this Congress has worked vigorously to make college more affordable and accessible for students and families. Last year, we took the historic step towards this goal by providing more than $20 billion in financial assistance to low- and middle-income families over the next 5 years.

In February, the House passed bipartisan legislation to reauthorize the Higher Education Act, and we will soon be prepared to conclude the conference committee and bring that to the floor.

Now more than ever, families deserve every assurance that we are doing all that we can to make sure that they can continue to be able to finance their children's college education, regardless of what happens in the credit markets.

And I want to again thank Congressman BUCK MCKEON, Congressman RUBÉN HINOJOSA and Congressman RIC KELLER, the Chair and the ranking member of the subcommittee, and all of the staff for all of the work they have put into this legislation. This has been a very fast turnaround. It could not have happened without the bipartisan cooperation of all of those involved.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5715, a bill that will help ensure college students and their families are able to plan with confidence for the upcoming school year. On its own, this bill will not restore confidence and stability to the student loan programs, but it is an important first step.

For months, Members on both sides of the aisle have been warning the U.S. Departments of Education and the Treasury, the various federal financial institutions, and indeed anyone who will listen, about the potential risks to our student loan program. Many of us recognized early that it was only a matter of time before the turmoil in the broader credit markets would spill into the student loan programs.

Unfortunately, those warnings have become reality. I would like to share just a few of the headlines that have appeared in major papers over the last several weeks. The Wall Street Journal said, Credit Woes Hit Student Loans. The New York Times said, Fewer Options Open to Pay For Costs of College. The Washington Post said, Credit Crisis May Make College Loans More Costly: Some Firms Stop Lending to Students. USA Today said, Credit Woes May Hinder College-Bound.

Mr. Chairman, with this bill, we are acting to prevent a crisis before it develops. As these headlines demonstrate, the anxieties among students and families are very real. This bill is far from a complete solution. But it contains modest, yet meaningful, steps to restore investor confidence, begin to address liquidity shortages, and most importantly, provide assistance to student and parent borrowers.

The challenges in the student loan market are multifaceted. Last year, federal support for the loan program was slashed, forcing loan providers to scale back on benefits and reevaluate their future participation in the program. This year, disruptions in the capital markets have reduced liquidity and shaken investor and consumer confidence.

With enactment of the College Cost Reduction and Access Act last fall, we cut some $18 billion from the program over 5 years. Although we were able to reinvest some of those funds in Pell Grants, which I strongly support, it appears now that we may have done more harm along with that good. That's because we cut so deeply into the student loan program that many lenders have opted to stop offering federal loans altogether.

On the issue of liquidity, what we require is a two-pronged approach to reinstate the flawed capital into the program.

First, this bill authorizes the U.S. Department of Education to act as a secondary market by purchasing or agreeing to purchase student loans so that lenders and holders can make or purchase new loans in the upcoming school year. Although this plan will provide only a modest amount of liquidity, it sends an important signal that policymakers are committed to the program's long-term stability. And it does so with no cost to the taxpayer.

Second, to provide an even greater flow of capital into the program, we are taking steps to ensure other federal financing authorities are viewed as viable sources of liquidity. To that end, this legislation contains a sense of Congress, urging these authorities to exercise their existing authorities to inject liquidity into the marketplace.

We're not alone in recognizing that this market-based problem requires a marked-based solution. Just yesterday, the chairman of the Senate Banking Committee held a hearing on the impact of market disruptions on student loan access, and he called for intervention by the Federal Financing Bank. I welcome these types of creative and complementary approaches, which will work in concert to calm the market.

Taken together, the prospect of federal financial institutions and the U.S. Department of Education stand ready to take the necessary steps to invest in and commit to the future purchase of loans will begin to quell the market uncertainty and restore confidence among investors, as well as among students and families planning for the coming school year.

The troubles facing our financial markets and our economy as a whole are daunting. But we would do a real disservice to students and families if we dismissed the challenges in the student loan program as merely a symptom of a larger problem that is outside our control. The fact is, we can take steps to prevent a collapse in the student loan market. We can do so quickly, and without a cost to taxpayers, by focusing on our commitment to market stability.

I would also offer a word of caution to those who are wary of federal intervention: If we fail to act now, we may be forced to take on a much greater governmental role in the future. And surely we can all agree that it's better to preserve the private sector program now than to replace it with a federal program later.

We made a commitment more than four decades ago that there are national benefits to an affordable, accessible higher education system. What we are doing today is restating that commitment and sending a signal to students and families that we continue to believe in this program that has opened the doors of higher education to so many millions of aspiring young Americans.

Mr. Chairman, this is a good bill that deserves our support. I want to thank the chairman for moving so quickly on this issue.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the subcommittee Chair, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008.

This is urgent legislation. I would like to thank our Education and Labor chairman, GEORGE MILLER, and our ranking member, HOWARD ''BUCK'' MCKEON, as well as my good friend and ranking member of the subcommittee, RIC KELLER, for working together to expedite consideration of this bill.

□ 1545

Nothing is more important than reassuring students and families that there

will be no disruption in the availability of Federal student loans, regardless of what happens in our financial markets. As of today, no student has been unable to find a lender for a Federal student loan. However, we are not going to wait until students and families are denied loans before putting safeguards in place. That is what we are doing here today.

Ensuring continued access to Federal student loans is of critical importance. In my congressional district, 40 percent of all student aid comes from the Federal Family Education Loan Program, and in my State of Texas 66 percent of all student aid comes through this program. The concerns that we are hearing from our constituents are real, and we need to address them.

Mr. Chairman, I include for the RECORD a letter dated April 7, 2008, from Texas State Senator Judith Zaffirini, Chair of the Higher Education Subcommittee, urging Congress to take action to avert any disruption in the Federal Family Education Loan Program.

SENATE HIGHER EDUCATION SUBCOMMITTEE,
AUSTIN, TX, APRIL 7, 2008.

Hon. RUBÉN HINOJOSA,
Chair, Subcommittee on Higher Education, Lifelong Learning, & Competitiveness, House of Representatives, Washington, DC.

DEAR CHAIR HINOJOSA: Thank you for your leadership in addressing higher education. I am writing to you in my capacity as Chair of the Senate Higher Education Subcommittee, Chair of the Senate Finance Higher Education Subcommittee, and Vice Chair of the Senate Finance Committee about issues affecting higher education in Texas and to express my support for a viable Federal Family Education Loan Program (FFELP). This is in response to the current turmoil in the capital markets, which appears to be affecting all areas of credit, including student loans.

The FFELP participants provide nearly two-thirds of the student financial aid awarded annually to Texas's postsecondary education students and parents (contrasted with 56 percent nationally). Last year alone, for example, the Texas Guaranteed Student Loan Corporation (TG) guaranteed more than $3.2 billion in FFELP loans in Texas. The Federal Direct Loan Program (FDLP) accounts for approximately five percent of the state's federal student loan volume.

These FFELP providers also have supplied essential resources to assist students and families obtain information about postsecondary education: how to apply for college, how to choose a college or university to attend, financial aid availability, and how to apply for financial aid. In addition to working with the Texas student financial aid community through regional workshops on various postsecondary education issues, FFELP providers assist the State of Texas with our CLOSING THE GAPS initiative and provide grants and scholarships to organizations to enhance access to college.

In Texas more than 300 lenders, including the four private non-profit higher education authorities organized under Chapter 53B of the Texas Education Code, compete with one another on the basis of providing the best customer service to borrowers. This has produced more than a 90 percent repayment rate through excellent loan servicing and generous borrower benefits in a state that, unfortunately, relies heavily on student debt as the primary financial vehicle to a finance postsecondary education.

The non-profit lenders and secondary markets organized under the state education code have played a key role within the FFELP delivery system by providing a continuous source of liquidity for FFELP loan originations in Texas as well as support for efforts to enroll more students in higher education from underrepresented populations.

Colleges and universities should continue to have a choice of student lenders and student loan programs. The alternatives to a weakened FFELP most often mentioned—the FDLP and Lender of Last-Resort program—are not viable options in Texas. FDLP has been rejected by Texas institutions, and LLR is untested and has been used only sporadically.

I strongly urge you, as Chair of the Subcommittee on Higher Education, and the Texas Congressional delegation to support efforts to provide financial liquidity that will enable non-profit FFELP providers to continue to finance their programs facilitating reliable, efficient, low-cost secondary market programs that meet the needs of Texas lenders and students.

Feel free to contact me if I can be of further assistance. May God bless you.

Very truly yours,

JUDITH ZAFFIRINI, PHD.

Mr. Chairman, the challenges facing the student loan marketplace are not the result of lax standards or poor judgment by borrowers or lenders. Student loans are a solid investment. For individuals, a college education means higher earnings, greater career opportunities and a better quality of life. For financial institutions, Federal student loans are a sure bet. They carry a 97 percent guarantee from the Federal Government and default rates remain at historic loans. It is the lack of liquidity in the financial markets that is threatening the ability of lenders in the student loan program to make loans.

H.R. 5715 focuses on two mechanisms to ensure that no student is denied a Federal student loan because of a lack of available lenders. First, the legislation clarifies that the Secretary may advance funding to guaranty agencies in the student loan program so that if called upon, they will be able to fulfill their role as lender of last resort as required under the Higher Education Act.

Secondly, the legislation gives the Secretary temporary authority to purchase student loans, providing an avenue for liquidity so that lenders can make no new loans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARE. I yield 30 additional seconds to the gentleman from Texas.

Mr. HINOJOSA. The manager's amendment clarifies that loans purchased by the Secretary may continue to be serviced by the original lender so the process remains seamless for students and families. These efforts represent the tools at the disposal of the Education and Labor Committee. However, more can and should be done.

I urge my colleagues to vote ''yes'' on H.R. 5715 so that there is no uncertainty for students and families about their ability to finance college education.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to the ranking member of the Subcommittee on Higher Education, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Ensuring Continued Access to Student Loans Act. As the ranking member of the Higher Education Subcommittee, I am proud to be a cosponsor of this important legislation. I want to especially thank Chairman MILLER, Chairman HINOJOSA and Ranking Member MCKEON for their hard work in the drafting of this legislation on a bipartisan basis.

The troubles that began in the subprime mortgage market have had a ripple effect on our economy, including all types of consumer credit. Unfortunately, that also includes student loans. As a result of these disruptions in the financial markets, students and families all across America are worrying about how they will pay for college this fall. Through no fault of their own, students may have a more difficult time getting the financing they need for college.

Well, at least when it comes to Federal loans, there are things we can do now to prevent that from happening. Today we are taking positive steps to make sure that students have access to low-interest student loans, despite the recent turmoil in the financial markets. This bill was developed on a bipartisan basis to take preliminary action to shore up the Federal Family Education Loan Program and to offer new flexibility and protections to students and their families.

There is no one-size-fits-all solution to the troubles facing our student loan program. I appreciate the fact that the Financial Services Committee is also looking at these issues and that we may be exploring additional action in the future that more directly addresses issues of liquidity.

At this time, however, this is a good bill that will have a positive impact, and I urge my colleagues to vote ''yes'' and support its passage.

Mr. HARE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today in support of the Ensuring Continued Access to Student Loans Act. Many students and families in my congressional district fear that in our struggling economy they will not be able to access the financial assistance they need to go to school. While we have not yet seen this, we know that there exists the potential for a real crisis.

I have often said in this House how frustrated I am that we wait for an emergency to occur before reacting, rather than working to prevent it in the first place. I am proud that today this body is proactively putting measures in place to ensure our students and lenders that they have the assistance that they need.

This legislation reduces borrowers' reliance on costlier private college

loans; encourages responsible borrowing; gives parent borrowers more time to pay off their Federal PLUS loans; it guarantees eligibility for PLUS loans for struggling homeowners who otherwise have good credit; and it provides the Secretary of Education additional tools to safeguard access to student loans.

All these provisions are good steps forward and will keep our student loan industry strong, which is why I am an original cosponsor of the bill and was proud to support it when our committee marked it up just last week. However, more needs to be done. I look forward to working with my colleagues to continue to address our Nation's economic troubles.

I commend Chairman MILLER, Ranking Member MCKEON and their staffs for putting together this legislation so that our students and lenders have a safety net during the time of economic insecurity. I urge all my colleagues to support the Ensuring Continued Access to Student Loans Act.

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

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI), a senior member of the committee.

Mr. PETRI. Mr. Chairman, I want to thank Chairman MILLER and our ranking member, BUCK MCKEON, for working together on this important legislation. As has been pointed out, the bill we are considering today will put in place additional measures to ensure continued access to Federal student loans.

During committee consideration I expressed concern with one provision in the bill that would permit an entire institution rather than the individual the authority to participate in the lender of last resort program. I urged the committee to consider clarifying the trigger mechanism for school eligibility in order to avoid a situation in which a guaranty agency is in essence the lender of first resort. I am pleased that the chairman included language in the manager's amendment that will be offered that requires the Secretary of Education, not the guaranty agency, to determine whether a school qualifies for institution-wide designation.

Furthermore, the manager's amendment requires institutions to demonstrate that a minimum number of students or percentage of students have been rejected by eligible lenders before receiving this designation.

These are two important changes, so I again thank Chairman MILLER for including them in the manager's amendment and appreciate Ranking Member MCKEON's assistance on this issue.

While the focus of the bill we are considering today is making sure contingency plans are in place should turmoil in the credit markets affect the availability of Federal student loans and the Federal Family Education Loan Program, we do have another Federal student loan program that is immune to effects of the credit market, and that is the Direct Loan Program.

Just this year, over 100 schools have applied to participate in the Direct Loan Program. Penn State University stated that it is moving to the Direct Loan Program because it will ''enable students to continue their education without worrying about whether and where their Federal student loans come from.''

Currently, the Direct Loan Program accounts for about 20 percent of the student loan market. However, the Secretary of Education has stated on multiple occasions that the Direct Loan Program could easily double the amount of new loans it makes to students.

It is just commonsense that in times of market turmoil, instead of relying on untested fall-back measures in the FFEL Program, universities should also consider the Direct Loan Program.

I will conclude by emphasizing that to date, no student or college has reported problems accessing Federal student loans. Currently, the disruption is best described as forcing some students to switch lenders. The message from Congress to students and families should be that they should not panic and should continue to pursue Federal student aid in the upcoming school year. There are measures in place, and in this bill we are strengthening those measures, to ensure that students will always have access to Federal student loans.

Mr. HARE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), a member of the House Education and Labor Committee.

Mr. ALTMIRE. Mr. Chairman, I rise in support of this legislation which I joined with Chairman MILLER in introducing to ensure that the nationwide credit crisis does not prevent students from attending college. Recent decisions to suspend the issuing of student loans by the Pennsylvania Higher Education Assistance Agency and other lenders demonstrates the need for this legislation.

This bill takes several proactive steps to make certain that students are able to access the financial aid they need to pay for college. It gives the Department of Education the temporary authority to purchase loans from lenders in the Federal Family Education Loan Program. This will provide additional liquidity to the market so that lenders can continue to make student loans. Furthermore, the bill increases Federal loan limits for students by $2,000 a year, which will reduce students' dependence on more expensive private loans.

I thank Chairman MILLER for his leadership on this issue, and urge all of my colleagues to support this critical legislation.

Mr. MCKEON. Mr. Chairman, I yield 1½ minutes to a member of our leadership team, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in support of the Ensuring Student Access to Student Loans Act of 2008. This bill is designed to increase investor confidence in the marketplace by authorizing the Secretary of Education to purchase student loans. This will free up liquidity for new loans and show lenders that student loans are a safe and secure investment.

We are facing uncertain economic times. This bill will help ensure that loans will continue to be available to students. Every student should have the opportunity to attend college. But, unfortunately, the cost of college is increasing, which has become a barrier for students and families. This bill increases the loan limit for Stafford Loans in order to allow students to receive more Federal funding. Making more aid available to students will make college more accessible and affordable to students and families.

But it is not just the cost of college that is a challenge. The free application for Federal student aid form, or FAFSA, as it is known, is complicated and cumbersome for students and families to complete. The FAFSA form is so complicated that it has deterred many students and families from applying for aid.

As we consider this bill and other higher education bills we should work to simplify the FAFSA form to help ensure that students and families have access to the financial aid that they need in order to attend college.

I urge my colleagues to support H.R. 5715.

Mr. HARE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL), the chairman of our caucus.

□ 1600

Mr. EMANUEL. Mr. Chairman, let me just say to the simplification of the student loan form—actually, it happened to be my first bill—which is to take the 106 questions, 8 pages long, down to commonsense English, cut it in half, and the good news is that, in fact, the Higher Ed Reauthorization Act will then, in short order—I have all the confidence in Chairman MILLER—be on the floor this month to pass.

This, like that act, is a second step that we take to make sure that we put a protective wall around the student loan market.

What we see today in the mortgage industry, what we see today happening in other parts of the marketplace, should not happen to those students and those families who are trying to send their kids to college.

We live in an era where you earn what you learn. A college education is a ticket to the middle class life and to greater economic security and greater economic opportunity. What has happened in the subprime market and what has happened in our marketplace in the financial sector should not migrate into the student loan industry.

This legislation ensures that it will not. It has two messages, one to parents and students, that says in this

time of uncertainty, know that your government is there to ensure that you get a student loan coming up this fall.

It's also a message to the executive branch: Do not wait for a crisis. Do not act like you do not have this authority. You have this authority. The Congress, in a bipartisan vote, will make sure you know in no uncertain terms to have the authority to prevent any chaos, any disruption to the student loan marketplace.

This legislation, like the reauthorization of the higher ed bill, will build on the facts that we have extended this year and increase Pell Grants for the first time, pass the largest increase of student loans since the GI Bill in 1944. This Congressman knows that when middle class families look at their kids, look at the cost of college that has gone up by $7,500, knows that kids today, when they graduate, graduate with an average debt burden of $18,000 when they get their diploma.

This Congress makes sure that middle class families don't fall farther behind making sure their kids have a better and more opportunistic future than they had. A college education is the key to that future, and I am proud that we are taking this action speedily before there is any crisis in the student loan industry.

Mr. GEORGE MILLER of California. I thank the gentleman.

I want to thank all my colleagues who participated in the debate this evening. We will have some time for additional debate tomorrow, but I was also remiss in not thanking Amy Jones of Congressman MCKEON's staff for all of her hard work on this bill, and the individuals on my staff, Denise Forte, Gaby Gomez, Julie Radocchia, Jeff Appel, Stephanie Moore, Brian Kennedy, Joe Novotny, Lamont Ivey, and Margaret Young for all their assistance in bringing this bill to the floor.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 5715, "Ensuring Continued Access to Student Loans Act of 2008", introduced by Representative GEORGE MILLER of California. I want to thank the Committee on Education and Labor for its efforts in this important area.

Every generation sets out to improve upon the previous generation. We teach our children that if they focus, are responsible, and work hard they can be anything. Yet we have provided a false truth for the majority of our children. Rising tuitions in higher education even at our community colleges are keeping a lot of our youth from attending college. For those that are able to attend, they are burdened by extensive loans just to buy books, attend class, and maintain housing.

Families are sending their children to school, trying to qualify for parent loans and wondering how they are going to make the payments when they are struggling to pay their mortgage and facing their own issues with possible unemployment.

In my home state of Texas, families are struggling to assist children with their education while they face an unemployment rate of 4.3 percent across the state. As of the end of last year, Texas was ranked as having the 20th highest unemployment rate (out of the 50 states). And we are not alone as states grabble with unemployment and a falling housing market.

H.R. 5715, Ensuring Continued Access to Student Loans Act, provides much needed support to our families in a time when they most need it by specifically addressing the needs of parents, students, and even lenders. The Student loans Act would: Increase unsubsidized loan limits for students—This bill will increase unsubsidized loan limits by $2,000 for each year of undergraduate and graduate school. It also increases the aggregate loan limits to $31,000 for dependent undergraduates and $57,500 for independent undergraduate students.

Delayed repayment of parent PLUS loans—Currently PLUS loan borrowers—parents—go into repayment 60 days after disbursement of the loan. This bill would give families an option of not entering repayment for up to 6-months after a student leaves school.

PLUS loan eligibility for struggling homeowners—Under current law, parents with an adverse credit history are ineligible to receive a parent PLUS loan, except under extenuating circumstances. In light of the current housing market, the bill temporarily qualifies up to 180 day delinquency on home mortgages as an extenuating circumstance, therefore making it more possible for parents struggling with the current housing market to secure loans for their children.

Lender of Last Resort flexibility—The bill makes clear in statute that the Secretary of Education has the mandatory authority to advance Federal funds to Guaranty Agencies in the case that they do not have sufficient capital. Further, the bill allows a Guaranty Agency to designate a school (rather than an individual student) as a "lender of last resort school," in accordance with guidelines set by the Secretary.

Authority for the Secretary of Education to purchase FFEL loan assets—The bill gives the Secretary the temporary authority, upon a determination that there is inadequate availability to meet demand for loans, to purchase loans from FFEL lenders. Such purchases could only be made in the case they are revenue-neutral or beneficial to the Federal Government.

Federal Institutions' participation—The bill includes a Sense of the Congress that the Federal Financial Institutions and entities (including the Federal Financing Bank, the Federal Home Loan Banks, and the Federal Reserve) should consider using, in consultation with the Secretaries of Education and the Treasury, available authorities, if needed, to assist in ensuring continued student loan access.

CONCLUSION

I urge my colleagues to vote for H.R. 5715, Ensuring Continued Access to Student Loans Act. Let's support education by allowing for greater flexibility, eligibility, and participation for students and their families

Mr. GEORGE MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 1, not voting 40, as follows:

[Roll No. 200]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
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Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
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Kuhl (NY)
LaHood
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Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan

Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
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Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
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Smith (WA)
Snyder
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Speier
Stearns
Stupak
Sutton
Tancredo
Tanner
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Taylor
Terry
Thompson (CA)
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Thornberry
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Tiberi
Towns
Tsongas
Turner
Udall (CO)
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Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Stark

NOT VOTING—40

Bachus
Berman
Berry
Bishop (UT)
Brady (PA)
Brown, Corrine
Christensen
Conyers
Davis (IL)
Dicks
Faleomavaega
Fattah
Feeney
Fortuño
Franks (AZ)
Harman
Hulshof
Linder
Mack
Markey
McCrery
Meek (FL)
Peterson (PA)
Pickering
Platts
Rahall
Renzi
Rush
Sestak
Simpson
Slaughter
Spratt
Sullivan
Tierney
Watt
Weiner
Weldon (FL)
Wilson (NM)
Wynn
Young (FL)

□ 1628

Messrs. MARIO DIAZ-BALART of Florida, ROTHMAN, BARTLETT of Maryland and HOLT changed their vote from ''no'' to ''aye.''

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. JONES of Ohio) having assumed the chair, Mr. JACKSON of Illinois, 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. 5715) to ensure continued availability of access to the Federal student loan program for students and families, had come to no resolution thereon.

BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2537.

□ 1631

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Mr. JACKSON of Illinois (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, April 10, 2008, amendment No. 8 printed in the CONGRESSIONAL RECORD offered by the gentleman from Arizona (Mr. FLAKE) had been disposed of.

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. 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. 4 offered by Mr. FOSSELLA: Page 2, after line 2 insert the following:

TITLE I—BEACH PROTECTION ACT OF 2007

At the end of the bill, add the following new title:

TITLE II—FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AMENDMENTS ACT OF 2008

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

Sec. 100. Short title; table of contents.
Subtitle A—Foreign Intelligence Surveillance
Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.
Subtitle B—Protections for Electronic Communication Service Providers
Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.
Subtitle C—Other Provisions
Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

Subtitle A—Foreign Intelligence Surveillance

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

''SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety

or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or

will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

''SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection

(a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.
''Sec. 702. Definitions.
''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
''Sec. 705. Other acquisitions targeting United States persons outside the United States.
''Sec. 706. Joint applications and concurrent authorizations.
''Sec. 707. Use of information acquired under title VII.
''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established

under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting '' 'weapon of mass destruction','' after '' 'person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

Subtitle B—Protections for Electronic Communication Service Providers

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(6) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

''(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

''SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

''(a) REQUIREMENT FOR CERTIFICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

''(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

''(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

''(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

''(D) the person did not provide the alleged assistance.

''(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

''(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

''(1) review such certification in camera and ex parte; and

''(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

''(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

''(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

''SEC. 803. PREEMPTION.

''(a) IN GENERAL.—No State shall have authority to—

''(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

''(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

''(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

''(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

''(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions.

''Sec. 802. Procedures for implementing statutory defenses.

''Sec. 803. Preemption.''.

Subtitle C—Other Provisions

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Chairman, I know the underlying legislation is very noble in the sense of its essence of cleaning and maintaining the wonder of our beaches and our coastal areas. And as someone who grew up and still has family in South Beach and Staten Island, New York, I'm very sensitive to the notion that our beaches are our Nation's jewels.

But I'm also very sensitive to the fact that there are terrorists among us who will use any way possible to destroy innocent life. I know all too full well that on September 11, 2001, when almost 300 of my constituents perished at the World Trade Center because of fanatics who flew two planes by now we know into the World Trade Center. So to me still the most important thing that this country can do is to protect innocent people. While we all enjoy the beaches, we know that the greatest threat we face in this country are those who want to kill us and do us harm.

We know that we've debated this FISA bill many times in this House, and the other body has passed, I think, a very effective bipartisan way that will keep this Nation safe. Here we are, another week going by where we bury our heads in the beach sand and not pass the appropriate legislation that will help to keep this Nation safe.

In the underlying legislation, it talks reasonably about monitoring and finding the source of the pathogens. Well, one of the biggest threats that we have, that any intelligence official will tell you, is bioterrorism that has its roots in the pathogens, whether it's waterborne or not. So I believe that the amendment is very germane to the underlying legislation.

Specifically, section 5, subsection A calls for the usage of rapid testing methods in the monitoring programs included in this legislation, which will create a means of assessing pathogen content in coastal waters and alerting the public to the possible health effects.

Additionally, section 2 provides for source tracking and identification programs to assess where these harmful pathogens originated from.

The legislation is concerned with pollution and monitoring of beach water quality, as well it should be, and to that end I am extremely alarmed that waste water treatment and pollution processing plants are becoming attractive targets for possible terrorist attacks.

The environmental damage to both the beaches and water quality of New York City would be catastrophic if such a threat were realized. Preventing such an attack, of course, is the greatest concern to me, and I would hope, all Members of Congress.

The amendment is clearly in order because it provides our Nation's intelligence community the tools to monitor foreign threats to our treatment facilities and prevent planned attacks on our environment.

The irony should not be lost here that today we are considering a bill that concerns beach monitoring and requires prompt Federal, State and local agency notification regarding water quality sampling, when we've yet to pass the long overdue legislation that updates our Nation's ability to indeed conduct foreign intelligence monitoring and requires prompt judicial notification requirements regarding foreign threats.

To that end, I call on the Chair today to recognize my amendment, which contains the bipartisan Senate-passed FISA language. It's time, as I mentioned before, that we stop burying our heads in the beach sand under the guise of doing what we think is noble.

At the end of the day, what we have to come together for in this body, whether it's this end of Pennsylvania Avenue or the other, is to keep this country safe. And as we know, intelligence officials tell us time and time again we're losing precious information that's intelligence that could ultimately lead to a prevention of a terrorist attack. One of those possible terrorist attacks is waterborne pathogens that would be covered under this legislation.

And with that, Mr. Chairman, I ask that you consider this amendment to the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this is an important amendment brought to us by the gentleman from New York (Mr. FOSSELLA). It essentially would allow us to attach the FISA bill to the underlying bill.

And some would say, what connection could there possibly be?

Well, you have to understand the underlying bill, in at least four places, refers to the concern of pathogens, pathogens in our water.

And what are pathogens? According to greatlakes.net, pathos is Greek for suffering, and gen is a suffix meaning producer, also from the Greek. Thus, a waterborne pathogen is a disease maker that occurs in the water. These germs are living microscopic organisms, microorganisms or microbes that take in food, give off waste, grow, reproduce and die. And the most common types of waterborne pathogens are bacteria, but they're also viruses, protozoa and certain kinds of algae.

So why would the gentleman from New York's amendment be in order, from a germaneness standpoint, and why would it be important for us?

All you have to do is go to the INTERPOL Web site where it discusses the threat and prevention of bioterrorism. And therein, INTERPOL states, ''an effective biological weapon

is potentially devastating and much easier to make and transport than a nuclear weapon. Bio weapons are, however, relatively safe for the terrorists. Pathogens are virtually undetectable and can be brought reasonably easily into a country by an individual and can then be propagated in large quantities.'' INTERPOL says this.

''Recognizing the imminent dangers represented by this lethal form of crime is the first step in countering the threat. Thereafter, it is vital to put in place the tools which will enable society to take appropriate measures.''

If you go to the CDC and you ask, what are the bioterrorism agents, they list 27 of them, waterborne bio agents: Anthrax, Brucellosis, Cholera, Botulism, Glanders, Plague, Q fever, smallpox, and it goes on and on and on.

Now, we have a bill before us which says we have to be concerned about our beaches. By the way, it's not just the coastline. Under this bill this includes the Great Lakes. And it says we should be concerned about pollution, and they define pollution by the number of pathogens per volume. And I see nothing in this bill which says we're only concerned about industrially produced pathogens or accidentally produced pathogens. And if that's the case, we ought to be concerned about terrorist produced and introduced pathogens. And that's why the gentleman's amendment is both germane and appropriate and ought to be supported, because what it says is that we need the intelligence to understand which pathogens that the terrorists are attempting to introduce here, where they might introduce it, and to make sure that our first responders, which are referred to in the underlying bill, understand what it is they're faced with, how they prevent it, and if they can't prevent it, how they deal with it.

So this is a serious amendment. It says that the only way we can protect our coastal waters and the people who live in them, swim in them, work in them, is if we know the information ahead of time. And we don't have that information. That information is held by the bad guys.

The only way we can find out what the bad guys intend to do is, frankly, by listening to them, capturing their communications. That's why this FISA bill is important generally, but it is important specifically to this bill, a bill which tells us we are trying to protect our coastal waterways, the coastline, the Great Lakes and our estuaries. And the only way we can do that is to know who intends to damage it, who intends to introduce these pathogens as a direct threat to us and how we respond to that.

So I would hope that the gentlelady's point of order is rejected, and I hope that we will be able to vote on this bill, support this bill. And if we can't have FISA for anything else, let's at least protect our coast lines, protect the Great Lakes, protect the estuaries and everybody therein.

Sounds like a silly argument that we would limit it to that, but we have, under the rules, not been allowed to bring the FISA bill to the floor. Let us add it to this bill, where it's germane, where it would go to the actual intention of the bill and, in fact, refers to the major parts of the bill, that is, how do we know what pathogens are introduced; how do we respond to them; how do we make sure our American citizens are protected from them; how do we close down those waterways and those beaches when they've been introduced, whether or not they've been introduced accidentally, by industrial pollution or, it seems to me, something we ought to be concerned about, by those who wish to kill you and me, our children, and our grandchildren.

I yield back the balance of my time.

POINT OF ORDER

Ms. EDDIE BERNICE JOHNSON of Texas. I insist upon my point of order regarding this amendment.

The Acting CHAIRMAN. The gentlelady will state her point of order.

Ms. EDDIE BERNICE JOHNSON of Texas. Germaneness. It is not germane. H.R. 2537, the Beach Protection Act, speaks only to beaches. It does not address the Foreign Intelligence Surveillance Act, or FISA, and is clearly on a subject different from the bill under consideration, the Beach Protection Act of 2007. FISA is an outside issue.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? Any other Member? If not, the Chair is prepared to rule.

For reasons stated by the gentlewoman from Texas, the amendment is not germane. The point of order is sustained.

Mr. FOSSELLA. Mr. Chairman, I appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is, ''Shall the decision of the Chair stand as the judgment of the Committee of the Whole?''

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

RECORDED VOTE

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 193, not voting 27, as follows:

[Roll No. 201]

AYES—216

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

NOES—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry

McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Berry
Brady (PA)
Brown, Corrine
Christensen
Faleomavaega
Fattah
Feeney
Filner
Fortuño
Harman
Mack
McHugh
Meek (FL)
Napolitano
Norton
Peterson (PA)
Pickering
Rangel
Rush
Schwartz
Sestak
Simpson
Slaughter
Tierney
Weiner
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1703

Mrs. MCMORRIS RODGERS changed her vote from ''aye'' to ''no.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No, 201, I was unavoidably detained with urgeant constiuent business. Had I been present, I would have voted ''aye.''

Mrs. NAPOLITANO. Mr. Chairman, on rollcall No. 201, had I been present, I would have voted ''aye.''

Stated against:

Mr. MCHUGH. Mr. Chairman, on rollcall No. 201, I missed the vote due to a meeting in my office with the Chairman of the Joint Chiefs of Staff. Had I been present, I would have voted ''no.''

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mr. JACKSON of Illinois, 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. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, had come to no resolution thereon.

EXPRESSING SUPPORT FOR DESIGNATION OF APRIL 2008 AS NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1097, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1097, as amended.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 202]

YEAS—410

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

NOT VOTING—21

Ackerman
Berry
Brady (PA)
Brown, Corrine
DeFazio
Fattah
Feeney
Harman
Mack
Marchant
Meek (FL)
Peterson (PA)
Pickering
Rangel
Rush
Schwartz
Sestak
Simpson
Tierney
Weiner
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 1½ minutes remaining in this vote.

□ 1721

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2537 and include extraneous materials in the RECORD.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2537.

□ 1723

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Ms. JACKSON-LEE of Texas (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 4 printed in the CONGRESSIONAL RECORD offered by the gentleman from New York (Mr. FOSSELLA) had been disposed of.

AMENDMENT NO. 2 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam 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. 2 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 2, line 5, strike ''2007'' and insert ''2008''.

Page 2, line 8, strike ''1346'' and insert ''1346(b)''.

Page 4, line 1, strike ''304(a)(9)'' and insert ''304(a)(9)(A)''.

Page 4, line 2, strike ''1314(a)(9)'' and insert ''1314(a)(9)(A)''.

Page 4, strike lines 4 through 16 and insert the following:

(c) VALIDATION AND USE OF RAPID TESTING METHODS.—

(1) VALIDATION OF RAPID TESTING METHODS.—Not later than October 1, 2010, the Administrator of the Environmental Protection Agency shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 303(i)(1)(A).

(2) GUIDANCE FOR USE OF RAPID TESTING METHODS.—

(A) IN GENERAL.—Not later than 180 days after completion of the validation under paragraph (1), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of rapid testing methods that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards for pathogens and pathogen indicators.

(B) PRIORITIZATION.—In developing such guidance, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that are the most used by the public.

Page 6, strike lines 13 through 19 and insert the following:

''(9) the availability of a geographic information system database that such State or local government program shall use to inform the public about coastal recreation waters and that—

''(A) is publicly accessible and searchable on the Internet;

''(B) is organized by beach or similar point of access;

''(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

''(D) is updated within 24 hours of the availability of revised information;

Page 7, line 6, strike ''meeting'' and insert ''meeting or are not expected to meet''.

Page 8, line 8, strike ''on'' and insert ''on the Internet on''.

Page 8, strike lines 10 through 24 and insert the following:

''(3) CORRECTIVE ACTION.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) fails to take such action as may be necessary to comply with such requirement or condition within one year of the date of notification, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent.''

At the end of the bill, add the following:

SEC. 11. ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.

Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking ''paragraph (1)(A)'' each place it appears and inserting ''paragraph (1)''.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, my amendment makes a few technical and clarifying changes to H.R. 2537, as reported by the Committee on Transportation and Infrastructure on December 12, 2007.

First, it makes a technical change to section 5(c)(2) of the bill, substituting the word ''criteria'' for ''guidance'' to remove any potential confusion on the intent of this language.

Second, it makes a technical change to section 8 to address potential constitutional concerns raised by the administration on requiring States and local governments to perform certain actions.

The manager's amendment shifts the focus from requiring States and local governments to take certain compliance actions to conditioning a percentage of their annual BEACH grant should they choose not to take such actions.

And, third, it puts in a statutory deadline of October 1, 2010, for the Environmental Protection Agency to complete its evaluation and validation of ''rapid testing methods'' for the existing coastal recreation water quality criteria. This significant improvement to the bill will ensure that same-day monitoring data will be available before the end of the decade.

Finally, the amendment changes the requirement of section 303(i)(2)(A) of the Clean Water Act to ensure uniformity among States in the implementation of water quality criteria and standards.

This amendment will ensure that should a State choose not to incorporate potentially new or revised coastal recreational water quality criteria into their own programs, the burden falls on the Environmental Protection Agency to propose regulations for such State setting forth the revised or new water quality standards. This was the structure of the original BEACH Act with respect to the first round of water quality criteria that should be carried forward to subsequent revisions to coastal recreational water quality criteria.

The manager's amendment was developed jointly by the majority and minority staffs of the Subcommittee on Water Resources and Environment. I am unaware of any opposition to this amendment, and I urge its adoption.

Mr. BOOZMAN. Madam Chairman, I move to strike the last word.

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

Mr. BOOZMAN. Madam Chairman, I want to thank my colleague from Texas for offering this amendment.

While this amendment makes some technical and clarifying changes to H.R. 2537, the Beach Protection Act of 2007, it also makes some improvements to the bill since the Committee on Transportation and Infrastructure favorably reported the legislation in December.

This amendment will require the Environmental Protection Agency to validate and prioritize rapid testing methods by October, 2010; encourage local officials to make publicly available within 24 hours the results of water quality samples; reduces the amount a community may receive if it does not take corrective action when waters are out of compliance with water quality standards; and encourages State and local officials to adopt appropriate coastal and beach water quality standards.

I urge all Members to support the Johnson amendment.

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

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

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

Mr. GARRETT of New Jersey. Madam Chairman, I come to the floor in appreciation of the underlying intent of both the amendment and the underlying bill as well.

But I am mindful of the fact, as I come from the great State of New Jersey and as we think about the issue at hand, and that is our beaches and the shores generally, I was just talking with someone recently that due to the high cost of energy and the high cost of

gasoline, a lot of my constituents, quite honestly, won't be able to even enjoy the Jersey shore this summer, to ''go down below,'' as we call it, down to the Jersey shore to enjoy it and enjoy whatever improvements that this amendment, which I support, and the underlying bill, which I support, would bring to us.

So the point I just want to spend a moment on is the fact that while we debate these tertiary issues, the fundamental issue that folks back in my district are concerned about is how are we going to afford in the first place to get about our State of New Jersey, to get to the shore, to enjoy our vacation, to enjoy the beaches if Congress is not doing anything whatsoever to address the high cost of gasoline and to address the high cost of energy in the State of New Jersey and the rest of the country as well.

□ 1730

Here we are now in the ides of April, the middle of April. This is about, let's see, 12, 13, 14, 15, the 16th month now into this, the 110th Congress under the Democrat leadership. And we have to ask ourselves one seminal question, one basic question: What has the 16th month of Democrat leadership brought us in a whole host of areas? And I will get to the energy issue in a minute.

Well, we see in the area of food prices, my constituents also tell me that the price of food, when they go to the A&P or the grocery stores every day, whatever the store is, are going through the roof. The housing crisis. We will go to any committee here. I serve on the Financial Services Committee. We know we are in a terrible housing crisis right now, a subprime crisis affecting credit markets across the country. Fuel costs I have already mentioned. A recession. You know, for the first time in years, we're talking about an economic recession. For all the time that the Republicans were in control of this House and in control of this government, we saw that they were in booming economic times. Sixteen months now into the 110th Congress in a Democrat leadership, off the map on food costs, housing costs, into recession. If that has happened in 16 months, we wonder what will happen if they have another 16 months.

So I would ask whether this Congress could do what my constituents are asking us to do. Maybe address these issues such as beach issues and where we can go on vacation, but can we do those after we get to the more seminal issues, the more fundamental issues, issues that strike at the heart of where America is living right now, issues that strike at, well, their pocketbook and where their money is really going to right now, and that is energy costs.

The other day I just drove out in my driveway of my house. I went down to the main road. And there at the gas station, the price of a gallon of diesel fuel was $4 a gallon. Amazing. $4 a gallon. That means that truckers—those same truckers who have to get down to the Jersey Shore to bring supplies and what have you for vacationers who want to enjoy the beaches and what have you—truckers, I am told, have to spend upwards of $1,000 to fill up their diesel tanks in their trucks to get about our State.

New Jersey is a commuter State. New Jersey is a hub State, a transportation State. Unless Congress is ready to commit itself to really fundamentally look at the underlying causes of the high cost of energy, of the high cost of gasoline, of the high cost of diesel fuel, unless we are ready to work across both sides of the aisle on these issues, these other issues will come to naught, will be of little importance to my constituents if they are stranded at home, if their husbands or their wives don't have jobs because they can't afford to put gas into the car or diesel into the trucks.

So I just come to the floor to raise these issues now and ask that, as important as these beach issues are, can we not really begin to address what the constituents are addressing?

Later on in the evening, I would like to say that there are some solutions, there are some solutions that the American public would like us to begin to address. There are some answers to the fundamental reasons of why the price of gasoline and diesel fuel is going through the roof. There are some basic changes that Congress, this Congress, could be making right now to the energy supply in this country that would help to drive down the cost of energy in this country so that Americans, families in my district and in yours, will be able to address this problem and not have a problem of high energy cost anymore.

Mr. BILBRAY. Madam Chairman, I move to strike the last word.

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

Mr. BILBRAY. Madam Chairman, I would like to thank and congratulate the gentlelady from the great State of Texas for this amendment. As she knows, it really reflects a strategy that has worked since 2000 when we did the original bill. And I want to thank her as the original author of this bill.

And with this amendment, it brings in that cooperative effort between the local government and the Federal Government. Both the gentlelady from Texas and my background show that that kind of cooperative effort has been essential for the success of the BEACH bill for these last 7 years, 8 years now.

The bill really does, with the amendment, talk about the fact that the best people to take care of the local environment are the local people, that Washington needs to be here supporting and encouraging local people to take control of their own environment.

I think of the old statement that we used back in the sixties and seventies of ''acting locally.'' It was essential for any success that we're going to have with environmental activities. This bill actually builds on that success that we have had in the past.

A note of personal interest, Madam Chairman, is that you never know when and how your own legislation may affect you. And as the author of this bill from 2000, it was interesting to see that when my children were on the computer, they were not just checking out the water quality and if the beaches were open. They were also looking at real-time cameras to see how the surf was that day. How we would have loved to have had that in the sixties when we were growing up that you could actually look out on the water to see not only how good the surf was, but to also see how clean the water was. And with this bill, that is possible.

And so I appreciate the amendment by the gentlelady from Texas. I strongly support it. And hopefully we will be able to get this bill back to the President and get it signed as soon as possible.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

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

Mr. WESTMORELAND. I too want to thank the gentlelady for this commonsense amendment. I think it does put the responsibility, at least partially, back on those local governments to control themselves. But it is for the same reason that the gentleman from New Jersey got up. My constituents also are concerned about the ability to go to the beaches. No matter how clean we can make them, if they can't get there, then they can't enjoy them.

And we had demonstrations the other day, Madam Chairman. We saw truckers driving around the Capitol, at least along the highway here, protesting the price of diesel fuel. And diesel is over $4 a gallon. And it's costing some of these truckers, independent businesspeople, over $1,000 to fill their trucks up.

And we've had some promises. And those seem to be empty promises that we've had. And I wanted to come today because, as you know, the average price of gas today is about $3.44 a gallon. The price of a barrel of oil is $114 a barrel. And I wanted to just kind of remind some people, maybe we have forgotten that we have had some promises made to the American people to really bring about some change in our government.

I want to read a press release that was dated September 21, 2005 by Speaker PELOSI. ''This is of the highest priority to our House Democratic Caucus because it is a high priority for America's working families. Some people have to work 2 more hours a day to cover the cost of gas that takes them to work, if they are making minimum wage.''

Well, we raised the minimum wage, but gas has gone up well over $1 a gallon since the Democrats took control and since Ms. PELOSI became Speaker.

September 28, 2005, another press release by the then-Minority Leader Pelosi, ''Democrats have been working for months to bring down the price of gas at the pump and home heating oil.''

Well, you've been in charge for 16 months, and I don't see what we have done to bring down the price of gas or the price of oil, except we have had some hearings where we question the heads of the oil companies about the profits they are making.

The point is, is that gas has gotten so high that the average person is now having to look at exactly where and what meets the best needs of their family, if they can go to the grocery store or not. That is a consideration that it seems like the Democratic leadership wanted to have for the working family. So why are we doing that? We are spending a lot of time on other issues. But we need to be working on this, something that affects the everyday person.

April 18, 2006, in another press release, Ms. PELOSI said: ''But the Republican bills clearly have done nothing to lower gas prices, as the price of a barrel of oil today has settled above $70 a barrel.'' Man, don't we wish for those days again? At the time it was the highest price in history.

Here is the quote that I think that we really need to get an answer to. ''Democrats have a plan to lower gas prices, taking America in a new direction.''

There is a new direction. And there is a song that goes with that direction. But I don't see a new direction. Or if we were going in a new direction, it's the wrong direction. Where is the Democratic plan for lower gas prices? Is it on the shelf somewhere? Are we saving it for a time when gas gets above $4 a gallon? Five dollars a gallon? What are we saving the plan for?

Let's bring the plan out tomorrow. Let's vote on it tomorrow. You can waive the rules. As we have seen in this Congress, we can change the rules at any time that it's convenient when we need it, and we really don't have to pay attention to the rules we adopted when you became the majority.

So why don't we bring out this plan? Why don't we have a plan that tomorrow we can tell the American people that the Democrats are going to finally unveil the plan?

Now the plan that we have heard so far from the Energy and Commerce chairman, Mr. DINGELL, is to raise the price of the motor fuel tax 50 cents a gallon. That just doesn't sound like a good plan. One of the other plans that we had was to buy 30 bicycles at a cost of $30,000. I don't know that that's the plan that the American hardworking family is looking for. I mean, I live in Grantville, Georgia, and I would love to ride a bicycle to work, but that would take me quite a bit of time. I don't know. It might take 24 hours for me to ride a bicycle to work. But I don't know how families are going to ride bicycles to work to get groceries, or to go to the store, or whatever they have to do. Riding bicycles to me is just not that new plan.

Now if that is the Democrats' plan, then let's go ahead and unveil it and let the American people see it. I think they want to know what it is.

Mr. OBERSTAR. Mr. Chairman, I support the amendment offered by the Chairwoman of the Subcommittee on Water Resources and Environment.

This amendment makes several technical and clarifying changes to the Beach Protection Act, as reported by the Committee on Transportation and Infrastructure.

These changes further improve the underlying bill, and will greatly assist in providing the public with clearer, quicker, and hopefully, more accurate information on the quality of our Nation's coastal recreational waters.

Mr. Chairman, I am pleased that we were able to reach agreement within the Committee on establishing a hard deadline for the Environmental Protection Agency to complete its evaluation and validation of a rapid testing methodology for testing coastal recreation waters.

As recognized by the sponsors of this legislation, we need to move away from two-to-three day delays in obtaining information on the quality of our waters, and towards real-time, same-day information. It does no one any good to know that the waters were unsafe for swimming yesterday—yesterday is too late.

We want to know what the conditions of waters are today—before we decide to take ourselves and our families to the beach for the day. This amendment will move us in the direction of providing same-day information on the condition of our recreational waters, and give our citizens the option of avoiding contact with waters that could be potentially harmful to their health.

The Manager's amendment was developed jointly by the majority and minority staffs of the Subcommittee on Water Resources and Environment.

I am unaware of any opposition to this amendment, and urge its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Madam 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. 13 offered by Mr. BILBRAY: At the end of the bill, add the following:

SEC. 11. USE OF MOLECULAR DIAGNOSTICS FOR MONITORING AND ASSESSING COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study to assess the benefits of using molecular diagnostics for monitoring and assessing the quality of coastal recreation waters adjacent to beaches and similar points of access that are used by the public.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) to the extent practicable, evaluate the full range of available rapid testing methods, as defined by section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), and methods that meet prescribed performance standards, including—

(A) the amplified nucleic acid assay method; and

(B) the indicator organisms enterococci and E. coli; and

(2) compare the use of molecular diagnostics to culture testing of same source water, including the time for obtaining results, accuracy of results, and future applicability.

(c) PARTNERSHIPS.—Notwithstanding chapter 63 of title 31, United States Code, the Administrator may award a grant or cooperative agreement to a public or private organization to assist the Administrator in carrying out the study.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

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

Mr. BILBRAY. Madam Chairman, this is an amendment that we've worked out with Chairman OBERSTAR and the gentlelady from Texas. It is really an implementation for the new step for the BEACH bill, and that is to go beyond the existing system we used in the last 7 years where public health officials have to wait 3 days to be able to know if a beach has a water quality problem or does not.

Scientists all over the world have been working on what is very close to a real-time response to this concern and be able to empower our local health officials to be able to know, within a few hours, rather than a few days, if it is safe for water contact activity along our beaches.

My amendment just simply allows the administration to do a study within the next 2 years to be able to develop the system that local governments can use to implement the BEACH bill so we don't have to wait 3 days in New Jersey or 3 days in California to know if our beaches are polluted or if they are clean.

With this study, with cooperation between the Federal Government, the local governments and the private sector, we can actually make this system effective so our children and our families know if it is safe to go in that day and not have to wait 3 days to find out if there is a problem.

So, Madam Chairman, my amendment 13 stands. I would ask for support for it. And I think in the spirit of bipartisan cooperation that this bill has carried since the year 2000, I think we can move forward with a system that keeps our families safe and our waters clean.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I move to strike the last word.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I support this amendment offered by the gentleman from California.

First let me commend my colleague from California for working with us to address some of our concerns with the initial draft of this amendment.

□ 1745

The amendment calls for the Administrator of EPA to conduct a short-term study to assess the benefits of using molecular testing for monitoring and assessing the quality of coastal recreation waters.

This amendment is consistent with other changes made by this legislation to encourage EPA to quickly move on the adoption of rapid testing methodologies for pathogens and pathogen indicators. These studies and changes are essential for shortening the time period between when a water quality sample is taken and when the results of that testing can be made available to the public. As I have stated before, the goal of these changes is to move as close to the same day realtime information on the condition of the Nation's coastal recreation waters as possible. This amendment helps move us closer to our goal.

Again, I appreciate the willingness of the gentleman to work with us in crafting this amendment, and I urge its adoption.

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

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

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

Mr. GARRETT of New Jersey. Madam Chairman, I appreciate the comments by the sponsor, and I support the commonsense approach to this amendment as well.

Coming from the great State of New Jersey, who has had when it comes to beach issues over the last 20-some odd years, during which time I had the privilege of serving in the State legislature and had to deal with some of the same issues that are being dealt with right here and now, I appreciate what is being done this evening with regard to realtime recovering and realtime information coming in. New Jersey, I think, is literally on the cutting edge of this information right now. New Jersey is on the cutting edge, having addressed these issues over the last decade, and I appreciate what is being attempted to be done for the rest of the country as well.

That being said, I just want to reiterate my point that I made earlier this evening that here we are back in Congress again this week, and a lot of people are asking me back in the district, what are some of the major issues that you will be working on when you return to Washington this week?

At a town hall meeting and discussions back over the weekend, I gave them a breakdown, this being one of them. And they asked me, wait, you are going to be talking about beach issues? You are going to be talking about some of these other suspension bills we had earlier in the week and I anticipate having later on in the week?

But each time, no matter where I was, my constituents asked me the same question: Well, when is Congress going to begin the debate, when is Congress going to begin the discussion, whether it is in committees or on the floor or elsewhere, to try to address the problem that is really hitting us the hardest here back at home in the Fifth Congressional District, that is the top of the State of New Jersey, the issue that is hitting us the most in the pocketbook here in the great State of New Jersey? And, of course, what they were referring to is the price of energy.

We have just gone through a little bit of a cold snap in the State of New Jersey, as other parts of the country have as well, so for that reason we have seen the use of home fuel oil go up, naturally. It is a scary thing now when you see the delivery truck come to your house to deliver oil to fill up your oil tank, because you know as soon as that man is done delivering that 100 gallons or 250 gallons to your tank in your basement or in the ground or what have you, he is going to hand you a bill at the end of that delivery, and that bill can wipe out your savings for the week, wipe out the dollars that you may have planned to set aside to buy food, to buy medicine, to pay other expenses you were looking forward to have to spend that week.

So the people are asking, when are we going to be doing something? Unfortunately, we are still not doing it right now. Here we are, 16 months into a Democrat-controlled Congress, and still nothing has been done about it.

I refer back, just to give a little element of time to all this, to the chart I have right up here in front of us, to the fact that we do not have a Democrat energy policy to try to address these seminal issues, major issues that are affecting us. Take a look at what the prices are and the result of not having an energy policy to address this.

As this chart shows, the price of a barrel of crude oil when the Democrats came to power just 16 months ago was $58.31 cents a barrel. Fifty-eight bucks a barrel. Here we are less than 2 years later, a year-and-a-half later, and the price of a barrel of crude oil today is $113 a barrel. It is because of that huge increase in the price of the barrel that you and I have to pay so much when that man comes to deliver the fuel oil for our house or when we go down to the gas station as well.

Fifty-three cents on the dollar when you buy gas at the gas station or are buying fuel oil for your house is the price of crude oil. So when you wonder why it is that you are paying so much at the pump or you are paying so much for delivery to your house, it is because it has gone from 58 bucks to 113 bucks. Not over the last 10 years. Not over the last 6 years, or something like that. Not over the period of time when the Republicans were in control. No, not over that entire span of time. But just in the last 16 months under Democrat control we have seen the price of fuel oil spike and go through the roof.

The result of that has been what? The result has been, besides the fact that you now have to spend most of your money going to your fuel costs, the price also has translated into a ripple effect on the price of food, so when you go to the food store, those are through the roof. It has a ripple effect with regard to the overall economy, and so that is why Alan Greenspan was on TV just about 2 weeks ago now saying that he too is agreeing with other economists in this country saying we have entered into a recession.

So if you remember back how strong the economy was, how strong Wall Street was just about 18 months ago, now we see under the Pelosi premium of no energy policy, the result is what you see today.

Mr. WESTMORELAND. I move to strike the last word.

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

Mr. WESTMORELAND. Madam Chairman, I need to continue with some of these quotes, because I think they are pretty interesting as to our energy policy that we have, I guess, or the lack of an energy policy that we have right now.

July 25, 2006, Mr. HOYER, then the Democratic whip, says: ''Republicans' failure to craft a forward-looking strategy to deal with the rising costs of fuel over the last 5 years has helped ensure that my constituents would pay a very high price at the gasoline pump today and for at least the next several years.''

Well, I guess he is trying to make that statement come true, because it is continuing to rise over the next years. But it is not under our watch. So, Mr. Leader, I want to tell you that the ball is in your court. You didn't think that we could do a very good job with it. And I am reading these quotes. Evidently the now-Speaker didn't think we could do a very good job with it. So the ball is in your court, and I don't see the ball going anywhere except in the wrong direction. The price continues to go up, and I just think we need to see that secret plan that the Democrats have for bringing down our gas prices.

August 16, 2005, a press release by Ms. WASSERMAN SCHULTZ: ''The unacceptable rise that we have seen in gasoline prices over the past year can be linked in part to the lack of consumer-oriented energy policy in this country. Gas prices have remained at record levels for about 4 months at $2.25 per gallon nationwide.''

Well, I don't know if I am the one that is going to break the news, but right now gas is at $3.44. And this lack of policy that evidently was in effect when gas was only $2.55 a gallon, where is your policy? I challenge you, where is the policy that you had that was supposed to bring these gas prices down that you continually talk about. If you

could just get a chance to get your hands on the ball, that you could score. You could score for the American people and you could get gas prices down. You have got your opportunity. You have had your opportunity for 16 months.

September 29, 2005, in a letter to the Energy and Commerce Committee, Mr. TANNER said, ''Gas prices in Tennessee and the rest of the country have literally skyrocketed. Our ever-growing dependence on foreign oil only guarantees that we will have to continue dealing with potentially unfriendly countries.''

News flash, Mr. TANNER and Madam Chairman: I would like to say that there they are still skyrocketing, and we are still more dependent now on foreign oil than ever before, because the majority does not want us having domestic production. They don't want us drilling in our own territory, on our own Outer Shelf or in Alaska, anywhere, really, to get more dependent on our own oil and our own energy. They decided that riding bicycles was the way to go.

September 9, 2005, a press release, MARION BERRY: ''We can barely afford to fill our gas tanks to get to and from work each day, and our farmers are spending everything they have on diesel fuel just to keep their crops alive. These people deserve some answers and a fair price for their gasoline.''

You know, Mr. BERRY, I couldn't agree with you more. You made that statement not quite 3 years ago. Where is your answer? You have been in the majority party for the last 16 months, and I don't see any answers to the questions and the comments and the concerns that you brought up for your constituents or these farmers that were spending way too much money then when gas was $2.50 a gallon.

May 22, 2005, in a press release by Mr. PALLONE: ''Republicans chose to commemorate the 35th anniversary of Earth Day by approving an energy bill yesterday that raises gas prices. The average price of a gallon of regular gas in New Jersey has increased 40 cents, from $1.66 to $2.06.''

I wish we were back to those $2.06 days, don't you? And I don't know what we are going to do to celebrate Earth Day today, but gas, Mr. PALLONE, is at $3.44. So the celebration won't be near as sweet because of the promises that you made to the American people that you were going to bring gas prices down, and they continue to go up.

Mr. OBERSTAR. Madam Chairman, I rise in support of the amendment offered by the gentleman from California, Mr. BILBRAY.

This amendment builds upon the ongoing work of the Environmental Protection Agency to develop the next generation of testing methodologies for coastal recreation waters. These new standards, already well behind schedule, should represent significant improvement over the existing standards for pathogens and pathogen indicators both in terms of accuracy and delivery time.

The amendment of our colleague, Mr. BILBRAY, calls the Administrator of the Environmental Protection Agency to study the benefits of using a ''molecular diagnostic for monitoring and assessing the quality of coastal recreation waters.'' This shift from culture-based testing to molecular diagnostics should significantly reduce the period of time necessary to produce accurate results on the condition of the nation's swimming beaches.

By some estimates, the amount of time that would be necessary under this new testing methodology could fall from 24–36 hours to 1–2 hours. This would represent a significant breakthrough in providing almost instantaneous information to the public on any potential human health risks that might result from coming into contact with contaminated waters.

I congratulate the gentleman for offering this amendment, today, and express my appreciation for his willingness to work with us to address some concerns raised with his initial amendment.

I urge adoption of the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Madam 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. KUCINICH:

Page 3, line 3, strike ''indicators'' and insert ''indicators. If, in carrying out such source identification and tracking program, a source of pathogenic contamination is identified by such State or local government, such State or local government shall make information on the existence of such source available to the public on the Internet within 24 hours of the identification of such source.''.

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

Mr. KUCINICH. Madam Chairman, my amendment will allow the public to know if a State or local government receiving funds from this act has been successful in its efforts to identify the source of the pathogenic pollution.

The problems created by contaminated surface waters are real. The health risks of swimming in water contaminated with biological pathogens are now well studied. Several studies on surfers, for example, show that the closer the swimming spot is to a sewer or storm water outfall, the higher the risk for walking away with gastroenteritis, respiratory infection, ear infection, salmonellosis, dysentery, skin rashes and pink eye.

The risks are economic as well. Many coastal communities rely heavily on tourism for their local economies. Swimming, boating and fishing all generate significant revenues. Great Lakes boaters spend more than $2 billion per year. Fishing brought in $4.5 billion in 2002. Lake Erie alone generates $2.5 billion annually in tourism revenue.

With the discharges that cause elevated pathogen levels come more than just pathogens. Raw sewage also contains a host of other chemicals, like lead and unmetabolized prescription drugs.

When sewage makes its way into our waterways, it can affect us directly. Lake Erie provides drinking water for approximately 11 million people. According to the Natural Resources Defense Council, the samples taken at Cuyahoga County beaches on Lake Erie in 2006 exceeded standards between 7 percent and 50 percent of the time.

When the Government Accountability Office examined the implementation of the Beach Act of 2000 last year, they identified an important weakness. They found that the causes for the contamination are usually unidentified. The GAO said, ''Local officials at 67 percent of Great Lakes beaches reported that when results of water quality testing indicated contamination, they did not know the source of the contamination. Only 14 percent reported that they had taken actions to address the source of contamination.''

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Worse, they also found that State and local governments, as BEACH Act grantees, were not able to use their funds to get to the source of the problem. They weren't able to allow the funds to track down the source of the pathogenic contamination.

The Beach Protection Act under consideration today corrects that omission but stops when the pollution source is found. My amendment would spur action by letting the public know when a State or local government is able to identify the polluter. Since grantees are already required to notify the public when contamination is detected, the relevant infrastructure is already in place.

Communities deserve to know about the health risks that exist in their own backyard. With this information they not only avoid exposure to the hazard, but they can also bring pressure to bear to prevent the pollution from occurring.

Citizens should know where and when the contamination occurs so they can avoid it. They should also know where it is coming from so they can work to prevent it.

I urge my colleagues to vote ''yes'' on the Kucinich amendment.

Mr. SHIMKUS. Madam Chairman, I move to strike the last word.

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

Mr. SHIMKUS. Madam Chairman, it's great to be down here to talk about healthy beaches again.

I spoke on the rule. The first colleague on the other side talked about oil wells and how they endanger healthy beaches, so it gave me an opportunity to continue to talk about the failed Democratic policies on energy and the continued increase in the cost of energy in this country and the continued future plan for energy increases in the decades to come.

It's a simple economic debate, supply and demand. We need more supply. The failed Democrat policies will not bring more supply to this debate.

How does it relate to healthy beaches? I will tell you how it relates to healthy beaches. What is the most damaging thing to a beach, an oil spill.

How do oil spills occur? They occur when we have these big super tankers traveling all around the world trying to feed the demand. We want to stop oil spills, and the best way to stop oil spills is to develop our own resources, redevelop our own oil wells. In southern Illinois, in Texas, on the Outer Continental Shelf, a lot of the places we have oil, the Democrat majority continues to put them off-limits.

What happens? Prices go up. Here is an example. We have seen this chart before, and I imagine we are going to see it a lot the rest of this year, except there is going to be a change. Every time we see it, the price of a barrel of crude oil is going to continue to go up.

When this majority, Speaker PELOSI, took the oath of office, swore us all in, the price of a barrel of crude oil was $58.31.

What is it today? Actually, this is wrong, they didn't update it. This was from a couple of days ago. I think it raised, got to $114, $114 a barrel. When you do not plan, you plan to fail. The Democrats have no plan. They said they had a plan, Speaker PELOSI is quoted, in a quote on April 24, 2006, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.''

I have a plan. The only plan was to increase gas prices, not lower them.

Here is a quote from Majority Leader STENY HOYER on October 4, 2005: ''Democrats believe that we can do more for the American people who are struggling to deal with high gas prices.'' You are doing more for the people who are struggling with high gas prices, you are making it more difficult.

We have, as I have used the term before, bitter change. Why are folks bitter in America? Why are folks bitter in rural America? Because we are paying high gas prices because we can't get supply.

You bet we are bitter, because in rural America we drive the long distances to get to work. We are the folks who don't have buses, we don't have light rail. We have got a lot of rural Members here, and we need big vehicles to haul our beef and our pork and our corn to the refineries. We need trucks.

I brought down pictures yesterday of independent truckers going on strike. Why? Diesel oil is up over $4 a gallon.

When you don't have a plan, you plan to fail. What's the solution? Coal-to-liquid technologies. It's not imported. Coal field, U.S. refineries, U.S. jobs, lower price fuel. That's a solution.

What's another solution? These are all the areas Democrats have put off-limits for exploration. Look at it. You know what is even worse, what you all tried to do in the last energy bill, you tried to take a big chunk out of Colorado and say we are not going to explore there either.

Supply and demand, the simple basic economics. We have higher demand, you don't allow a supply, we get higher prices, over $1.02 a gallon for gas since the Democrats went into the majority. You know what?

It's going to continue to go up. You have no plan. How are we going to get these prices lower? ''Oh, let's tax the oil companies.'' That's really going to bring prices down. You know what that's going to do? It's going to raise prices and you are hurting the people you say you support.

You are hurting the middle class, you are hurting the lower middle class. This also translates into electricity, translates here into your great debate on climate change. JOHN DINGELL said let's address climate change by adding an additional 50 cents a gallon for gas.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman is reminded that his remarks should be addressed to the Chair.

Mr. SHIMKUS. Madam Chairman, the Speaker of the House, NANCY PELOSI said, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.'' We are calling it the Pelosi premium.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

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

Ms. EDDIE BERNICE JOHNSON of Texas. This amendment offers a significant improvement to the underlying bill by assuring that the public is made aware of identified sources of contamination to our Nation's coastal recreation waters. I support those efforts of the gentleman in offering this amendment, and I urge its adoption.

Mr. GARRETT of New Jersey. I move to strike the last word.

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

Mr. GARRETT of New Jersey. Madam Chairman, the previous gentleman was most accurate in his portrayal of what the problem is. Let me just dig into it a little bit more.

Again, as I said before, I support the ideas of the amendment that we are discussing right now in the underlying legislation. My heart just goes out for my constituents at home who may not be able to enjoy the benefits of such, the beaches of the great State of New Jersey and others along the eastern seaboard, simply because, a very practical matter with the high price of energy, the high price of gas, they simply may not be able to afford to get there.

I think I saw it in some news report the other day, how it was characterized, the point that I made earlier and the previous gentleman just made, as the chart just shows, the lack of a plan to deal with the energy problem in this country by the Democrat majority has brought us in this 110th Congress, this huge spike, this huge increase in the price of oil.

As the gentleman explained, it went from $58 per barrel of oil now up to $113, almost $114 per barrel of oil. The paper I think I was reading the other day, I heard it someplace, was this can most appropriately be called, not a Democrat problem, a premium that we are paying for the price of oil. Perhaps, appropriately, the paper called it the Pelosi premium because it comes during the time of this Congress headed by the Democrats.

The previous gentleman from Georgia was saying that, and he laid out very eloquently, that the other side of the aisle had campaigned on, and the Speaker said frequently they had a plan. Well, would that it be that they actually had a plan and began to implement that was beneficial, that would be beneficial, but they have had some sort of a plan.

I have to point this out to the gentleman from Georgia. They have had some suggestions as to what we can be doing with the price of gasoline. Let me just run through a couple of them. One of their suggestions to deal with the price of gasoline was a 50-cent increase per gallon Federal gas tax, which was proposed by the Energy and Commerce chairman.

So we are already paying $3.50 or so for a gallon of gasoline at the pump. The Energy and Commerce chairman said how do we deal with that issue? Let's add a 50-cent increase per gallon Federal gas tax on top of that. That's one part of their plan.

The second plan the other side of the aisle, the Democrat majority proposed to deal with the high price of energy, was a $150 million war surtax. That was under a plan proposed by the Appropriations chairman, DAVID OBEY. We are already paying a high price for gasoline, we are already paying a high price for diesel, home heating fuel. Let's add insult to injury and add a $150 billion war surtax on top of that that you and I would have to pay.

Was that the end of their plan? No, they had a couple of other ideas. Defense Appropriations Chairman JOHN MURTHA and Representative JIM MCGOVERN said low- and middle-income taxpayers should have to pay 2 percent added to their tax bill while higher income taxpayers would take an additional 12 to 15 percent added tax as well. There again, how do you deal with this problem, higher taxes.

Finally, a final proposal to deal with this situation from the Democrat majority, a 5-cent increase per gallon gasoline gas tax was proposed by Representative JAMES OBERSTAR to pay for infrastructure. This proposal, as you may recall, would raise the Federal gas tax to 23.4 cents a gallon from the current 18.4 cents. This was made last summer.

So every proposal that they have had suggested, every proposal that we have heard from the Democrat side of the aisle to deal with the energy crisis in this country, to deal with the fact that energy costs for a barrel of oil going $58 up to $114, their solution to the fact that we are paying $3.25, $3.50, $4 for diesel, their solution so far has done nothing to lower the price. It has done everything to raise the price.

To add insult to injury, their proposal is to add even more by adding additional taxes and surtaxes on top of that.

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

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

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

Mr. WESTMORELAND. Madam Chairman, I wanted to continue on to read some of these quotes about the outrage that the majority party had about the prices of gas and oil, and now, as to the outrage of the American people because evidently they felt like there could be a change and that there could be some solution to the price of higher fuel.

On September 9 of 2005 there was a press release sent out by Mr. DOYLE that said, ''Supply and demand can't account for the spike in gas prices we've seen.'' ''Americans want and deserve stable, affordable gas prices.''

I agree, they do. There have been some broken promises given to the American people about who could produce, because at the time this press release was written, gas was about $2.25 a gallon. It's $3.44 a gallon now.

The party of Mr. DOYLE has been in charge for 16 months. Where is that accountability? Where is the stable, affordable gas prices that Mr. DOYLE said the American people deserved?

We haven't seen them. They are in that secret plan that we are waiting to see unveiled.

June 7, 2006, press release by Mr. DEFAZIO, ''Americans deserve an effective, comprehensive solution to the problem of high gas prices and growing dependence on foreign oil. Unfortunately, all they get out of this Republican Congress is a lot of hot air.''

Well, Mr. DEFAZIO, I think there's enough hot air to go around because evidently this press release was a lot of hot air.

Gas prices have done nothing but go up. The majority has changed. There is a new sheriff in town, so to speak, that I have heard when this takeover took place, but what is the sheriff doing?

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The sheriff must have lost his gun or something, because, Madam Chairman, there has been no action. There has been nothing. We have discussed a lot of things on this floor, but I don't think there has been anything about higher gas prices.

July 13, 2006, a press release by ROSA DELAURO: ''The Bush administration and congressional Republicans have failed to bring up comprehensive energy reform, or any piece of legislation, for that matter, that would lower gas prices.''

Well, here it is 2 years later, and I haven't seen anything from the new majority that does anything to lower gas prices or, to quote her, ''or anything else.''

It goes on, ''Addressing these gas prices should be a priority for the congressional Republicans. I urge the Republican leadership to take action to reduce gas prices for consumers.''

I want to do the same thing. I want to encourage the congressional Democrats, Madam Chairman, to do something about gas prices and oil prices. I want to see the magic plan.

April 8, 2005, a press release by Ms. DEGETTE: ''Thanks to the shortsighted policies of the Republican Congress, our economy and the budgets of all Coloradoans are being hurt by skyrocketing gas prices. In Colorado, gas is up to $2.15 a gallon.'' Man, don't we wish we had those days when Republicans were in charge and gas was $2.15. Democrats have been in charge for 16 months, and it is $3.44 a gallon.

May 14, 2004, a press release by Mr. ETHERIDGE: ''Gas prices in North Carolina and throughout the Nation are at record high levels.

''A major reason for these prices is the high price of crude oil, which has reached $40 a barrel.''

Man, don't we wish we had $40 a barrel back.

''We need immediate action to lower gas prices.''

Where is the outrage from these people that I am reading quotes from today demanding lower gas prices? I can't hear them. I haven't heard them. I haven't even seen them.

April 27, 2006, a press release from Ms. HERSETH: ''We have heard strong words this week about rising gas prices, but words are not enough. Families across America are struggling to fill their gas tanks. They deserve answers and concrete actions, not just lip service.''

Lip service, that's what we've got.

Mr. LINCOLN DAVIS of Tennessee. Madam Chairman, I move to strike the last word.

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

Mr. LINCOLN DAVIS of Tennessee. Madam Chairman, I have listened to the debate on the floor, and I am somewhat puzzled. I have listened to the Republicans accuse Democrats of increasing gasoline prices. It reminds me of the fellow who said it would be like Roho the Rooster going to dinner with Colonel Sanders to imply that we are the ones that have caused this situation to occur this way.

I am looking at places like Dubai, United Arab Emirates, in the Middle East, who are being protected by our young men and women, our brave men and women in the Middle East, in the Middle Eastern war that we have with Iraq. And I watched them build these huge mansions and ski slopes, going out in the ocean and building whatever you would like to have, I guess. Are they selling sand?

I wonder if our President when he went over there realized that the most folks he was going to be protecting were the oil tycoons who are over there in the Middle East.

I wonder why Saudi Arabia is not spending more money to held rebuild Iraq. I wonder why United Arab Emirates and Dubai are building these palatial estates for their folks to have ski slopes in the desert. I wonder why they aren't helping Iraq rebuild. We are there protecting them.

And why isn't Kuwait, who is producing all of the oil, is not helping America, at least helping to defuse the situation in the Middle East?

Why is this President not calling on Saudi Arabia to increase their production so at least we can put maybe a glut of oil on the market that will be threatening and intimidating to the stock markets that choose to drive the price of oil the way that it is. There is no reason it should be inflated the way it is.

Why is this administration not doing something about this? Don't blame Democrats who came on this floor 16 months ago. How in the world can you in all honesty try to imply that it is the Democrats' fault that we are paying $3-plus a gallon for gas today. Look at the circumstances and the situations. Have the Democrats, who in the last few months have tried to say let's find some way to resolve the issue in Iraq, are we the ones who said we ought to stay forever over there, and to disrupt the oil markets, to make people throughout the world, including those in places like India and in China, who are using an increased amount of oil that we can't control in this country, but we can at least control our foreign policy that we have established.

So let's think about what we are being told here. The poorest countries in the world are paying $100-some for oil, just like we are in this country, considered to be one of the richest nations of the world.

India and China are paying the same price that we are paying in this country. I guess the Democrats forced the price up also in China and India. Maybe I'm missing something, but let's be honest in this debate and let's be honest with the American public and let's stop blaming folks for what is happening.

The turmoil and instability in the Middle East has brought about most of the situation that we have, and the economic growth, that may recede dramatically, may also drop it down. That might please you if that happens.

But I can tell you this much, the folks that I represent in my district came to the open meetings, and their concern was gasoline prices just like you're saying about your district.

They are also worried about health care costs and whether or not they will be able to survive. Small business folks are literally losing their business because they cannot afford to keep up the cost both of fuel and of health care costs.

We have a lot of problems we need to address, but blaming someone and saying the last 16 months we have brought to this Nation the high gasoline prices, Democrat leaders have, to me stretches the truth a little bit to where that rubber band breaks.

Mr. OBERSTAR. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio, Mr. KUCINICH.

This amendment furthers the overall goals of the BEACH Act in providing the public with greater amounts of information on the quality of their favorite beach locations, including any potential sources of contamination that may make these beaches unsafe for swimming.

The gentleman's amendment would require States and local governments that choose to implement contaminant source identification and tracking programs to ensure that any information gathered on potential sources of contamination be made public. Since, I would surmise, that many potential sources of contamination of coastal recreation waters come from failing wastewater or stormwater infrastructure systems, this increased public awareness on their location and relevance in protecting water quality is important.

I have often heard it said that ''out of sight'' means ''out of mind.'' This is especially true of the deplorable condition of our Nation's wastewater treatment infrastructure. By providing the public with direct links between the source of the contamination, and the real world implications of potential infrastructure failure, I only hope that we will rekindle interest in reinvesting in our Nation's infrastructure.

This amendment provides yet another avenue for increasing public awareness and pressure on improving our infrastructure, and in turn, improving our overall environment and safeguards for human health.

I urge adoption of the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 7, AS MODIFIED, OFFERED BY MR. KIRK

Mr. KIRK. Madam 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. 7 offered by Mr. KIRK:

Redesignate sections 9 and 10 of the bill as sections 10 and 11, respectively.

After section 8 of the bill, insert the following:

SEC. 9. TREATMENT OF MERCURY AS PATHOGEN INDICATOR.

Section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended by adding at the end the following:

''(j) TREATMENT OF MERCURY AS PATHOGEN INDICATOR.—For purposes of monitoring and notification programs under this section, mercury shall be treated as a pathogen indicator.''.

Mr. KIRK. Madam Chairman, in conjunction with the majority and minority, I ask unanimous consent that we consider the modified amendment that I have at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Mr. KIRK:

Strike the text of the amendment and insert the following:

SEC. 11. MONITORING PROTOCOL FOR MERCURY.

(a) REVIEW AND UPDATE OF EXISTING MONITORING PROTOCOLS.—The Administrator of the Environmental Protection Agency shall review and update existing monitoring protocols as necessary for mercury affecting the coastal recreation waters of the Great Lakes.

(b) RECOMMENDATIONS ON TESTING.—In carrying out subsection (a), the Administrator shall develop updated recommendations on testing for the presence of mercury affecting the coastal recreation waters of the Great Lakes, including the presence of mercury in Great Lakes sediment and fish tissue.

(c) PUBLICATION OF WATER QUALITY CRITERIA.—Nothing in this section shall delay the schedule for publication of new or revised water quality criteria as required by section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

Mr. KIRK (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

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

There was no objection.

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

Mr. KIRK. Madam Chairman, I rise in strong support of the Beach Protection Act because it is critical that we protect millions of Americans who use the public beaches each day, like the ones in my own congressional district. Unfortunately, many beaches go unmonitored or face severe delays and do not receive testing results in time to protect the public health. Without proper monitoring and notification, thousands of citizens risk illness due to growing contamination. This legislation provides authority for funding for rapid testing of recreational waters that can save millions from unnecessary beach closings or even hospital bills.

We must not ignore also far more dangerous toxins which have far-reaching effects on the most vulnerable members of our society—our children. Mercury pollution is a serious problem for my district in Northern Illinois, as well as nationwide.

I would like to present to the House a chart which shows mercury depositions for 2001. What it shows here is a picture of both the West Coast, the Midwest and the East as mercury hot spots where further monitoring should be used to protect the public health.

In my own area, the Chicago region, other data shows we could be one of the hottest mercury hot spots in the country. Today there are more than 700 bodies of water throughout the United States that are impaired by mercury. The Great Lakes are particularly vulnerable to this exposure as 36 percent of mercury emissions are generated in the Great Lakes region. In fact, there are currently no less than 18 separate fish advisories for mercury contamination in our region. And yet the Great Lakes remain a source of food, and especially drinking water, for 30 million Americans. This undoubtedly contributes to the recent estimate by the U.S. Government that more than 300,000 American babies are born each year with a risk of mercury pollution.

I will note in my own State of Illinois, pregnant women test 14 times above the background level for mercury in their blood.

We are just at the beginning of learning what mercury deposited in our waterways are doing from American coal plants and other industrial sources.

Some scientists estimate also that 36 percent of mercury settling into U.S. ground soil and waterways comes from Asia, particularly China. We know that China is home to 20 of the 30 most polluted cities on the planet, and their extensive use of coal affects their water and their air in their mercury pollution.

In light of the newly discovered data on global mercury sources and new atmospheric modeling methods, it is critical that we revise the outdated monitoring and testing procedures for this dangerous toxin.

My amendment would require the administrator of the Environmental Protection Agency to update existing monitoring protocols and develop updated testing recommendations for the existence of mercury in the Great Lakes coastal waters, sediments and fish. Funds for this effort would not come out of scarce resources set aside for beach monitoring and testing.

To the chairman and the ranking member who have helped me out with this, I want to thank you for your leadership on this and helping support this amendment in protecting the Great Lakes.

As we enter the summer months when mercury deposition is the highest, I urge my colleagues to support the amendment to help safeguard the future of our generations and the Midwest's most precious natural resource.

Mr. Chairman, I would seek to break up the partisan tone of this debate and offer this bipartisan amendment because I think looking at increased testing and protocols to monitor mercury pollution, making sure especially in the Great Lakes, the source of drinking water for 30 million Americans is safe, we should adopt this amendment.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN (Mr. LINCOLN DAVIS of Tennessee). The gentlewoman

from California is recognized for 5 minutes.

MS. RICHARDSON. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Illinois (Mr. KIRK). The substitute amendment directs the administrator of the Environmental Protection Agency to review existing monitoring protocols for mercury in the recreational waters of the Great Lakes and to make recommendations on their potential revision.

As the Subcommittee on Water Resources and Environment learned at a hearing early last year, mercury is a significant concern in a majority of the United States. For example, according to EPA, 44 States have fish consumption advisories for mercury. More telling, the entirety of the Great Lakes basin is currently under a fish advisory for toxic chemicals, including the presence of mercury.

I applaud the actions of the gentleman from Illinois to bring greater attention to the threat of mercury contamination. Given what we have known about the health impacts of mercury, a mercury advisory in today's day and age is wrong and it needs to be addressed.

This substitute amendment will require the administrator to review and where necessary revise and monitor protocols for detecting the presence of mercury. The amendment directs the administrator to pay particular attention to the presence of mercury in the sediment of the Great Lakes and the fish tissues.

In addition, this amendment provides an additional authorization of appropriations for this review and update. Funding for this study is not authorized from funds made available under section 406(i) for implementation of monitoring and notification programs by State and local governments, nor from EPA funding to implement the BEACH program.

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Finally, this amendment includes a savings clause that insures that this additional study will not delay EPA's ongoing efforts to publish new or revised water quality criteria as required by Section 304(a)(9) of the Clean Water Act.

I support the substitute amendment, and urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. GARRETT of New Jersey. I move to strike the last word.

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

Mr. GARRETT of New Jersey. I thank the Chair. And I appreciate the gentleman from Tennessee having come to the floor a moment ago to address this energy and the like. To be honest, that's the only way that we are going to be able to find solutions to these major issues that we need to address, whether it is the Iraq war situation, or this major issue of energy costs in this country.

Obviously, we have been able to find common ground when it comes to, I would catch it, slightly less significant issues dealing with beach quality and what have you. Now if we can find that same comity when it comes to the Iraq war and energy, then we'll be moving in the right direction.

That being said, the gentleman can't disagree with some of the facts that have been set out here for the last evening, and this will probably be my last comment for the night; and that is that the Democrat majority, prior to becoming the majority, did point out some problems with regard to energy prices prior to coming into the majority.

And the gentleman from Georgia went through a litany of quotes from Democrat leadership citing the problem, and making a promise that the Democrat majority had a solution to those problems. I'm eager to see what those solutions are. I would like to extend a hand across the other side of the aisle to work with them, if those solutions were ever forthcoming.

As I indicated in my last comments, the only proposals that I've seen so far from the other side of the aisle have been restrictive or increasing to the cost of energy. They were the two or three tax increases that I ran through before, the 50 cent increase per gallon gasoline Federal gas hike proposed, the $150 billion war surtax or the 5 cent increase per gallon tax hike, all proposals from the other side of the aisle. None of those things will lower the cost of energy. All of those things will raise the price that you and I and everyone else have to pay at the pump.

What we may want to do is look to see what other countries are doing with regard to energy costs in general. Let me just run down real quickly some of these.

Over in China, three or four things. One, China has expanded its natural gas infrastructure by constructing pipe lines. Unfortunately, the Democrats have opposed natural gas production in this country and natural gas infrastructure improvements in the country in general. And the chart that we had up previously showed that as far as offshore.

Secondly, China is rapidly expanding its refining capacity. Unfortunately, Democrats have repeatedly voted against expanding America's refinery capacity. I don't think we've had any new refineries built in some several decades.

Thirdly, China is ambitiously developing its nuclear power energy which plans to spend $50 billion on 30 additional nuclear reactors within the next 15 years. Again, unfortunately, Democrats consider the notion of increasing nuclear power generation in the U.S. basically as off the table.

And finally, China's planning on constructing many new large scale hydro electric projects over the forecasted period, including an 18.2 gigawatt Three Gorges dam project which is expected to come in in 2009. Again, unfortunately, Democrats have actively opposed new hydro electric power plants here in the United States.

So I will end where I began. The gentleman said that we should be concerned about how much money is going to Saudi Arabia and Dubai and all of the things that they're able to build with that oil. I agree.

I wish all of our American tax dollars and American gasoline dollars that we pay at the pump weren't going overseas. But right now, 63 percent of our energy sources are dependent on foreign sources of energy and growing more every year.

What we need to do is make America more self-reliant when it comes to energy. You do that by what we've talked about all evening. Don't tax it, don't raise the cost of production, don't restrict the production here in the United States, don't restrict the ideas of new efficient energy alternatives and the like, but allow it to grow using ingenuity of Americans insight and entrepreneurs, so that we do not have to be more dependent every day on foreign, unreliable sources that are a threat to this country, are a threat to our national security, and put our young men and women in harm's way on the points with regard to war, as the gentleman from Tennessee was pointing out.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. RICHARDSON

Ms. RICHARDSON. 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. 11 offered by Ms. RICHARDSON:

At the end of the bill, add the following:

SEC. 11. NATIONAL LIST OF BEACHES.

Section 406(g)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1346(g)(3)) is amended by striking ''The Administrator'' and all that follows through the period and inserting ''Within 12 months after the date of the enactment of the Beach Protection Act of 2008, and biennially thereafter, the Administrator shall update the list described in paragraph (1).''

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

Ms. RICHARDSON. Mr. Chairman, when Congress passed the BEACH Act in 2000, it took an important step towards keeping Americans, of which a large majority are ill-prepared children, away from polluted beaches. As a proud Californian, I understand how critical clean and safe beaches are to

our State's health, identity and economy. As with airplanes or even drinking water, Americans trust our government to alert them in the event of a safety concern.

I thank Chairman OBERSTAR, and also our great subcommittee chairwoman, Ms. JOHNSON from Texas, for shepherding this important public health and safety bill to the House floor.

This is a vital reauthorization that includes an expansion of the BEACH program by increasing the authorization level by $10 million. This program is most effective when properly administered if the program maintains adequate funding levels and a product result that demonstrates that the resources are well utilized.

The Environmental Protection Agency reported that States significantly increased the number of beaches they monitored from approximately 1,000 in 1997 to more than 3,500 in 2004. There are over 6,099 beaches nationwide.

When the EPA became lenient in the beach monitoring back in 2006, the Natural Resources Defense Council filed a lawsuit against the EPA to protect our public health concerns. Ongoing or periodic monitoring is crucial to maintaining a safe environment.

In my area alone, in Los Angeles County, beach closings due to hazardous bacterial contamination dramatically jumped 15 percent in 2005. During the course of that year, beaches nationwide were closed or posted with health advisories 20,000 times.

Providing sufficient funding to the EPA for testing is only one part of this equation, however. To ensure the American public receives this beach quality information, Congress must compel the EPA to publish comprehensive results that are easily accessible on-line.

This amendment will reinstitute the requirement from the original BEACH Act that would enable the EPA to publish a complete list of every public beach, whether or not it is monitored or not. The EPA's 2004 ''National List of Beaches'' was an important resource for beachgoers, and this amendment will ensure that the EPA updates and maintains the list every 2 years for the safety of all Americans and visitors alike.

Families, fishermen and sports enthusiasts deserve to know whether the EPA is fulfilling its obligation to protect our community beaches. The Richardson amendment will make sure that this happens.

I urge all of my colleagues to support this nonpartisan amendment.

I yield back the balance of my time.

Mr. BOOZMAN. I move to strike the last word.

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

Mr. BOOZMAN. I think that the gentlelady from California has a very good amendment. We certainly support it.

I think that requiring the EPA to update the national list of beaches program to alert the public to beaches that had occurrences of pollution is an excellent idea. I think it's a good tool in Congress' toolbox, as we exercise oversight over the EPA's BEACH program.

So I would urge Members to support the amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from California, Ms. RICHARDSON.

The Beaches Environmental Assessment and Coastal Health Act (BEACH Act) was signed into law on October 10, 2000, as a means to reduce the risk of illness to users of the Nation's recreational waters.

The BEACH Act requires states, tribes, and territories to identify their coastal recreation waters and to report on monitoring activities at those beaches. EPA compiled into a single list all of the information submitted by states and territories to EPA as of December 31, 2003.

This National List of Beaches provides the only nationwide assessment of the extent of beach monitoring across the country. The requirements for EPA to create and periodically maintain this list were included as part of the BEACH Act to help EPA determine how to better implement the Act, and minimize the potential human health effects from coming into contact with contaminated waters.

The National List of Beaches also provides information to the public about beaches in their state.

Unfortunately, this important list has only once been published by EPA—in March of 2004. Since that time, we have little information on whether progress is being made towards full implementation of the BEACH Act. No additional nationwide assessments have been conducted to determine whether individual states or local governments are making improvements in the number and quality of local beach monitoring and notification programs.

By requiring EPA to revise this list every two years, we will halve a better idea of the progress that is being made to safeguard public health, and ensure that a trip to the beach will not also result in a trip to the emergency room.

I applaud the efforts of our Committee colleague, Ms. RICHARSON, for offering this amendment, and I strongly support its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. INSLEE

Mr. INSLEE. 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. 12 offered by Mr. INSLEE:

At the end of the bill, add the following:

SEC. 11. IMPACT OF CLIMATE CHANGE ON POLLUTION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the long-term impact of climate change on pollution of coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INFORMATION ON POTENTIAL CONTAMINANT IMPACTS.—The report shall include information on potential contaminant impacts on ground and surface water resources as well as ecosystem and public health in coastal communities.

(3) MONITORING.—The report shall address monitoring required to document and assess changing conditions of coastal water resources, recreational waters, and ecosystems and review the current ability to assess and forecast impacts associated with long-term change.

(4) FEDERAL ACTIONS.—The report shall highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate these effects in order to protect public and ecosystem health.

(5) CONSULTATION.—In developing the report, the Administrator shall work in consultation with agencies active in the development of the National Water Quality Monitoring Network and the implementation of the Ocean Research Priorities Plan and Implementation Strategy.

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

Mr. INSLEE. Mr. Chairman, I rise in support of an amendment I'm offering with Mr. VAN HOLLEN. The amendment is quite simple. It will simply direct the EPA to report to Congress on how to mitigate the effects of climate change on recreation at our Nation's beaches.

I'm particularly partial to islands and beaches. I live in one, Bainbridge Island, Washington. It's a great place.

And like others, I'm concerned about the impact of global climate change on rising sea levels that can impact the quality of our beaches. And we need to get to the bottom of what those impacts will be so that we can help local communities respond to rising beaches.

Scientists have agreed that sea level is already rising across our coast. In my neck of the woods, the University of Washington Climate Impacts Group has predicted that sea levels in Puget Sound could rise by as much as 50 inches by 2100. This could have a $1 billion impact on waterfront investment.

Rising sea levels intensify flooding, we know. They intensify storms and the erosion associated with them. And they can impact the water quality of our Nation's beaches as they impact sewage disposal systems.

Already, under BEACH Act programs, the EPA does collaborate with government agencies to predict where and when this pollution can occur. My amendment simply directs the EPA to report to Congress on how climate change may exacerbate those problems.

We know how important recreation is on our beaches. In fact, beaches are the leading tourist destination. I was surprised to learn 85 percent of all U.S. tourism is associated with beaches.

They contribute over $700 billion each year to the GDP, and that's not just the Beach Boys.

In 2006, recreation brought in $948 million, just the Olympic and Kitsap Peninsulas where I live. So knowing about the problems we're going to have with climate change locally is a boost. You don't have to live on an island or near a beach to recognize that.

I want to thank the Chair, Mr. PALLONE, and the Chair for their help in drafting and accepting this amendment. And I hope you'll join me in supporting a very commonsense measure to help respond to these problems we know we're going to have. And I hope we can prevent them. But we're going to have some of them no matter what we do.

I yield back the balance of my time.

Mr. HOLT. I move to strike the requisite number of words.

The Acting CHAIRMAN (Ms. JACKSON-LEE of Texas). The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chairman, I rise in support of the amendment offered by my colleague from Washington (Mr. INSLEE) to the Beach Protection Act.

For the last 20 years, my colleagues in the scientific community have issued warnings that the release of greenhouse gases is altering the Earth's climate in ways that are both expensive and deadly. And nowhere is this change more evident than in the changing habitat of our world's oceans.

Science has demonstrated that global change is already causing the sea level to rise. It is predicted that in my home State of New Jersey, the sea level rise will cause a loss of 7 inches to 2 feet of our coastline by the end of the decade.

Of course, changes in the acidity of the ocean from increased carbon is another effect. And as the oceans continue to change, factors that are known to affect water quality along our coastline, such as flooding, storms and erosion, will, of course, occur.

The Inslee amendment simply requires the Environmental Protection Agency to study the effects of the global climate change on our Nation's coastlines. The amendment will help States, local communities and Congress better address the challenges, prepare for the changes, and it will call attention to the steps we need to take to prevent further damage. So I urge my colleagues to support this amendment.

I commend my colleague for preparing and introducing this amendment.

I yield back.

Ms. RICHARDSON. Madam Chairman, I move to strike the last word.

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

Ms. RICHARDSON. I rise in support of this amendment. Mr. INSLEE's amendment calls for the Environmental Protection Agency to conduct a study on the long-term impact of climate change on pollution of coastal recreational waters. The study would include information on the potential contaminant impacts on ground and surface water resources, as well as the impacts on ecosystems and public health in coastal communities like mine.

□ 1845

The amendment also requires the report to highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate effects in order to protect our public and the ecosystem's health.

Our coastal waters are hubs of recreation and commerce for all of our Nation's individuals. It is with this in mind that the original BEACH Act was passed. We can expect many changes to occur in a warming world. Amongst these there will be, and it should be no surprise, that changes to our temperature and chemistry of our beaches in coastal waters have already gone into effect. Especially because so many children recreate in these waters, it is imperative to determine whether the contamination that already exists will become more hazardous to the health of our beach users.

I encourage my fellow Members to join with me in support of Mr. INSLEE's amendment.

I yield back the balance of my time.

Mr. SHIMKUS. Madam Chairman, I move to strike the last word.

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

Mr. SHIMKUS. Madam Chairman, I'm glad we are talking about healthy beaches. As I said earlier, one of the most damaging aspects about healthy beaches is an oil spill, and one way to limit the risk of oil spills is to become more self-reliant, and I know my colleague would appreciate it because he does a lot of renewal, and it's great work, but renewable alone can't fill the future demand. In fact, it really only nibbles around the edges.

I'm also glad we're opening up the discussion to climate change because the reality is is that climate change will cost the American public, and it's going to cost us big bucks. And those of us on our side who are willing to go into debate just hope that there's some honest discussion on the real costs needed.

I'm not a big cap-and-trade guy. I think it's a game by which we're going to play with the consumers hiding the real cost. Chairman DINGELL, intellectually honest, said, let's add 50 cents a gallon to gasoline to help pay for the climate change cost. He's at least being intellectually honest because he's going to go and help the debate saying there is going to be a cost, we're going to have to pay for it, let's add 50 cents to a gallon of gas. Now, a gallon of gas is $3.50; that would make it $4. We know it's going to get to $4 this summer. That means a gallon of gas will be $4.50. That's the challenge.

The California Public Utility Commission on electricity generation said, let's add a 20 to 30 percent surcharge on our electricity bill. That's the cost we're going to incur to comply with climate change.

So, again, we're asking that there be a great debate on climate change, and as we're going to bring in money to help address this, that the people who are going to have to pay these costs know that there's going to be costs. And again, Chairman DINGELL is being intellectually honest. The Public Utility Commission of California is being intellectually honest. And we are going to address that.

Because here is the problem. When the Democrats took office, the price of a barrel of crude oil was $58 a barrel. Now what is it today? I think this is actually wrong. It's $114 a barrel. $114.

Now, I came down here on a 1-minute this week, got some clips. Here is a clip from my district, Independent Truckers Join Strike. Independent Truckers Join Strike. You want to know why the aviation industry is going bust, all of these low-cost airlines? High fuel costs.

So if we want healthy beaches, and we don't want oil spills, we have to develop the resources that we have. We have a solution. One that the Democrat majority is unwilling to bring to the floor; although if they did, we would pass it. I could guarantee we would pass it. And that's using great natural resources in the only coal basin, the high plains of Montana, Wyoming, West Virginia, Virginia, Kentucky, Ohio. We know we have coal under the ground, and we know that we can turn that coal into synthetic fuel. Low-cost fuel, abundant supply, and we know that we can refine this coal using biomass and carbon sequestration cleaner than current crude oil refineries.

And where are our crude oil refineries? They're on the coast. Most of them are in the gulf coast. That's a great place to protect our healthy beaches, by having all of these refineries on the coast. And we saw what Katrina did. Katrina caused a disruption in cost. Katrina caused obviously outages in these refineries. This would give us the opportunity to have refineries located in the heartland with the commodity product of coal right there.

Dig the coal, American jobs; build the refinery, American jobs; refine the oil into fuel, American jobs; put it in a pipeline to the aviation industry, American jobs. What is clearer than that? It's a great success. But we can't get that moved to the floor. So what do we have? No supply, $113 a barrel.

Now I have read the quotes from the Democratic leadership. They had a plan in 2006 to lower gas prices. I have read the quotes. No one has disputed them. And guess what? You have only raised gas prices. And guess what is going to happen this summer? Gas prices are only going to go up higher. When you have no plan, you plan to fail.

Mr. OBERSTAR. Madam Chairman, I rise in support of the Congressman INSLEE's amendment to H.R. 2537, reauthorization of the

BEACH Act. This amendment calls for a study of the long-term impacts of climate change on the pollution of coastal waters.

At its center, the intent of the BEACH Act is to provide information and notification for the public with regard to the safety of the coastal waters they use for recreation. It is well-known that climate change may cause significant changes to ecosystems, hydrology, and water temperature. What we are unsure of, however, is the extent to which these changes will occur, and also—importantly—the effect this will have on public health.

For example, if coastal water temperatures increase and freshwater inflows decrease, does this result in a more hospitable environment for pathogens in our coastal waters? Because the public—including children—are in direct contact with these waters, it is of the utmost importance that we have a better understanding of what a warming environment means for public health.

The Transportation & Infrastructure Committee included a similar provision in last summer's energy bill. This program called for a National Academy of Science study to be conducted on the impacts of climate change on water quality, and subsequent ramifications of these changes on the Clean Water Act. While this provision did not survive conference, I am pleased that Mr. INSLEE's amendment picks up in a similar vein.

I call on other members to join me in supporting passage of this amendment.

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Madam Chairman, I have an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. MCCARTHY of New York:

At the end of the bill, add the following:

SEC. 11. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with appropriate government agencies (including the National Institute of Environmental Health Sciences), shall conduct a study of the presence of pharmaceuticals and personal care products (in this section referred to as ''PPCPs'') in coastal recreation waters .

(b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall—

(1) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected; and

(2) identify the sources of PPCPs in the waters of the United States.

(c) EXAMINATION OF WASTEWATER EFFLUENT AND RUN-OFF FROM AGRICULTURAL PRODUCTS.—In identifying sources of PPCPs under subsection (b)(2), the Administrator shall examine wastewater effluent and run-off from agricultural products.

(d) REPORT.—Not later than one year after the date of enactment of this Act, in order to provide a better understanding of the effects of PPCPs in the waters of the United States on human health, aquatic animal health, and aquatic wildlife, the Administrator shall submit to Congress a report on the results of the study conducted under this section.

(e) PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.—In this section, the terms ''pharmaceuticals and personal care products'' and ''PPCPs'' mean products used by individuals for personal health or cosmetic reasons or used by agribusiness to enhance growth or health of livestock.

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

Mrs. MCCARTHY of New York. Madam Chairman, I would first like to congratulate the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR; the subcommittee chairwoman, EDDIE BERNICE JOHNSON; and the sponsor of the bill, Mr. PALLONE, for bringing forth such important legislation. The bill will help ensure that our beaches are safe for swimming as we enter the summer months.

Today, I will be offering an amendment to H.R. 2537, the Beach Protection Act of 2007, in order to raise awareness of Congress about the presence of pharmaceuticals in our Nation's drinking water. We must begin to better understand this important issue.

At the end of the debate, I intend to withdraw this amendment.

A recent Associated Press study brought to life the fact that pharmaceutical products have been found in the drinking water supply of at least 41 million Americans. In my State of New York, health officials found heart medicine, infection fighters, estrogen, mood stabilizers and tranquilizers in Upstate water supply. Six pharmaceuticals were found in the drinking water right here in Washington, D.C.

We don't know how the pharmaceutical enters into the water supply. But it's likely that some medications that are not fully absorbed by the body may have passed into the water through human waste. In some other cases, unused pills may have simply been flushed down the toilet.

Additionally, some agricultural products and medications may have run off into the groundwater supply.

In addition to antibiotics and steroids, EPA has identified over 100 individual pharmaceuticals and personal care products in environmental samples and drinking water. Wastewater treatment plants appear to be unable to completely remove pharmaceuticals from the water. The presence of the pharmaceuticals in the water raises serious questions about the effects on human health and wildlife.

My amendment would require EPA to conduct a study on the presence and source of pharmaceuticals and personal care products in coastal recreation waters.

Pharmaceuticals and personal care products include prescription and over-the-counter therapeutical drugs, veterinary drugs, fragrances, lotions, and cosmetics, as well as products used to enhance growth or health of livestock. The report will be used as part of the government efforts to better understand the effects pharmaceuticals in our waters have on human health and aquatic wildlife.

Unfortunately, I recognize that this bill is not in the proper venue to adequately address safe drinking water. Therefore, I will withdraw the amendment shortly.

Instead, I am drafting a stand-alone legislation on this issue and will call for congressional hearings so that we can better understand the problems associated with pharmaceuticals in our Nation's drinking water supply.

We need to know how the pharmaceuticals are entering the water supply, how much is in the water, what are the effects of human health and adequate plant life, what is the best way to dispose of pharmaceuticals, and how should we treat water that has been contaminated with pharmaceuticals and personal care products.

It is vital that Congress take up and champion the cause of keeping our coastal recreation and drinking water safe. This is a public health issue. And we must act before the presence of pharmaceuticals reaches crisis levels.

Congresswoman RICHARDSON, will the committee work with me on legislation to address the presence of pharmaceuticals and other care products in our Nation's water supply and help further our understanding of the effects on the human health and wildlife?

Ms. RICHARDSON. Madam Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from California.

Ms. RICHARDSON. Madam Chairman, I understand that the gentlewoman from New York (Mrs. MCCARTHY) will be withdrawing this amendment, but I commend her consideration of this very pressing matter. And it is one that I look forward to working with her on in the future.

Since at least 2002, we've known that a wide variety of chemicals, including pharmaceuticals, personal care products, and others such as fire retardants, are ending up in our Nation's water as you just expressed. More recently, the Associated Press found that the drinking water supplies of 24 of 28 municipalities tested had pharmaceuticals present. While the levels of these largely unregulated chemicals are low, their presence raises a number of troubling issues such as the long-term human health impacts on adults and any different impacts on children.

It is fair to ask how do these pollutants get into our streams and drinking water supplies in the first place. I understand that the Subcommittee on Water Resources and Environment may further this issue over the upcoming months and examine it in great detail with you.

I look forward to working with the gentlewoman from New York and other

Members who have raised concerns about these reports on pharmaceuticals and other chemicals in our Nation's water.

Mrs. MCCARTHY of New York. I thank Congresswoman RICHARDSON for her assistance and again congratulate her on her leadership.

At this time, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ELLSWORTH) having assumed the chair, Ms. JACKSON-LEE of Texas, 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. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, pursuant to House Resolution 1083, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2537, BEACH PROTECTION ACT OF 2007

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that in engrossment of H.R. 2537, the Clerk be authorized to correct section numbers, punctuation, cross-references and to make other technical and conforming changes as may be necessary to accurately reflect the actions of this House.

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

There was no objection.

□ 1900

JUDGMENT DAY

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

Mr. POE. Mr. Speaker, today, the Supreme Court declared that lethal injection is a constitutional form of execution under the eighth amendment. The unofficial moratorium on the death penalty across this Nation is now over.

Two death row killers argued that lethal injection was cruel and unusual punishment. I was present at the Supreme Court today when in a 7–2 opinion the Court rejected the challenges of these two outlaws. They are both from Kentucky. One is Ralph Baze. He murdered a sheriff and a deputy sheriff 16 years ago when they were trying to serve him a warrant. Sixteen years later, Baze is still living while the two officers' families wait for justice.

The other killer, Thomas Bowling, murdered Tina and Edward Early outside their dry cleaning business 17 years ago. Bowling also shot the Early's 2-year-old son, but he survived, although he is an orphan today.

Baze and Bowling argued that there were risks of pain from lethal injection. Of course neither one considered the pain that they inflicted on their victims or their victims' families.

The Supreme Court rightfully decided that lethal injection is constitutional. Baze and Bowling earned the punishment that the juries imposed. Justice can be delayed no longer. It's time for both of these killers to have their judgment day.

And that's just the way it is.

TURNING OUR BACKS ON COLOMBIA

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

Mr. WELLER of Illinois. Mr. Speaker, I rise to express my concern over an action taken by the majority in this House this past week when this House, the majority of the House, the Democratic majority, voted to turn its back on the Republic of Colombia.

You know, when you ask the question of all of Latin America, who is our Nation's best friend, America's best friend in Latin America, everyone says the democratically elected government of Colombia. And when people ask who is America's most reliable ally when it comes to counternarcotics and counterterrorism in Latin America, everyone says it is the democratically elected government of the Republic of Colombia.

Ladies and gentlemen, the damage that was done to the image of the United States is going to take us a long time to recover as a result of this House voting to turn its back on America's best friend in Latin America, the democratically elected Government of the Republic of Colombia.

HONORING DR. BERTRAM W. COFFER

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

Mr. HAYES. Mr. Speaker, I rise today to honor and recognize a pillar in the medical community, as well as a friend, Dr. Bertram W. Coffer, who recently passed away.

Coffer's medical career began in 1975 when he joined Raleigh Anesthesia Associates. He was 34 years old and married to the former Jeanne Gardner, a registered nurse he had met in a Duke University Medical Center operating room while working as a scrub nurse to pay his way through NC State University.

He later served in the U.S. Navy as a Lieutenant Commander, had 2 years of surgery residency at Duke, and completed his residency in anesthesiology at UNC-Chapel Hill. Coffer went on to become not only a certified anesthesiologist, but someone who brought added value to the care of all patients.

Bert instituted many positive changes in the way his practice operated in the community hospital. Today, the American Society of Critical Care Anesthesiologists touts the Raleigh Practice Center/Critical Health Systems model, whose essence reflects one of Bert Coffer's philosophies, which was, ''Act like a physician first, and always make yourself indispensable and worthwhile.'' Certainly, the redefinition of anesthesiology by Coffer and RPC/Critical Health Systems helped change the future of the specialty.

What a dear friend and wonderful human being. Our thoughts, prayers and sympathy go out to Jeanne, his wife, children Bert, Natalie and Holly, and all their families. We will miss you, Bert.

Mr. Speaker, I rise today to honor and recognize a pillar in the medical community as well as a friend, Dr. Bertram W. Coffer, 66, who passed away on Thursday, April 10, 2008, at Rex Hospital. He was a native of Sanford, and predeceased by his parents, Dalton and Virginia Coffer, and a sister, Carol Thompson.

Bert was a dedicated and caring physician for 43 years serving at Rex Hospital for the last 33 years. He was a graduate of NCSU in 1964, UNC Medical School in 1969. He completed a surgical residency at Duke from 1969 until 1971 as well as an anesthesia residency at UNC in 1975. He began practicing in 1975 when he joined Dr. Lewis Gaskins and Raleigh Anesthesia Associates, which he eventually incorporated and developed into Critical Health Systems. One of his guiding philosophies was ''Act like a physician first and always make yourself indispensable and worthwhile''. He had a vision for the advancement of anesthesiology into new areas such as intensive care, critical care, pain management, and total patient care. He served as CEO from 1975–1996. He was a member of numerous boards, including the Rex Hospital Executive Committee and the Ravenscroft Board of Directors. He was also president of the Royster Medical Society in 1983 and the president of the Wake County Medical Society in 1986. In addition, he was an active member of the American Society of Anesthesiologists for over

30 years, serving on many committees and receiving the North Carolina Society of Anesthesiology's Distinguished Service Award. In 1974 he worked with Project Hope at the University of West Indies in Jamaica. During the Vietnam war era he was commissioned as a Lt. Commander and stationed at Jacksonville Naval Air Station in Florida as an anesthesiologist. As an NCSU alumni he was still active and established the Caldwell-Coffer scholarship.

His strong commitment to his country led him to a very active role in politics and public policy.

RECOGNIZING THE SISTERS OF MERCY ON THEIR 150TH ANNIVERSARY

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

Mr. HIGGINS. Mr. Speaker, I rise today asking you to join me in recognizing the 150th anniversary of the Sisters of Mercy of Buffalo, New York.

The Sisters of Mercy were founded in Dublin, Ireland, in 1831 by Catherine McAuley. The first order was formed in the United States in 1843 in the city of Pittsburgh.

The Sisters of Mercy came to Buffalo, New York in 1858. And since that time, from a small teaching order of Mercy nuns, they established a Catholic school system in Buffalo, New York, hospitals where they ministered to our sick, schools where they taught our children and provided an extraordinary example of compassion and love throughout the western New York community.

The Sisters of Mercy are also doing extraordinary humanitarian work throughout the entire world in very volatile places like Africa and the Middle East. And the Sisters of Mercy were represented here today in our Nation's Capital at the first papal visit of Pope Benedict to the United States.

Sister Margaret Ann Coughlin, a long-time friend and 50-year member of the Sisters of Mercy, was here today to join in the celebration that this Nation held in welcoming the new Pope to the United States.

The Sisters of Mercy have cared, not only in the United States, but throughout the world, for the despised and the dispossessed. And those who have been forsaken have never been forsaken by the Sisters of Mercy.

A lot of the institutions that they started, schools, hospitals, are now run by lay people and also administered by lay people, but what remains, Mr. Speaker, is the constant love and compassion, that principle that was established first and foremost and continues today by the Sisters of Mercy.

NATIONAL HEALTH CARE DECISIONS DAY

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

Mr. GINGREY. Mr. Speaker, I rise on National Health Care Decisions Day in support of health organizations all over the country who are educating the public about what it means to have an advance directive, or a living will.

Mr. Speaker, advance directives allow individuals to maintain control of their health care decisions even at the end of their lives, regardless of the circumstances that they may face at that time. It is crucial for individuals to understand the options that presently exist so that they may convey their end-of-life medical wishes accurately and effectively. Accordingly, I have introduced a resolution, H. Con. Res 323, supporting the goals of the National Health Care Decisions Day, which has garnered broad bipartisan support in both the House and the Senate.

Mr. Speaker, this bill does not express what those end-of-life medical decisions should be, rather, it simply encourages Americans to educate themselves about these very difficult issues and to talk about them with their loved ones.

I want to thank the more than 100 Members of Congress who have already joined me in cosponsoring this resolution. And of course I look forward to it being considered on the floor very soon. And I encourage all Americans to set aside time to have what may very well be one of the most important conversations a family can have.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2833

Mr. COURTNEY. Mr. Speaker, I ask unanimous consent to remove MADELEINE BORDALLO, RON KLEIN and JOHN BARROW from H.R. 2833, the Preexisting Condition Exclusion Patient Protection Act of 2007.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VETERANS CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, occasionally things happen when you're in Congress that make you so angry that you can't hardly stand it.

I got a call this past week, Mr. Speaker, from a friend of mine from my childhood. And her brother is a veteran who was in the veterans hospital, and he was assigned to a community residential care program. That's where they put one of these veterans into a home in a neighborhood with other veterans, and they're supposed to be cared for.

She told me that the place where he was being kept was not clean and that the room he was in had a window that was sealed shut. He took oxygen, and there were no signs or anything that dealt with the oxygen that he was taking. A dog in the house came into his room and chewed through his oxygen tube. He had to keep his door shut, so it virtually made him a prisoner in this house.

There were four veterans in this house. And the attitude of the person who ran this home was not anything that you would call conducive to good care. The two sisters of his were very, very upset and they thought that he shouldn't be kept in this place, and they asked me if I would check into it. So I called the caseworker, a lady named Pat Erp, and she told me that everything out there was fine. I said I wanted to see for myself. So I went out to the house. By the time I had arrived, they had contacted the woman who owned the house, and she was very hostile and said she wouldn't allow me, even though I was a Member of Congress, to take a look at the circumstances under which Mr. English was living, that's my buddy from childhood, Paul English. I didn't want to press the case, so I called the director of the Roudebush Hospital in Indianapolis. He wasn't in, but I did get his assistant director, who was very nice, and he agreed to have somebody come out there and take a look at the situation.

He came out with two ladies who were nurses there. And my childhood friend's sister went into the house with him to try to get his clothes and everything out of there so they could take him to her house until they found another place for him to be kept.

They were hostile, the two nurses from the Roudebush Hospital were hostile. They evidently changed the cord on his oxygen equipment, and they said that nothing like that happened, and yet his sister saw that it happened and they were very upset.

The room in the house was not clean. He had two towels in his room, both of which had holes in them, obviously older. And on the weekends, the caseworker said that the woman who took care of these veterans who were in her care would leave for the weekend and left a pot of food on the stove.

This isn't the way that our veterans ought to be taken care of when they're in a community residential care program, so I decided to pursue it further.

And I got a call today and I returned the call of a lady named Phyllis Beamon, who is the head of the Extended Care Unit at the Indianapolis Veterans Affairs Medical Center, the Roudebush Hospital today. And she indicated that everything was fine and that they've used this house and this caregiver since 1983. And I could only imagine what other veterans had to live with who lived in this house since 1983 and were given this kind of ''care.''

I can't tell you how this affected me. I served on the Veterans Affairs Committee for 10 years. And I had heard stories like this before, but I always felt that the veterans were getting the quality of care that we were paying for as taxpayers, and they were being taken care of. And yet my friend from my childhood was being mistreated, in my opinion.

His sister finally got him out of there and took him to her house. And the day after she took him to her house, because of the stress he was under, he had a heart attack. He went to the hospital and they put two stints in him and he did survive.

Don't misunderstand, Mr. Speaker, I think the people that serve in our veterans hospitals for the most part do an outstanding job. The nurses and the doctors who serve our veterans do a good job, but there are occasions when the care is not just less than adequate, it's almost criminally inadequate.

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And this is one of the cases that really bothers me. And I'm going to call for a complete investigation of the Community Residential Care program and the people who provide it at the Indianapolis Roudebush Hospital, not because I don't think that most of the people who work at the hospital do a good job, because I think they do, but I think there's a dereliction of responsibility in this Community Residential Care program that needs to be corrected and it needs to be corrected very, very quickly.

We shouldn't have a veteran in a room in a house with the windows sealed so he can't get out in the event of an emergency. We shouldn't have him taking oxygen with a dog that's going to come in the room and chew on his oxygen tube. We shouldn't have people that are leaving the premises unattended with four veterans in there on a weekend and telling their relatives, well, you ought to take him someplace else because there won't be anybody here, and if they are here, they leave the food on the stove so they can get their own food. And these people, many of them, are mentally challenged, like my friend is. He's had some psychological problems.

Let me just say in closing, Mr. Speaker, this is something that needs to be addressed. There needs to be an investigation of the Community Residential Care program in Indianapolis, and if it's like this in other parts of the country, we need to have a national investigation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JOSIAH AND KATHLEEN PIERCE, 2007 NATIONAL TREE FARMERS OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise this evening to congratulate two of my constituents, Josiah and Kathleen Pierce of Baldwin, Maine, for being selected as the 2007 National Outstanding Tree Farmers of the Year.

Jo and Kathy were selected by the American Tree Farm System for their sustainable management of approximately 2,000 acres of woodland in Southern Maine. Part of the property has been in Jo Pierce's family for six generations.

Jo describes his management philosophy as 100-year thinking about preserving the land's ability to pay for itself by periodic logging and yet maintaining the diversity of plant and animal life that can only be found in and around old forests.

Jo and Kathy's grandchildren represent one measure of long-term management. Jo wants them to marvel at rare and unusual plants and animals that are otherwise frequently lost to short-sighted harvesting. Jo and Kathy keep their property open to the public for hiking, hunting, and other traditional uses. They want other people to experience their own attachment to the land.

The award recognizes Jo and Kathy's civic contributions. In particular, Jo's service as president of the Small Woodland Owners Association of Maine, an influential State advocacy group, demonstrated his interest in sharing his knowledge of sustainable forest management with other owners.

The award is also a tribute to Rene Noel, the forester who advises Jo and Kathy about best practices with respect to management of their land.

Maine is a small State. I am particularly pleased to recognize Jo and Kathy's achievement because Jo and I have known each other for many years. Our fathers were friends. We share a similar perspective about our forest property, and we share the same forester.

In Maine and across the country, much of our forest land is in private hands and often in relatively small lots owned by individuals. The future quality of our forests, and the diversity of life they sustain, depends in large part on the knowledge and commitment of their owners, especially to their ''100-year thinking'' about sustainable management.

Jo and Kathy Pierce, National Outstanding Tree Farmers of 2007, are models for how other forest landowners can use, protect, and preserve for future generations the woodland habitat they own today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with yet another Sunset Memorial.

It is April 16, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,868 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Mr. Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

Mr. Speaker, let me conclude, in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,868 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is April 16, 2008—12,868 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FORMER PRESIDENT JIMMY CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker and my colleagues, I rise to condemn the fact that former President Jimmy Carter on Friday is going to Damascus to meet with the senior Hamas leader. This is really a disgrace, and, frankly, I think that Jimmy Carter embarrasses himself by doing so.

Hamas is a terrorist organization. It is designated a terrorist organization by both the United States and the European Union. Hamas has been responsible for the murders of 26 Americans, and I would like to read the names and I would like to submit into the RECORD this list of the 26 Americans that have been murdered by Hamas:

Yitzhak Weinstock of California, Nachshon Wachsman of New York, Sara Duker of New Jersey, Matthew Eisenfeld of Connecticut, Ira Weinstein of New York, David Boim of New York, Yael Botwin of California, Leah Stern of New Jersey, Malka Roth of New York, Judith Greenbaum of New Jersey, Marla Bennett of California, Benjamin Blutstein of Pennsylvania, Dina Carter of North Carolina, Janice Ruth Coulter of Massachusetts, David Gritz of Massachusetts, Rabbi Eli Horowitz of Illinois, Dina Horowitz of Florida, Alan Beer of Ohio, Tzvi Goldstein of New York, Goldie Taubenfeld of New York, Shmuel Taubenfeld of New York, Tehilla Nathanson of New York, Yitzhak Reinitz of New York, Mordechai Reinitz of New York, David Applebaum of Ohio, and Nava Applebaum of Ohio.

Twenty-six American citizens killed by Hamas, and yet Jimmy Carter would shake the hand of the leading Hamas terrorist with blood on his hands. Shame on Jimmy Carter.

Today Jimmy Carter was in the West Bank and met with another Hamas leader and laid a wreath at the grave of Yasser Arafat. Isn't that really something?

Hamas does not recognize Israel's right to exist, does not renounce violence and terrorism, and refuses to abide by all previous agreements signed by previous Palestinian Governments. And yet Jimmy Carter would shake the hands of murderers and terrorists with blood dripping from their hands. It's no wonder that the Daily Star in Lebanon has an article today saying ''Jimmy Carter, a Fool on a Fool's Errand.'' It's surely disgraceful. This is a new low.

Jimmy Carter wrote a book, ''Palestine: Peace not Apartheid,'' and fabricated portions in that book. I spoke with the former leader of the Carter Center, who said he was with Jimmy Carter on a number of these meetings and the accounts that Jimmy Carter wrote in his book were absolutely incorrect and falsified because he was in the meetings with Jimmy Carter and took notes.

So I just want to say that I think all freedom-loving people ought to condemn any kind of meetings with terrorists. To meet with terrorists only encourages them to do more terrorism so that they can be players. It's truly a sad day when a former President of the United States will shake hands and greet the leading terrorist, the leader of the leading terrorist organization, Hamas, a man who was responsible for the deaths of 26 Americans, countless more, with blood dripping from his hands. It is truly a shame. I believe that we should all condemn it.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I want to commend the gentleman for the courage and the leadership that he is providing on the very important issue of standing up for Israel and the right of Israel to survive and how much I have enjoyed working with the gentleman from New York on this issue and for him to come to the floor and make these comments and voice my total agreement with the sentiments that he is stating here tonight.

This is a very, very important issue. Israel is a key ally of the United States in the war on terror. And now is the time for us to stand together with the people of Israel, and I want to commend the gentleman.

Mr. ENGEL. I thank my friend from Florida, and I want to return the compliment. It has been a pleasure working with him in doing everything we can to strengthen the U.S.-Israel relationship, two democracies with shared values and shared beliefs, and it's been a pleasure working with my friend from Florida.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes.

(Mr. SALI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

(Mr. WELLER of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BUDGET SCHOOL: THE RIGHT TO KNOW HOW WASHINGTON SPENDS YOUR MONEY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate that our majority has set up this Special Order hour and those of us in the minority have the opportunity to come to claim this time and to talk about issues that are of tremendous importance to us.

Over the past few weeks, some of my colleagues and I have come to the floor on a weekly basis, and we have talked about the Federal budget and what you find in the Federal budget. And, Mr. Speaker, we think that this is a very important thing to do because the budget that the majority has brought to us this year is a rather large budget and it contains the single largest tax increase in history.

So we have spent some time talking with our colleagues and with our constituents about what you actually find in this document. Now, we have called this ''Budget School: The Right to Know How Washington Spends Your Money.'' And, of course, as each week we have talked about this, you can go to the whitehouse.gov Web site and go to OMB and pull down a copy of that budget. Then you can get the Republican response from budget.house.gov/republicans and see what we would do, how we would go about reducing the taxes that you pay and making certain that you, the taxpayer, are keeping more money in your budget.

Now, if you want to watch some of the sessions that we have had on Budget School, you can go to house.gov/blackburn, and there are some Budget School resources there. One of the resources that we have used is the Basics of the Budget Process briefing paper. You can go to the Budget Committee Web site, budget.house.gov/republicans, and be able to get a little bit of information about how we actually go through this, how you look at the different functions of the budget, where you find those, looking at the size of the budget, being able to follow it through, looking at the timeline of the budget and how it goes through the process of the President's presenting his budget, then its going to the committee, how the committee works through the process, brings it to the floor, and then this summer as we start through appropriations and through the earmarking process. And we're going to be back to talk about that part of the budget, the earmarks, as we get into the summer.

Tonight as we talk about process and what has actually happened, I want to welcome to the floor and to this session of Budget School the ranking member, and the ranking member of the Budget Committee is our number one Republican on the Budget Committee, and this is the gentleman from Wisconsin (Mr. RYAN), who is known for being one of the top fiscal conservatives in the U.S. Congress. And I am delighted that he has joined us for Budget School. He is a leader in the Republican Study Committee and a leader on the Budget Committee.

I yield to the gentleman.

Mr. RYAN of Wisconsin. I thank the gentlewoman for yielding. And I want to just thank you for all the leadership you've shown not only on this issue but that you've shown throughout your career. You fought the income tax in Tennessee. You're here fighting for lower taxes here in the U.S. Capital, and I want to thank you for all the leadership you have shown. And it's a pleasure for me to join you with this.

I thought, given the comments recently by our majority leader about this year's budget, it would be fitting to go through the budget that we're talking about.

The majority leader just said, in one of the publications printed here, that we don't need a budget conference report. Now, that's happened in the past. Under Republican leadership, when the Republicans ran the majority, there were a few times when the Republicans were unable to pass a budget. And you know what happens? No priorities are set. What happens when a budget is not passed, when a budget is not agreed to between the House and the Senate, is that only spending occurs or tax increases. And so there's no chance of fiscal discipline. There's no chance of putting us on a path to balancing the budget, to making sure we get rid of the deficit and pay down the debt. There's just spending. And 1 year into the majority, 1 year into the majority, they're now showing us that just 1 year in the majority they can't pass a budget.

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They don't have a plan to get us to a balanced budget. They don't have a map for the fiscal future of our country. But they can come to the floor with spending bills. They can come to the floor to spend more money. And in fact, they do have a plan. And this budget is not necessary to raise taxes.

So I would like to talk about exactly what it is that they have been proposing, what it is our partners on the other side of the aisle have proposed. And if you take a look at what they proposed this year, it is the largest tax increase in American history. The biggest tax increase before this was back in 1993. That was a $241 billion tax increase.

This tax increase that they're proposing now is a $683 billion tax increase. Now that is a big number. People probably want to know what does that number mean? It sounds big. It is going to do a lot.

Well, here is exactly what they mean when they are talking about a $683 billion tax increase. They want ordinary income taxes to go up across the board. So for people who got an income tax rate cut, that is every income taxpayer in 2003, they are going to go up across the board. We are now going to make small businesses who file their taxes as ordinary income taxpayers at about a 40 percent tax rate.

What is interesting is the people in the top tax bracket. We hear a lot of people running for President saying, we want the rich people to pay taxes. Guess what? Seventy-five percent of those who file in the top tax bracket are small businesses. They are not Warren Buffett and Bill Gates. They are small businesses who pay their taxes as individuals because that's the way small business taxation occurs in America.

What's more to the point is the fact that 70 percent of our jobs in America come from small businesses. So they're saying, not only do we propose to raise income taxes across the board for all income taxpayers, also on the engine of economic growth and job creation in America is small businesses. They're also saying, we want to raise taxes on capital gains and dividends. Those are the taxes that affect the value of our 401(k) plans, our IRAs and our pensions.

They also want to bring the death tax back into full force so that you pay taxes not once, not twice, not three times while you are living, but after you die as well. They also want to bring the marriage penalty back. We actually repealed the marriage penalty in 2003. They are proposing that it comes back in so they can spend that money on more government spending programs here in Washington. That hits taxpayers an average of $1,400 per married couple.

They are also proposing to cut the child tax credit in half from $1,000 down to $500. That means a tax increase of $500 per child. And they are also proposing to get rid of the lower income tax bracket, which is a 10 percent bracket, to a 15 percent bracket.

Mrs. BLACKBURN. If the gentleman would yield, I would like to go back to this poster for just one moment.

So what I am hearing you say is you all worked through this process in Budget Committee. And as the budget document came to you from the President, and then you worked it through committee, this is the resolution that the Democrat-led majority came to in that committee, that they didn't want to have a budget that stressed priorities. They didn't want to have a budget that was going to lessen the burden on the taxpayer. What they wanted to do was have a budget that was just going to keep the focus on spending and taking more out of the taxpayers' pocket.

And in order to get to their number, their desired number, the $683 billion tax increase that's going to take place over the next 5 years, what they are willing to do is to have those income tax rates go back up, the marginal rates go to 39.6 percent, which will affect so many of our small businesses.

And as you so rightly stated, 70 percent of all the jobs in the country come out of the small business sector. Capital gains, which are very important to our senior citizens, those that are living on retirement income, who have worked hard, who have built a nest egg, who have saved, we are going to

see that go up to 20 percent. The death tax is one of those taxes that I think is so egregious because you acquire something, you pay tax. You earn the income and you pay tax. You make an acquisition and you pay tax. You maintain it and you are paying tax. Then if you have a capital gain, you pay tax. If you put that aside so that you're leaving something for your family, the government reaches in, the IRS reaches in one more time after you're gone and takes it again. And that is going to go to 55 percent.

For staying married, you are going to end up paying $1,400. You will go from zero back up to $1,400. Your child tax credit, in the meantime, is going to be cut in half. And then that 10 percent bracket, that lowest bracket for those that are working and need to have a break, the government needs to give them a break, they are going to raise that back up to 15 percent. And that is the resolution that the majority chose to move out of the Budget Committee.

Mr. RYAN of Wisconsin. That's right. And what the majority is basically proposing is they are going to deem this budget resolution. They are going to simply say that this is the resolution that we deem to be the case, and this is how we are going to manage the fiscal affairs of this Congress in this session. So we're planning on a big tax increase, and we're expecting it to happen because this is our plan, and now we're going to start spending the money.

And I want to be fair to my colleagues on the other side of the aisle. They did bring a budget to the floor that does balance the budget. It does reach a balanced budget by 2012. The way and the method that it reaches a balanced budget by 2012 is this $683 billion tax increase. They only increased spending by $280 billion. But they increased taxes by $683 billion. So by raising taxes even more than all their spending increases, they are actually hitting a balanced budget.

But take a look at who gets affected by this. I mentioned the actual tax policy that they're proposing with their big tax increase to fund some of their spending increases and to actually hit a balanced budget. But let me just say who is going to actually be affected in America by this. One hundred sixty million taxpayers will see an average increase of more than $1,800 per year, $3,000 per taxpayer in Wisconsin, more than 6 million low-income individuals and couples who currently pay no income taxes will no longer be exempt. A family of four earning $50,000 will see their taxes increase by $2,100. Approximately 48 million married couples will face this average tax increase of $3,000 per year. Low-income families with one or two children will no longer be eligible for the refundable tax credit. Roughly 12 million single women with children will see their taxes increase by $1,100 per year. About 18 million seniors will be subjected to tax increases of more than $2,100 per year. And the tax bill for an estimated 27 million small business owners will increase by more than $4,000 each. These are real people, real Americans, really hardworking people struggling to make ends meet.

And these are real tax increases at a time when people are having a hard time just to make ends meet right now because of all these high prices, you see the price of food going up, groceries, gasoline, health care premiums, across the board.

I just did a telephone townhall meeting the other night. So many constituents said, Congressman, my paycheck is not stretching as far. People's paychecks aren't going as far as they used to go. Inflation is before us. The consumer price index just reached a 4.3 percent increase. And so what we see happening right now is with all these price increases in gas, groceries and health care, people's paychecks are not going as far as they used to go. It is eroding the standard of living of people.

We are possibly going into a recession. And the last thing we ought to be doing right now is raising all these taxes on all these hardworking Americans. We shouldn't be raising taxes on seniors. We shouldn't be raising taxes on people who get married. We shouldn't be raising taxes on parents with children. We shouldn't be raising taxes on small businesses.

What we should be doing in Washington is controlling our spending appetite. And that's the problem. That's the problem with this budget that has passed the House. That's the problem with the budget that the other side of the aisle is planning. They don't want to control spending. They don't want to cut spending or even control it. They want to increase spending.

In order to hit their commitment of a balanced budget, they will increase taxes even more than that. My fear is that this will take this possible recession we are going into and make it even worse, because people are having a hard time making their paychecks stretch as it is today.

Take a look at what Republicans believe and at the budget we passed. This is just a simple graph. The red line is the line of revenues that the Democrats chose to pick on their way to a balanced budget. The green line is the path that we brought with our budget, the Republicans. What does that line do? It says that we are not going to raise taxes. We are not going to raise taxes on income, on families, on people with children, on seniors or on small businesses. And we're going to repeal this alternative minimum tax. And we're going to balance the budget faster and better by cutting and controlling spending. Because if you take a look at the real problem in our fiscal situation, it's really spending that drives our problems.

And if I could just mention this one thing before I yield back to the gentlelady because I think we ought to have a conversation here, take a look at where we are today. And this chart is fairly confusing, but if you take a look at it, the blue line is the line that we want to be on, which is not raising taxes. The red line is the line that the Democrats are trying to propose, which is all these tax increases, the $683 billion we just articulated. The green is the future trajectory of spending.

So even if you take all these Democrat tax increases, that will only give you a temporary balanced budget. Because if you don't address spending in Washington, if you don't address our entitlement programs, the spending path that we are on will swamp any level of taxes. We're going to go into permanent deficits and massive debt.

So this notion that we can have a lasting balanced budget by just raising taxes is wrong. This notion that we should just raise taxes and increase spending is dangerous. And the reason that notion is dangerous is because spending is already out of control. And it is on a path that is really dangerous.

If I could just briefly mention this, the budget resolution that the Democrats brought to the floor on just two programs increases the debt by $14 trillion on just two programs. By saying we are not interested in controlling spending, by saying we are not interested in controlling and reforming government or fixing our entitlement programs, just the debt to Social Security and Medicare goes up by $14 trillion under the Democrat's budget. That's just two programs.

Every year we don't do anything to fix, save and make solvent Social Security and Medicare, we go another $2 trillion in debt just in those two programs. Our friends on the other side of the aisle are saying, instead of taking care of this $39 trillion debt we have with these two programs, we're going to raise it to $53 trillion. And that's wrong.

We believe that the way to fix our fiscal problems is to let Americans keep more money in their paychecks. It's to protect their paychecks, stop the pork barrel spending, control spending, reform government and reform our entitlement programs. Because we owe it to the next generation to leave them better off than we were left off. That's what my mom and dad told me growing up, that the whole point of America, the legacy of this country, is that you leave the next generation safer and more prosperous with a better chance at a better standard of living.

But for the first time in the history of our country, we have a real serious chance of severing that legacy, of discontinuing that tradition. Because if we give our kids and our grandkids the kind of debt that they are right now slated to get, and if we say for the next 5 years, as our friends on the other side of the aisle are now saying, we're not going to do anything to help that, we're not going to do anything to fix that, we are, in fact, going to add to

the problem. We are going to raise taxes, increase spending and make it even worse for our children and grandchildren. We are going to sever that legacy. And our kids and our grandkids will not have a higher standard of living. They will not have a better government. They will not have more freedom in their lives. And they will not have more money in their paychecks.

And if you want to just bring this point finally home, this is the chart that the General Accountability Office has given us. This shows us that what is unique about our budget and our fiscal history is that for the last 40 years, our government has been remarkably same in size. The Federal Government has had to take 18.3 cents out of every dollar earned in America. That is 18.3 percent of gross domestic product. So 18.3 cents on the dollar earned in America for the last 40 years is what Washington had to tax to pay for the Federal Government, to pay for everything, Medicare, Medicaid, Social Security, national defense, the Department of Education and the Department of Commerce.

But what is happening is the baby boom generation is retiring. And the first baby boomer retired just a few months ago. She was a retired school teacher in Maryland who started collecting her Social Security benefits. And behind her are 77 million more retirees. And so the problem for our country is with what we call a pay-as-you-go system, where current workers pay their current taxes to support current beneficiaries, that works out fine if you have an equal number of beneficiaries, retirees and workers. But we are doubling our retirees. We are going from 40 million retirees to actually 78 million retirees. But we are only increasing our workers in this country by 17 percent. So there is about 100 percent increase in the retirees in this country in one generation, but only a 17 percent increase in taxpayers.

So what does that do for our children? Well, I can tell you what it does for my children. My son, Sam, is 3 years old. My son, Charlie is 4. And my daughter, Liza, is 6. And by the time my three kids are exactly my age, exactly my age, they will have to pay 40 cents on the dollar just to keep today's Federal Government going for them at that time.

□ 1945

That is exactly right. By the year 2040, today's Federal Government, which costs about 20 percent of GDP, 20 cents on the dollar, we are in deficit and raising about 18.8 percent, it is going to cost 40 percent. And that is if we do nothing.

That is what it is all about. If we do nothing and we let government go on as it is, add no new programs, take none away, our government will double in size within one generation. So my children, instead of sending, like we are, about 18.3 cents on the dollar to Washington to pay the bills, will have to send 40 cents on the dollar to Washington to pay the bills, the bills we are giving them, the debt we are giving them.

That is unsustainable. You can't win globalization. You can't compete with the likes of China and India. We are having a hard time doing that right now. You can't compete with the likes of China and India and Europe and Japan when you are taking 40 cents out of every dollar just for Washington, before you get to local government, State government, gas, groceries, healthcare. This is the future we are consigning our children and grandchildren to. And the budget that is before us today, the budget that the Democrats passed on the floor just this last moment, says, you know what? Here is our answer. Do more spending, more taxes. Make the problem worse. Increase the debt to two programs by just $14 trillion. It is irresponsible. It is wrong. It is going to sever this legacy to our children and grandchildren.

We need to leave them with a better country, a safer country, a more prosperous country, one where they can compete and thrive and survive. I don't want to just have my children survive globalization. I want America to win globalization, to shape globalization, to make sure that our kids can have careers that they like, that they love, that they enjoy, so they have a higher standard of living.

But in fact that is not what is going to happen if we don't get our fiscal house in order right now. If we sign on to these tax increases and these spending increases, what we will do in the short run is we will make the recession worse. We will take more money out of the paychecks of working Americans at a time when they are having a hard time staying afloat right now. We will put more debt on to the backs of our children by building up all the spending in the baseline around here.

We need to say no to spending sometimes around here. There is one little easy piece of spending that I think we could say no to, and that is earmarks. Earmarks are what we call pork-barrel spending. Our budget, the Republican budget, not only balanced the budget by controlling spending and kept taxes low, but our budget said for one year, let's just have Congress say no earmarks for a year. No more pork for one year. A pork-free diet in Congress for just one year.

Do you know what we can accomplish in our budget by saying no earmarks for one year and keep banking that money, carrying out those savings? We can make the per-child tax credit permanent, make it stay at $1,000. We can permanently repeal the marriage tax penalty and prevent that $1,400 average tax increase on married couples from happening, by just saying no pork for one year and saving that money. That is what our budget does.

So the question on just the earmarks is, is it pork for Members of Congress, or is it paychecks for working Americans? We chose paychecks. Our friends on the other side of the aisle are choosing pork. That is wrong. So when you take a look at the short run, more pork, less money for people's paychecks. Higher taxes, less economic growth, more job loss, higher taxes on small businesses, on seniors, on families, on married people, on children, on people with children.

What you are seeing is they are going to increase the debt. They are going to increase the already unsustainable path that we are on and this unsustainable debt we have today. This is why we take this seriously. This is why we come to the well of the House to say we need to get our fiscal house in order, and the other side is recklessly spending with abandon.

Now, I want to say this as a Republican: Our party did not do a good job on this either as well in many instances. There are ways in which we should have done better. And that is why it is important for those of us who see what is going wrong to fix it. That is why it is important for us to have proposals to fix these things.

So nobody is perfect in Washington. Republicans did too much spending, but Republicans look like fiscal scrooges compared to the Democrats today. They look like they are the austerity Congress compared to the Democrat Congress today, because the Democrat Congress today is putting no limits on anything. They are saying bring a budget to the floor and just bring up more spending, bring up the taxes, and let's just let our children and grandchildren pay the bill. That is wrong.

So I want to thank the gentlewoman from Tennessee for her courageous leadership on this. It is not easy to say no to all of the people that come looking for spending. Most people who come to visit their Congressmen and their Congresswomen say we need more money for this, we need more money for that. Every time you say yes to that, it is more money out of the paychecks of working men and women in America. This Congress chose less money for paychecks, more money for Washington.

I want to thank the gentlewoman from Tennessee for being strong and being a leader on this and for fighting those kinds of instincts, and being a voice in the wilderness for fiscal discipline. I appreciate that.

Mrs. BLACKBURN. I thank the gentleman for his leadership at the Budget Committee and for being there in the fight on this, to make certain that we bring forward these issues, to point out that we are focused not on immediate gratification when it comes to this, not on saying yes to pork-barrel projects. We are focused on the long-term, what is the legacy going to be.

As you pointed out in your charts, by the time we get to 2030, it is going to take every dollar of our existing tax base to cover Social Security, Medicare and Medicaid. That is it. I mean, it will just be the entitlements that get covered.

And for our children and grandchildren, if you were to take a dollar and extract 40 cents out of that, and there again, that is just the Federal Government portion, it is not your State, it is not your local communities, it is not your county, it is just the Federal Government. They have that right of first refusal on your paycheck. And now when you earn a dollar, before they give you any of it, then by the time we get to 2040, they are taking 40 cents out of that dollar and then giving you 60 cents for yourself, for your family, for your State, your county and your community.

That is a frightening, frightening thought for this next generation. That is not the legacy that we want to leave them. We should be about securing the blessings of this great Nation for our children and our grandchildren and future generations. It is truly indeed regrettable and even shameful that the focus would be only on the here and now and not on what is to come for generations to come.

I want to yield now to the gentleman from Texas (Mr. CONAWAY), who is a CPA. When we talk about fiscal responsibility, many times this is someone that we turn to and say, tell us what you know and give us your best insights. For that wisdom, I yield to the gentleman from Texas.

Mr. CONAWAY. I want to thank the gentlewoman from Tennessee for yielding me time. I always enjoy hearing the young whippersnapper from Wisconsin, who has been here for a long time, his thoughts, the ranking member of the Budget Committee and also serves on Ways and Means.

A couple of points that I would like to add on or pile on with what my good colleague from Wisconsin talked about. You will hear in these chambers over the next several weeks, months and years that the Democrats do not intend to raise taxes on everybody, as the charts have shown is going to happen if we do nothing. Their intentions are good. They don't intend to raise the lowest tax rate from 10 percent to 15 percent, or a 50 percent increase in tax rates. They don't intend to do that.

But by these budget proposals they brought in in the last 2 years, they commit all of the money that those increased taxes raise. So in order for them to make good on their promise of not raising, as example, the 10 percent rate to 15 percent, they have got to raise taxes somewhere else in the system to make up for those revenues.

So your chart says we have a right to know how Washington spends its money. We also have a right to know how Washington raises its money as well, and that is one of the categories that this one falls into.

I have seven grandkids, about the same age as Paul's young children, and when I look at what we are doing in this Federal Government, I try to translate that into what impact it has on their lives, on their opportunities when they are in our positions.

We have built a world around the concept that let's take care of today's problems with tomorrow or the next day's money. As we look at the problems that face us, and they are daunting, no doubt about it, if they are worthy of being fixed, then they are worthy of taking our money to fix those problems and not taking money away from our kids and our grandchildren to do that fix.

When folks come to Washington from Texas to ask me what can we do, how can we help you do your job better, every single time I go through this speech about $53 trillion in unfunded promises that we made to each other, a process that we have to begin the renegotiation of those promises, and that they as community leaders have to begin self-assessing whether or not what they are asking Washington to do has a constitutional link to the Federal Government.

In other words, if they want money for a particular project in San Angelo, Texas, or Midland, Texas, is it right to take tax dollars away from somebody in El Paso to pay for that project, or is that a project that ought to be handled by the local folks? Because as Paul said, every time you ask the Federal Government for help in something, that means spending goes up, and we have a very terrible time of saying no.

So if we can get our community leaders, our mayors and county judges and others to do a better job of analyzing what they are asking us for so that it really does have a constitutional Federal nexus to what they are trying to get done, then that is a step in the right direction to make this happen.

I want to talk a little bit about the budget process, because that is really where the spending piece of this wreck occurs. I serve on the Budget Committee with Mr. RYAN, and that top line number is incredibly important, because whatever it is set at, whether it is on a vote between the two Houses or a vote in the House or then some sort of gentleman's agreement with the Senate, that amount of money is going to get spent, come hell or high water.

There is no way to stop it, because as the appropriations bills come to this floor, they have already allocated that top line number among each of the subcommittees. And if we on the floor are able to work to win an amendment to the appropriations bill that strips spending out in some fashion—now, we never win those, but we come down here and try every time—should lightning strike and we actually strip a program out of an appropriations bill, that money does not get saved. That money simply goes back to the committee to spend on something else. Our budgetary processes don't allow us to come down here and effectively drop that top line number.

So I have a bill in the hopper that says if we are successful in reducing the spending in a particular appropriations bill, that that money goes to offset the deficit, or that money does not get spent, which is how most folks in West Texas thought our system would work up here. If we won a fight on the floor on a vote of more than half the Members that the Appropriations Committee got it wrong and that they sent a priority that that money should not have gotten spent on, that is money we could save in the budget and not get spent. So working to try to correct that is awfully difficult.

Mrs. BLACKBURN. If the gentleman would yield, the bill that he just referenced I think is so important, because what it does is to redirect the funds as the budget works its way through the process. You mentioned the top line number, and that is the number that gets set in the Budget Committee, and then as we move through this process with the appropriations, and we are going to be back on this floor during that season talking about earmarks, but those are hard-fought battles.

But let's say that we eliminate a program and that program saves $50 million, eliminates $50 million in spending. Then that money is not used as a savings. It is not realized as a savings for the taxpayer. It goes back to the committee and the committee can choose to spend it another way. And your legislation, and they can go to your website and get more information on that legislation, would require that the Federal Government use that money to lower the deficit.

Mr. CONAWAY. Thank you. That is exactly right. It is the Savings in Appropriations bill. What it says is the Appropriations Committee, in all of the hard and worthy work they do, they get one bite at the apple of setting priorities. We give them the top line number. They get a bite at it. And if they bring that bite to the floor and more than half of us disagree with what they did, then that money should be saved to the taxpayer, go against the deficit or increase a surplus, should we ever get into it. That is not the way the mechanics of our system work today.

Mrs. BLACKBURN. I appreciate that explanation from the gentleman from Texas, and I yield to the gentleman from Wisconsin for a comment.

Mr. RYAN of Wisconsin. I have explained this to constituents at home in Wisconsin and they are just dumbfounded. They think that if you come to the floor and bring an amendment to eliminate wasteful spending, let's just say we did an amendment to get rid of the $50 million Rain Forest Museum that is being built in Iowa City, Iowa. You could come to the floor and say, you know what? We probably shouldn't be spending our taxpayer dollars on this $50 million Rain Forest Museum, this rainforest in a bubble in Iowa. Let's not do that. We could pass that amendment and that $50 million couldn't go to that Rain Forest Museum. But by the way the rulings of our Congress work today, that $50 million won't be saved. It will be spent somewhere else in the government.

□ 2000

Most people think, if you actually go and eliminate wasteful spending, you actually save the money, but that's not the system. It gets spent somewhere else by the rules, somewhere else in the Federal Government.

Mr. CONAWAY. If the gentleman would yield.

If they think that more than half of us vote to say that's a bad priority set, I mean, that's just a bad piece of deal, that the majority would win in that circumstance. But under our rules, and they have been in place for a long, long time, it goes back to the Appropriations Committee. They get a second bite at the apple in setting priorities, it's just not the way most folks run their project.

Mr. RYAN of Wisconsin. If the gentleman would yield, because we can pass amendments eliminating programs or cutting back wasteful spending. By the practice and the rules of this Congress, that money just gets spent somewhere else.

I simply want to applaud the gentleman, I want to applaud him for coming up with a creative, innovative, idea to get these rules back to the world of common sense. Then we could actually go after wasteful spending, we actually save the money, and give it back to the taxpayer by lowering our deficit, than just finding other places to spend it, which is what happens today. I just want to thank him for taking on this very important fight.

Mr. CONAWAY. I thank the gentleman. I want to make one more point, and I will yield back and visit with the gentlelady from Tennessee, and that a third of the budget that we work on every year is annual discretionary spending. In other words, it's money that we should be deciding, can we afford this this year or can't we, a legitimate setting of priorities.

The other two-thirds of the $3.1 trillion that we spend is going to happen on autopilot. It will happen whether we do anything or not. We have to act aggressively and make hard decisions to go after that two-thirds.

This year's budget proposal took a pass on the hard work of addressing the two-thirds of the budget that we referred to as entitlements or mandatory spending or automatic spending—I won't offend some of my colleagues by using the word ''entitlement''—but it takes courage in this body to go after those spending programs.

They are the ones that are on the charts, are driving us to bankruptcy under our current system of government if we don't have courage to begin to say we have to renegotiate those promises. We have made promises that we just can't pay for.

But a third of the budget that we can do something about, we ought to have rules on this floor that allow the majority's will to be reflected in whether that money gets spent. I yield back.

Mrs. BLACKBURN. I thank the gentleman.

I want to welcome another member of the Budget Committee to our discussion this evening. The gentleman from Florida (Mr. MARIO DIAZ-BALART) was a freshman with me in 2002, and we all worked together starting the Washington Waste Watchers. Waste, fraud and abuse, fighting waste, fraud, and abuse was our freshman class project.

We certainly have stayed at the forefront. The gentleman from Florida has stayed at the forefront of fighting wasteful spending and then seeking ways to reduce that, seeking ways to approach the budget process, changes, and also looking for ways to reduce the burden of taxation.

I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentlewoman from Tennessee for your steadfast leadership on this issue, your leadership is really common sense to a system, a city that is, frankly, broken. Washington is broken.

You know, there are so many, many examples that we can show that Washington is, frankly, broken. It's stuck in this sort of like a perverse dance, frankly, of taking one step forward to help the taxpayer and 3 or 4 steps backwards in hurting the taxpayer.

I would like to give you an example, just one of those examples that when the American people see what is going on here, of course, they say Washington is broken. Of course, they say that there is no common sense in Washington.

Look, what are the good moments? One of the fine moments is when the economy starts slowing down, this Congress, on a bipartisan level, got together, and in a bipartisan level made the determination that the way to get the economy moving again was how, was how? It was to lower taxes.

That debate took place, and it was very clear, on a bipartisan level, Congress decided, House and the other party, the other body, both parties to lower taxes in order to incentivize the economy. It was actually a good moment for this Congress.

But then what happened just days after that? Just days after this Congress lowers taxes on the American people by $107 billion, because we understand that lowering taxes helps the economy, helps the American people, small businesses and families. Just days after that, the majority party comes to this floor with a budget that raises taxes, increases taxes by $683 billion over 5 years.

You don't have to be a rocket scientist or a mathematician to understand if everybody agrees, both parties, that lowering taxes by $103 billion is something that would help the economy, and that's what we did, doesn't it seem logical that days later coming back and passing a budget that increases taxes, not to the level of that, making up for that $103 billion, no, no, no, increases it by $683 billion over 5 years.

Of course people look at Washington and say what are you guys thinking? Don't tell me that you are helping the economy by lowering taxes by $100 billion and then, days later, think that we are going to be surprised, we are not going to understand that you then propose raising almost $700 billion on the same taxpayer, that you are lowering taxes because it helps the economy.

If there is an agreement, a bipartisan agreement, that lowering taxes by $100 billion helps the economy, which there is, is it that hard to understand that the flip side of that is that if you raise taxes by $700 billion it hurts the economy? Yet that's what this Congress did over the objections of those of us that are speaking here, and many others, but that's what the majority party did.

So, again, why is it that Congress has the lowest number, frankly, approval rating since probably these things have been counted? Because they must think we are nuts, because they must think we are totally, absolutely, insane and crazy and have absolutely no idea what we are doing.

Again, I may not be the smartest guy in the whole world, but it doesn't take the smartest guy in the whole world, as you know, to understand that if there is a bipartisan consensus that lowering taxes in a year, $100 billion helps the economy. There should be a consensus that raising taxes by $700 billion for 5 years would do just the opposite. Oh, no, because our desire, the majority's desire to just tax and spend and tax and spend, just, frankly, goes above and beyond any common sense, any logic, any sense of reality.

I just want to thank the gentlewoman from Tennessee for your leadership, because you have not stopped fighting for the taxpayer, for the small family, for families, for small businesses, for farmers, for the people, real life, not D.C. D.C. is broken. Again, thank you for your common sense. Thank you for your fight for the taxpayer.

I also need to add to that. One of the people that I frankly most admire in this process is Congressman RYAN of Wisconsin, who is the ranking member of the Budget Committee, who understands the budget better than, frankly, anybody else, and who has taught me so, so much. Mr. CONAWAY brings to this process something that is so greatly needed, which is common sense.

I thank the three of you. Look again, yes, frankly the American people have reason to be skeptical, when they see that we lower taxes on one side because we say it's in a healthy economy, and then, days later, the majority raises

taxes way above that and pretends that it's not going to have an effect, hoping that people will not learn the truth. But the problem is that that truth is out there, and people's pocketbooks are going to be hit really, really hard.

Mr. RYAN of Wisconsin. Will the gentleman yield for a question?

Mr. MARIO DIAZ-BALART of Florida. Yes, absolutely.

Mr. RYAN of Wisconsin. Does the gentleman remember when we had a markup where the budget was written in the Budget Committee, and we had 36 amendments? Remember the different kinds of amendments we had, and the votes, we had votes on whether or not it's right to cut the child tax credit in half, whether it's right to bring back the marriage penalty, whether we should or should not raise income tax rates across the board for all income taxpayers. Vote after vote after vote, on all these taxes, and our friends on the other side of the aisle, the Democrats voted time over again to raise those taxes on individual tax rates.

They voted specifically to cut the child tax credit in half. They voted specifically to bring back the marriage tax penalty. They voted specifically to raise income tax rates across the board, to bring back death taxes, to raise capital gains and dividends taxes. They did this so they could pass a budget that increased spending.

I want to thank the gentleman from Florida, who has the most passion and who so well articulates the problems we have in America today. I want to thank you for your knowledge, your passion, and your understanding. I also want to just ask you if you recall all those votes and all those differences that we have seen here in just this Congress in this last short year.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. If I may?

Mrs. BLACKBURN. I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Frankly, that was one of the saddest days that I have experienced in this process, because, you know, there is so much rhetoric that's thrown around here. We hear the rhetoric, that, oh, no, these are tax cuts on the wealthy.

Then you and others came up with a specific amendment to say, no, no, let's just talk about the issue. Let's take rhetoric off the table for a second. Let's not be partisan. Let's just look at the issue. Let's see if there is something that we can agree on.

Those amendments were brought to the committee. Those amendments were, as you just mentioned, the per child tax credit, and then we kept hearing, but those are tax cuts on the wealthy. I remember the argument and the discussion, again, not only the wealthy get married.

Tax cuts, remember the 10 percent bracket.

Mr. RYAN of Wisconsin. Yes.

Mr. MARIO DIAZ-BALART of Florida. Individuals that are the working poor that now earn so little that they don't pay Federal income tax, and they should not, are now going to be required to start paying Federal income taxes. But they say those are tax cuts on the wealthy.

It's not the wealthy. When you cut to the chase, you get the most smoke and mirrors, and we were able to bring these individual amendments to the committee. The sad part, the reason I say that was really sad, is because those amendments are defeated on a partisan vote, on a partisan vote, amendments to keep the taxes low.

If you have children, amendments to make sure that people who are working poor, that have a hard time paying for gasoline and paying for groceries and don't pay Federal income tax, because they are so poor right now, still don't have to pay them. They voted against those amendments.

There is a reason why people are skeptical and people don't believe what comes out of Washington. Frankly, they have a very good reason to have that attitude.

Mr. CONAWAY. Will the gentleman yield?

Some of those amendments were cosponsored in regular legislation by Democrats. Yet when it came to the Budget Committee they voted against them. In their own bills on the floor over here, they voted against them, just partisan, partisan politics. It helped to add to that cynical attitude that you are referring to.

Mr. MARIO DIAZ-BALART of Florida. I agree, and I will conclude.

Mrs. BLACKBURN. If the gentleman will yield, I think that there was also an amendment presented that day in those 36 amendments that would have allowed your State of Florida and your State of Texas and my State of Tennessee to continue to deduct the sales tax deductibility that some of us worked very hard in 2003 to have that deduction restored for our States, where we did not have a State income tax. We have a sales tax. That is an issue of tax fairness, and it was a party-line vote to take that deduction away.

In my State of Tennessee, that is about a $1,600 deduction per family. That ends up being real money in the pockets of our families. This new $683 billion tax increase that the majority has brought forward and laid on the table here in this House and said we are for it, that is what they want, that is what they think should be the priority. That bill, their budget, will take another $2,668 per tax filer out of the pockets of my constituents and send it here.

I yield back to the gentleman from Florida.

□ 2015

Mr. MARIO DIAZ-BALART of Florida. This is just not that complicated. The question is: Is government here to help serve the people? Or are the people here on this planet and in this country to help fund government exclusively? And that is the battle. We hear that time and time again when we try to reduce taxes on working people, working families, they say you are going to hurt government if you don't allow us to increase taxes. Hurt government? Excuse me, since when is the role of the government just to milk people as much as it possibly can.

Again, there is a reason why the rankings of this Congress are the lowest they have ever been. I guess some think nobody is watching; and, therefore, we can say we support tax cuts and even sometimes file legislation, and then vote against amendments on the budget to lower taxes, the per child tax credit, the death penalty and the marriage penalty so you don't have to pay more just because you are married. Even the death tax.

Quoting the gentleman from Florida (Mr. FEENEY), as partisan as this process is, can we not at least agree that there should be no taxation without respiration? No, not in this process. In this process with the people in control now, they are going to milk the taxpayer and spend every penny, and when that is spent, they are going to look in the cushions of people's homes to see if there are loose quarters and take those as well because government knows best because there is no money we can't spent. And, frankly, the American people know better. They are wise.

I thank all of you, particularly the gentlewoman from Tennessee for your leadership and bringing commonsense to this process.

Mrs. BLACKBURN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I hope the people of Tennessee realize a big reason they don't have an income tax imposed upon them is because of MARSHA BLACKBURN. You led that antitax fight in Tennessee to prevent a new income tax from being imposed on the people of Tennessee. And now in Congress you have led the fight up here to see that they can have the same kind of deductibility of their sales taxes as those of us who come from States that have income taxes have that deductibility.

So I want to thank the gentlelady from Tennessee for being a champion of the Tennessee taxpayer. I am a Badger. I am a Wisconsin fan. I am a Packer fan. I am not a big Titan fan or a Volunteer fan, but I am a MARSHA BLACKBURN fan because you fight for taxpayers. We need more people in Congress fighting for taxpayers, just like we have champions like the gentleman from Florida, Mr. DIAZ-BALART, and Mr. CONAWAY from Texas. Texas has a lot of people who fight high taxes, but MIKE CONAWAY is one of the guys leading here.

I am glad we got together to set the record straight on the budget and on the fiscal path that we are on in this country, and set the record straight for what future lies before our children and grandchildren if we don't take our responsibilities here seriously and change our course.

I want to thank the gentlelady for hosting this hour.

Mrs. BLACKBURN. I thank the gentleman from Wisconsin, and I yield to the gentleman from Texas.

Mr. CONAWAY. On policies we debate in this Chamber, we always have choices. And it seems as though recently with respect to spending, the choice is to spend more. With respect to taxes, the choice is to tax more. With energy, the choice is to raise energy costs. All of those things are not good for the American taxpayer. All of those things are not good for the health of this country. And in particular, the seven grandkids that I love the most, it is clearly not good for their financial health or well-being, and we clearly need to do something about it.

I thank the gentlelady for letting me participate tonight.

Mrs. BLACKBURN. The gentleman from Texas talks about his seven grandchildren and the gentleman from Wisconsin talks about his three children. I have two adult children, and I am going to have a grandbaby in just a few days, and it is so disappointing when you see what that child is going to be responsible for when they come on the face of this Earth.

This year alone, Washington is going to spend over $25,000 per household and that is going to be a heavy burden for every man, woman and child to bear.

Just as a reminder, our budget school, the right to know how you spend your money, if you want to see how the Republicans would have approached this budget this year and not raised taxes, how the Republicans fought a $683 billion tax increase, $683 billion, this is where you go: Budget.house.gov/Republicans, and you can pull that response down. To get more information on our Republican Study Committee, budget and school resources, go to House.gov/Blackburn. That is a great way to figure out how we think is the best way to approach fiscal responsibility, how to be a good steward, a wise steward of the taxpayer dollar.

Madam Speaker, I thank you for having yielded the time tonight.

IRAQ AND THE ECONOMY

The SPEAKER pro tempore (Ms. TSONGAS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KLEIN of Florida. Madam Speaker, good evening. It is a pleasure to be here tonight on behalf of the freshman class. It certainly has been an honor to serve here this last year, and to be joined by Mr. HALL of New York, and a number of other Members who are going to join us tonight.

What we are going to talk about tonight is something that I think is weighing very heavily on the minds of Americans right now, and that is the economy. We understand because the United States is the most resilient, optimistic, innovative country in the world, that we will persevere and we will work out the issues that have caused some of the problems in our economy right now.

But that being said, as we speak today, there are people all over the United States who are hurting. They are hurting because their jobs may be threatened or they have lost their jobs or lost confidence that their job may be here in the next weeks and months. They are hurting because their home may be threatened from foreclosure or difficult terms. They may be hurting because gas prices have shot up. If we think about what the cost of oil was not that long ago, literally back in 2002, it was $28 per barrel. And we know as of today, it hit $114 per barrel. Shame on all of us for allowing that to be the case today and for having this dependence on oil. We have leadership in this House that is working on that.

Americans may be hurting because their health care is a threat, preexisting conditions, things that are not covered by their policies, and the cost of insurance is just beyond their means.

There are a lot of things that people are thinking about that are weighing them down. At the same time, we have a war in Iraq and in Afghanistan. And a fight that we, as Americans, obviously understand that when America is challenged, we will fight back. But I think there is also a broad recognition that the war we are in, at least in Iraq right now, we may have gotten into for some of the wrong reasons, and without justification.

With that being said, I want to thank the men and women who serve this country and put their lives on the line every single day in Iraq and Afghanistan and around the world. And their families that are back home, persevering and doing the necessary things to carry on while their loved ones are gone. I know this Congress has taken upon itself to be certain and put all of the dollars on the table that have been promised in the past but not delivered, to make sure that every man and woman when they come home from service in the armed services, that they are given all the medical services, mental health services, physical health services, and a lifetime of care if necessary. We are committed to doing that as Congress.

But the question today is what should we be doing about Iraq, and how does this interplay with the economy. That is the subject of what we are going to talk about tonight. Are there things that we should be doing to help us as Americans, help us in our daily lives in the United States, help us make sure that we have the future, a better future, as our parents wished for us, that my children who are in college right now, that they will have a better opportunity than I did. That is something that is the American dream, and it has been around for generations. And yet people today are questioning if that is where we are going.

We have to say what do we have to do to make sure that Americans come first and also protect our national security and evaluate this foreign policy, this fight in Iraq and other places, yes, is it in fact making us safer at home and on our streets. Or is it a disastrous situation that has cost us $600 billion up to this point, over 4,000 lives of our brave men and women, and 30,000 to 40,000 brave men and women who have come back with severe injuries and will require lifetime care.

We are going to talk about those issues, engage each other on the floor, and we are going to continue to invite the American people to work with us and come up with some good solutions.

I am joined by the gentleman from New York (Mr. HALL) who has been a strong leader and very focused on the fact that our security is important, but our economy is equally important, and I turn the floor over to Mr. HALL.

Mr. HALL of New York. Madam Speaker, it is good to be here with Mr. KLEIN and Congressman BRALEY.

Before I talk about Iraq, I have to respond to a couple of things that were said a few minutes ago by our friends from the other side of the aisle who used the word ''truth'' frequently and talked about their children and grandchildren. And I am sure they are sincere, but to those of you Americans out there listening, I am sure you can remember that when President Bush took over with Republicans controlling both Houses of Congress in the year 2001, he had a surplus delivered to him by the Clinton administration.

In the years since then, these folks you just heard talking, who profess to know what is best for our economy, have delivered to the United States, from a surplus when we were paying down the national debt, now the biggest deficit in the history of our country, the biggest balance of trade deficit, the biggest individual debt by Americans that is held, whether it is credit card debt or home second mortgage debt, and now we have the housing crisis, the subprime crisis, and various big box stores I was reading today are getting ready to file for or have already filed for bankruptcy, including some that we have seen proliferating around the country and have assumed that they were on solid ground.

So I would take all the proclamations you just heard and the fancy charts that you just saw from the Republican hour before us with a grain of salt.

The tax increase that they claim we are voting for is actually something that they, when they installed their tax cuts early in the Bush years, they installed it by putting in a sunset provision that is their creation, not ours. So I stand here and say that we have not in fact voted for anything like this biggest tax increase in history. It is a theatrical and dramatic presentation,

well acted, and possibly even believed by them, but it is not the truth.

As far as Iraq goes, we are spending $12 billion a week in Iraq, and I have started to look at the needs of our country and my district in particular in terms of how that money could be used here because we are basically running on fumes financially. I just visited 13 bridges that are on the dangerous faulty bridge list that came out after the I–35 bridge collapse in Minnesota, and the estimate of the New York State Department of Transportation is that it will cost about $60 billion to fix all of the deficient bridges in the State of New York. That is 5 months in Iraq.

I just came back 2 weeks ago from visiting a Nogales, Arizona, checkpoint on the Mexican border. Congressman BRALEY was on that trip, along with Congressman ARCURI. And we asked at every step of the way the Customs and Border protection officials what they need from Congress and what would their wish list be.

They said basically if it was Christmas and they could have everything that they wanted in terms of infrastructure, primarily what they need is more loading docks to unload the bales of marijuana that are stacked in front of an 18-wheeler behind a load of watermelons, or more bandwidth for more computers so they can get 10 fingerprints processed faster to establish somebody's identity. All of it, northern border, southern border, all ports on both coasts, $500 million a year for 10 years. That is $5 billion.

□ 2030

That's a little bit less than 2 weeks in Iraq to secure both of our borders and all of our ports. That sounds to me like it would actually make our country more secure; not that we want to shut the borders down, but we'd like to know who's coming and who's going, what's coming in and what's going out in terms of drugs, in terms of agricultural products that might be infested, in terms of currency smuggling. So anyway, there's a real cost to all these things.

And I would just say, after hearing General Petraeus and Ambassador Crocker for the second time, it's clear that the goals in Iraq that we're spending this $12 billion a month on have been changing, that the goal posts have been moving, that 5 years after the initiation of this war and the death of 4,017 of our mothers, fathers, sons and daughters, brothers and sisters, I have a figure of 29,676 wounded, the estimate before the VA, Veterans Affairs Committee, last summer was that if the war stopped at that point we'd be looking at $1 trillion for the lifetime care of grievously wounded soldiers returning from Iraq. That's four injuries primarily, traumatic brain injury, PTSD, spinal cord injuries that cause paralysis, and amputations.

And these are, fortunately, men and women who we're able to save today in the battlefield because our battlefield medicine is so much better than it was in Vietnam, for instance. The ratio is about 16:1 wounded to killed where in Vietnam it was about 2½:1. That's the good news is that we're saving more of these mostly young lives of brave Americans who've gone over there and fought and carried out their mission.

But the bad news is that the American public has not been told yet that, on top of the figures you mentioned, there's at least $1 trillion lifetime care for the wounded from this war that we're already looking at being responsible for. And we have to take care of these wounded warriors. You can't pay for the war and forget about the warriors.

So I would just say that we need to look at this in terms of a broad view of national security and a realistic, clear-eyed view of where we are financially and whether we can afford it.

And with that, I yield back to Mr. KLEIN.

Mr. KLEIN of Florida. Thank you, Mr. HALL. And again, exceptionally well-stated. I think we all understand the costs of war. I think we all understand, as Americans, there are going to be times, historically, when we have to be prepared to fight and to make the necessary commitments.

There are also times when we recognize that, you know, we have to look and say, is this the right thing? Is it really achieving our national security interests?

I think we've heard over and over again, and I'm on the Foreign Affairs Committee. I know many of you are on the Armed Services Committee, we've heard about the fact that we have, the real problem, the terrorist threat is in Afghanistan or Pakistan or Iran. And unfortunately, the strategy that continues in Iraq is one that puts all of our resources and assets and our men and women in one location where al Qaeda was not a problem initially. There may be some al Qaeda there, but we don't have to deal with them necessarily with a 160,000 troop contingent.

I'd like to now just bring into our conversation another esteemed member of our freshman class, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I'd like to thank my friend from Florida and also my friend from New York. We did have a very enlightening trip to Nogales, Arizona, and the Border Patrol and Customs agents that we spoke to were all, I think, doing a fantastic job of trying to deal with a very difficult situation.

But one of the things that trip emphasized to me is we often talk in this body about the cost of providing border security, the cost of providing national and international security.

And what we know is that the Pentagon traditionally publishes reports that provide this body that we serve in their estimate of the cost of the war in Iraq and Afghanistan. And we've seen those figures. We've viewed some of those figures with skepticism. And we've talked about what the published costs of this war are.

But what we don't talk enough about is what we talked about in repeated hearings in the wake of the Walter Reed fiasco. And I was fortunate enough to be serving on the Government Oversight and Reform Committee, when we had that first hearing out at Walter Reed. We talked to the highest ranking Army and Department of Defense medical officers. We had a follow-up hearing after the independent review group chaired by General Togo West presented its recommendations for the wounded warriors project. And I repeatedly pressed the top ranking Army medical officers on that very question; what are the hidden costs of the war that the American people aren't hearing about?

And I'm glad my friend from New York brought this up, because there is so much going on beneath the surface that the American public doesn't hear about.

If you take the average life expectancy of a 19-year-old male, which is representative of who we're sending to Iraq right now, you will find that under the published U.S. life tables, those young men have a life expectancy of approximately 55 years.

Now, when they come back in unprecedented percentages with life-threatening injuries that we will be responsible for caring for the rest of their lives, there is an enormous economic cost that we aren't hearing about. And so I look forward to the opportunity to discuss with my colleagues tonight what some of those hidden costs are, and what the American people need to be thinking about as we look at the overall economic impact, not just throughout our economy, but on the long-term burden we're placing on our children and our grandchildren to provide these deserving veterans with the best possible medical care that we can.

Before I get to that though, I want to talk a little bit about what we're giving up right now, through the amount of funding that we are committing every year to the conflict in Iraq because, just for Fiscal Year 2007, we know that this war is costing, under the most conservative estimate, $137.6 billion. So the American people may wonder, well, what would that actually provide if it wasn't going to Iraq?

Well, for 40 million people in this country, that would provide comprehensive health care. Now, think about that. We know that right now there are nearly 47 million Americans without health insurance. So that cost alone would almost completely eliminate that gap.

We know that that cost that we're spending this year in Iraq would hire 2.2 million elementary school teachers, provide affordable housing for over a million different housing units, and provide 142 million homes in this country with renewable electricity.

And to break that down into a smaller level, I represent the First District of Iowa. The taxpayers I represent in the First District have paid, to date,

$770 million in one congressional district alone, as their share of the cost of this war. What would that mean back in the First District of Iowa?

Well, it would hire almost 19,000 public safety officers. It would hire almost 17,000 music and art teachers. It would provide 126,000 full tuition university scholarships at public universities, and build 86 brand new elementary schools. So when we talk about the actual financial burden that we are facing every day because of the rising cost of this war, it is enormous.

And Congressman KLEIN, maybe you could talk a little bit about what you've heard from the people you represent in a different part of the country, where there are different needs, but also very similar problems that taxpayers you represent are facing.

Mr. KLEIN of Florida. I thank the gentleman from Iowa for explaining, not only the aggregate cost, but certainly what's happening in Iowa. I know one of our colleagues in our freshman class, Mr. SPACE from Ohio, he has explained to us the impact in his district in rural parts of Ohio and how important it is for him to help the local people get beyond this.

I'm going to explain it a slightly different way, because, again, I think it's the tangible side of this thing that people need to understand. The cost per day that we are currently spending, and this is independent information; there's no question that this is accurate. It comes from the Library of Congress Research Service.

The cost per day that the war is costing us, if you will, $339 million per day. That is a staggering amount of money.

Now, again, I'm not here to say that we don't have to fight wars, or don't have to do the necessary things to protect Americans. But when we come to the conclusion, as most Americans have, that the strategy of keeping the men and women in place the way they are is not advancing our national security, we should question whether that money is being well-spent.

But I've introduced something today in the House, which I'm going to begin to talk about more actively, and I'm sure the gentlemen here tonight will chime in on this as well, and that is, whether people support the war or not, and I know there's differences of opinion on this, I think every American understands that at $339 million per day, it's about time that the Iraqi government step up and pay its fair share.

And whether we're talking about the cost of fuel for our operations over there, whether we're talking about the cost of rebuilding, whether we're talking about the training of their military, after five full years and $600 billion, now coming out to $339 million more every single day, for all the reasons that Mr. BRALEY has already mentioned about the savings and what could be applied in the United States, or maybe dealing with reducing the deficit or dealing with taxes, any number of different strategies to make life better for Americans, it's about time the Iraqi people step up, and if they want us there, the government, pay their fair share.

And I'll just throw out a few facts as to why I believe this is so important. First of all, our President, Mr. Rumsfeld and others, when the war was presented to us in the first place, they told us that this was a war and a rebuilding effort that was going to be paid for by Iraqi oil money.

Iraq sits on the second largest quantity, second largest quantity of oil reserves in the world. They've got tens of billions of dollars in bank accounts, as we speak, that are not being applied toward the rebuilding effort. That is unacceptable.

As an American, as a taxpayer, I hope every American understands this and joins us. This is not a Democrat issue. This is not a Republican issue. This is an American taxpayer issue that we need to all band together and say, you know, whether or not you're for the war or not, absolutely, every American should say, enough is enough. We've paid our fair share. We've put our men and women on the line, and it's time for the Iraqis to pay for the cost of this continuing effort to the extent it continues into the future.

So I've offered House Resolution 1111, which was filed today, and I'm looking forward to discussing this with many of the Members. I've already spoken to a number of Members, and they're very interested. It's being offered in a bipartisan way in the Senate, and I think this has the opportunity of finding some common ground in changing the dynamics of who's paying for this, the American people or the Iraqi government, who wants us, for whatever reason, to continue this effort in this way.

And I would suggest to you, and rightfully so, that 1 day of the war could provide for 48,000 homeless vets to have a roof over their head, men and women who served in Vietnam and other wars.

2,000 new Border Patrol guards. And Mr. HALL just told us, and Mr. BRALEY, about how they were down on the border and saw what's going on. We have border patrol needs. And just again, just 1 day, 2000 more Border Patrol guards for a year.

We talked about health care. We can go on and on and on. But the bottom line is, it's time for a change. It's time for a change with the policy, it's time to re-look at this whole effort. But certainly, at a minimum, it's time for the Iraqi government to pay for the cost of this operation.

Mr. HALL, I know that you've got some thoughts on this as well, so please join us in this conversation.

Mr. HALL of New York. Well, in fact I do. And I thank the gentleman. You know, I saw 60 Minutes, I think this last Sunday, and they had an interview about the topic you just mentioned, the Iraqi windfall due to the price of oil, and how those tens of billions dollars are sitting in accounts. And the Iraqi officials interviewed on the TV show said they can't get at them to pay for their own reconstruction; and the American taxpayer has to keep paying the way we are because they don't yet have the systems in place or the infrastructure or the banking technology to be able to transfer the money.

Now, either that's a really lame excuse, or we've been missing the boat by not helping them set that up. Or both.

But you know, I have to just, not to be, not to carp on an old topic, but to hearken back to the previous hour and the other side of the aisle, our friends' presentation about budgetary truth. I would point out that the President's budget that he sent down to us this year shows no money for Iraq after the first of the year. So that's obviously not an honest document.

It also assumes the AMT, the Alternative Minimum Tax which was supposed to be a tax on the richest of the rich and has become instead a tax that's been digging deeper and deeper into the middle class, and we've been working to change that. Our budget does change that and pushes it back up to the wealthiest 4 percent or so of Americans.

But the President's budget assumes all the money that will be scooped out of the middle class, if nothing is done, will be available. So I just had to say those couple of things about that.

Mr. BRALEY of Iowa. Would the gentleman yield for a question?

Mr. HALL of New York. Yes, please.

Mr. BRALEY of Iowa. One of the things that we face every year is something called an emergency supplemental, which is a request from the President for billions of dollars of additional funding to fund the ongoing war in Iraq and Afghanistan.

Now, I would just ask my colleagues, and I'll pose this first to you, Mr. HALL. Where I come from in Iowa, an emergency is something that is unexpected and unanticipated that you can't plan for. But I am at a loss to understand why, after being in Iraq longer than we were engaged in the Civil War, after being in Iraq longer than we were engaged in World War II, we continue to face emergency supplemental funding requests for these wars, when the Department of Defense and the Pentagon and the President have to know how much they anticipate when they send their budget down for us to consider.

□ 2045

Mr. HALL of New York. Not only do they know, but the President, as we speak, is negotiating, or his representatives are negotiating a status of forces agreement to keep our troops in Iraq for some unknown time. So they obviously are planning on it. They're just not putting it in the budget.

And I agree with you that the first year you could call it an emergency, but after that, this should be on budget. We're building up enough debt that we're passing on to our children and

grandchildren with interest anyway, and in order for the public to know what is really being done in their name, this should not be a supplemental; this should be in the budget.

I would also like to comment about my trip to Iraq last October. When I slept in the Green Zone in one of Saddam's pool houses next to one of his mansions, which, by the way, I think we should give back to the Iraqi people at this point. He was a tyrant, but he was their tyrant, and he built the mansion with their money and it might help us lose that image that some of them have of us as occupiers if we gave them back their property.

But at any rate, when I slept in the Green Zone, we were told, use the bottled water, don't drink the water out of the tap; if you hear a siren, there's a concrete bunker over there; go jump in it because we've had a few mortar rounds coming in. But that was basically all the warning we got.

Last week when the fighting was going at a higher level of intensity when the battle of Basra was on and the Green Zone took so many mortar and rocket rounds that we lost two soldiers dead and 17 wounded in the Green Zone, they were telling people then and since then to sleep in your body armor and your helmet. So October, we were not told that. Last week and the week before, they were telling our diplomats and our traveling Members of Congress that. That's not progress; that's backsliding.

And Albert Einstein, I think, was the guy who once defined insanity as trying the same thing over and over again expecting a different result. That's where we're at now.

There's a friend of mine who's a sheriff in one of the Upstate counties of New York who is a West Point graduate and a classmate of my brother-in-law, 1969 West Point grad, who told me a couple years back that one of the first things they learned at West Point in officer training class is never send a military force to do a job that is not militarily achievable.

And this is to say nothing critical or to overshadow the accomplishments of our forces. Our men and women in uniform have done an extraordinary job and we should all be extremely proud of them. They have been creative. They have been extremely loyal not just to our country but loyal to each other. They have been energetic and committed. They will do anything we ask of them and anything their commanders ask of them.

But our responsibility as a civilian government, the kind of government that our Constitution sets up where the civilian government and the President, ultimately, is Commander in Chief, but Congress as well has the right to not only declare war but also to fund Armies. And we need to be careful that we use them responsibly. These are not chattel. Our men and women in uniform are human beings that are stressed out with record rates right now of suicide, divorce, and bankruptcy among veterans that have returned from this war, as well as among veterans of previous conflicts.

And I think that it's time for us to reevaluate whether this is really making our Nation more secure and whether it is worth the $12 billion for nation building that we might better use for rebuilding the Nation of the United States.

Mr. KLEIN of Florida. And these are certainly the questions that our country is wrestling with right now, and as I turn it back over to Mr. BRALEY, I will just mention again that on the economy side of this thing, and I think about the people back home and what they're thinking about as they're looking towards the next election and just thinking about the next week's expenses. And one statistic jumped out at me when I was hearing about gas prices. Gas prices in the United States are about $3.39 per gallon, extraordinary, at a time when the oil companies are still going to be making historic profits.

The United States military is paying $3.23 a gallon in Iraq. That's $153 million per month. At the same time, Iraqis, when they can get gas, are paying $1.30 per gallon of gas. What is wrong with this picture? Our military is paying $3.23 to buy gas in Iraq on our dime, and Iraqis are getting it at $1.30.

So again, it's this question of as Americans, and being the great people that we are and trying to do what we can to help here and there, what can we do differently to help protect Americans deal with their daily lives and, at the same time, protect our country?

Mr. BRALEY of Iowa. Well, as our good friend and colleague from Arkansas MARION BERRY would say, That dog don't hunt. This is a classic example of what we've seen over and over and over again from procurement decisions that are being made that have an adverse effect on American taxpayers. And I think if you go back to the beginning when they set up the Coalition Provisional Authority in Iraq, that it was set up with the intent of using Iraqi assets to rebuild the country and to shift the dependency from the government or from the United States back to the Iraqi people through the oil revenues that we're talking about.

And we've seen in committee hearings here photographs of Ford trucks full of pallets that had $250 million in cash per pallet that were part of a $2.1 billion one-day transfer of cash to the Iraqi government, the largest single transfer of cash in U.S. history. And that was part of a transfer of cash that led to $9 billion of missing money that was supposed to be part of the initial reconstruction of Iraq.

Then the idea was to use those Iraqi oil revenues to pick up the responsibility and complete the work of rebuilding Iraq. And instead, we know that one of the big challenges the Iraqi government has faced is coming to some agreement on the division of oil revenues, and that's been a major obstacle to rebuilding the country and bringing about national reconciliation. And who is paying the tab for that? U.S. taxpayers.

That is why the issue we're talking about is so important. Because when U.S. taxpayers are bearing the burden of this war, it has an enormous ripple effect throughout our economy because one of the things we know is that when we have these ever-growing trade deficits with countries like China, which is our principal creditor, it makes it very difficult to keep the economy in this country rolling along providing the types of goods and services at a reasonable rate; and that has an enormous impact throughout the economy. And I'm sure as we get further into this, we will have some real examples of the enormous impact on various sectors of the U.S. economy from the burden that we are all responsible for.

But I have to tell you, the idea that you mentioned about shifting the burden in H. Res. 111, I can tell you this is an enormously popular bipartisan idea. In fact, last weekend in my home State of Iowa, the Des Moines Register interviewed every member of the Iowa congressional delegation, Republicans, Democrats, Senators, Representatives, and everyone was unanimous in their sentiment that is exactly the one you expressed in your resolution.

It is time for the Iraqis to pick up the tab for their own well-being and let the American taxpayers focus on the enormous economic problems we're dealing with at home: The bailout of Bear Stearns, the subprime mortgage crisis, all of the things that you work on every day in the Financial Services Committee. And because of that unique role that you play here in Congress, I think you have some special insights that probably would be very enlightening to the people watching tonight and the people of this country about what you're dealing with on a daily basis that's being impacted by this ongoing financial commitment.

Mr. KLEIN of Florida. I thank the gentleman, and being from Iowa, and obviously one of our farm States, you have a direct understanding of what the cost of food production is and for farmers, the cost of fuel and the cost that is just driving the inflation numbers in the United States. And most Americans aren't even aware of the fact that when you hear this inflation discussion that energy prices, that's gas prices at the pump, and food prices, are not even part of that discussion. That's not factored into these inflation numbers. It's everything else.

And the story we're given is, well, those fluctuate too much. That's not a reliable factor. Well, you know something? That's the bottom line. When people go to the grocery store every week, I know back in my town, and they see a dozen eggs cost this and all of a sudden they're up 80 cents for a dozen eggs or a gallon of milk or bread or vegetables, no matter what it is,

there is a huge inflationary factor tied into the cost of food at a time when wages are not keeping up. So people are feeling stretched and pushed and stressed.

So it is important for us to focus on this, and again, I appreciate the gentleman's comments on our House resolution because I think it is going to be something that all of us, and everybody has been talking about this; this is certainly not my idea. I think we can all work together in changing the direction of how this is going to play out.

And yes, it will probably be a new President before there may be some major changes in the military strategy, and I would hope and I know I have heard a lot of good generals talk about some of the different ideas that they have on changing that. But at a minimum, I think most Americans would say that wow, I thought they were already paying for it, and if they're not, they should be. And that's something that I hope that we can find common ground. That's what Americans elected us for, not to be Democrats or Republicans, but to come together as Americans and say how do we solve this problem, just like we started the discussion tonight.

Mr. HALL maybe can share with us some of the economy and the economic issues that you're hearing from your neighbors and friends and how we can try to address some of these.

Mr. HALL of New York. Well, yes. I would just tell you that we are way behind on our infrastructure in this country in terms of keeping it maintained to a level of safety or efficiency just to keep traffic moving.

I had a construction worker tell me yesterday that he was working with some of his compatriots on the Tappan Zee Bridge which, as you know, crosses the Hudson River just north of New York and carries the New York State thruway and millions of cars a day commuting to and from the New York metro area.

Twelve years ago they were replacing and welding plates to repair potholes and damage that has been done by the salt and acid rain, and pigeon droppings, if you can believe it, are a major cause of corrosion on bridges. And at that time 12 years ago, he and his men that were working on the bridge said if they did not have to drive across it to go to work to feed their families, they would not drive across it because they felt it wasn't safe then. And they told their kids if they could help it, please don't drive across that bridge. 12 years ago.

Now we're finally getting down to the point where the thruway authority and the State of New York are looking at building a new Tappan Zee Bridge because the support pilings of the bridge are either being undercut by the tide or eaten by aquatic worms, if you can believe that, or both. There are so many kinds of damage that has happened in a bridge that only had a 30-year life span, and it was built more than 30 years ago, and nothing's been done to get ready to build its successor.

As I'm sure you both do, I'm approached in the district every week by town supervisors or mayors or what have you asking for help with a sewage treatment plant, for instance, in the town of New Windsor, New York, that's 60 years old. It's well beyond its design life, and when it breaks down, if there's a heavy storm rain event and it becomes overtaxed with capacity from the storm run-off, you get raw sewage running into the Hudson River, which we've been trying and pretty much succeeding in trying to clean up in terms of sewage. The river is much better. It's actually swimmable, and to some extent, some people eat fish out of it, but I think that disregards the PCBs, which is another issue.

But every one of these water treatments for drinking water, sewage treatment for disposing of wastewater, bridges, tunnels, roads, rail, which we are so far behind the rest of the world in, Japan, the European Nations in the EU have a so much more advanced rail system that it actually substitutes for a short hop air travel in this country, what we would consider to be flying from New York to Washington or New York to Boston. They do that by train on a high-speed train that takes virtually the same time or less because it delivers them from inner city to inner city. It eliminates the taxi ride out to the airport and back in from the airport at the other end.

□ 2100

It eliminates the taxi ride out to the airport and back in from the airport at the other end. These are all things that cost money.

And you know what else? They hire people. They hire construction workers, they hire sheet metal workers, they hire engineers, they hire electrical workers, they hire plumbers. And just as FDR did back when we had the Great Depression and the Dust Bowl, and the incredible unemployment and deprivation when schools were closed across the country for lack of money to pay teachers, we saw really desperate times in this country which I hope we don't see again. And I hope we move fast enough to try to take the steps, not just to build assets here at home, but at the same time, to put money back into the economy by hiring people to build this infrastructure. That's the first place that I would start.

And I think that there's a lot of agreement, when I talk to Members on both sides of the aisle, and certainly when I talk to my constituents, that that's a good use of the money that we're—whether we're borrowing the money or not, and hopefully we will be able to pay as we go, as in this Congress, this House of Representatives, under PAYGO, we've been trying to do it, but wherever we come up with the money, putting it into our own infrastructure here at home is a really good place to jump-start the economy.

Mr. KLEIN of Florida. Mr. BRALEY, obviously a lot of things happening in Iowa and in the Midwest, and the economy and its impact on the communities that you represent. Why don't you share with us some of the experiences you're having and some of the things we're doing in Congress to address them.

Mr. BRALEY of Iowa. Sure. And I'm just going to pick up where Mr. HALL left off. We both have the pleasure of serving on the Transportation and Infrastructure Committee here in Congress. And one of the things that we hear about every day is not just the benefits of having, oh, $137 billion to invest in infrastructure—let's just pull that number out of the air—but what happens if you don't address your critical infrastructure needs. Because we hear, for example, that for every 1 minute delay that UPS drivers have in congested urban areas in New York, in Florida, maybe lesser in Iowa, but unique, different types of delays, it imposes enormous economic costs in shipping those goods, which is then passed on to consumers all over this country.

So when I fly into the airport in Moline and I have to cross the I–74 bridge, which is one of the functionally obsolete, structurally deficient bridges in my district, and they've got a lane closed down either for repair work or because an accident is there, it may take you half an hour to drive from one side of the Mississippi River to the other side. And all that does is slow down commerce, it slows down people. And at a time of rising fuel costs, it adds enormously to the prices that we pay to get where we need to go.

And each of us has unique transportation delay issues. Mr. KLEIN comes from an urban area in Florida where traffic congestion in many ways is a way of life. And you're sitting there waiting to move, your engine is running, and you don't get very high fuel efficiency from that expensive fuel you've got. A lot of my constituents live in rural parts of Iowa, and for them to get basic goods and services they have to drive to a county seat town or to a larger urban area to get what they need. And they have larger fuel costs simply to get what they need to buy to take care of their basic needs. And when we ignore these infrastructure needs that we've been talking about, all it does is have very large ripple effects.

But one of the other things that we talked about here is our whole energy policy. I am very proud of the fact that my State is, I believe, pretty much in the epicenter of the renewable energy explosion. Whether it's ethanol, biodiesel, wind energy, one of the things we're trying to do is create an environment where we can reduce our dependency on foreign oil and not have to worry so much about the impact of what's going on with the Iraqi oil fields on our domestic fuel availability.

And so it's very exciting to see the potential, but one of the things that's disturbing is when we miss opportunities to do more. So if you look at wind energy capacity, most people would be shocked, I think, to realize that the State of North Dakota has the highest wind energy capacity of any State in the country. So they are a prime location for us to sell these wind turbines we're producing in Iowa and start to reduce that dependency on foreign oil.

But they've got a problem. It's the exact same problem Mr. HALL and I saw with the border patrol down in Arizona, and that is, it's one thing to say we need to secure our borders, but if you don't have infrastructure in place to access the border, you can't do your job. They've got a problem in North Dakota because they don't have a grid right now that can handle the energy capacity they would generate and put onto the grid and send out to people in Florida and New York, who have high demand and don't have the ability to meet their energy needs.

So when we're talking about how this war and the funding for the war is impacting Americans, I think that the ripple effect is enormous. And we're really only scratching the surface.

Mr. KLEIN of Florida. Well, I would certainly pick up on that because one of the first things that this Congress did, with our freshman class encouraging the way, was to say that we were going to change the way Congress paid for and spent the American taxpayers' money, and we adopted something called ''PAYGO,'' pay-as-you-go budgeting. In other words, we can't pass a bill without it having been paid for in the budget. You've got to find the money somewhere in the budget; you can't say, well, maybe we'll have more money next year. That's just the way everybody runs their business back home, that's just the way everybody runs their personal checkbook. I know that my wife and I operate that way, and I'm sure everybody else on the floor here does the same thing. You just can't keep spending without having the money to pay it back.

And the reality is that, if you think about that, if you think about that responsible budgeting and the fact that we're spending—the number I keep throwing out—$339 million per day, think about the opportunity of investing in new energy alternatives. And you hear, well, maybe with some of the types of energy alternatives, the renewable energies, they're not ready for prime time yet; there are pollution problems with this type or some type of hazard. I'm from Florida; we should be leading the world in solar power, but there is a battery storage capacity issue. Is there an answer? You bet there's an answer. It requires our scientists, our business entrepreneurs to sit down and figure it out. And with the kind of money that would be available to challenge our scientists, our business entrepreneurs to develop solar, wind, wave, any number of various alternatives, to make us energy independent and then get rid of this oil import of 60 percent of our oil from the Middle East and Venezuela every day, which I think every American understands is a national security problem and all the other things that go along with that, we would be in great shape.

And that is what we, as Americans, are all about. We think forward, we're visionary, and we need to recognize that these opportunities that are being presented to us on becoming energy independent over the next number of years, as many of us refer to it, the Apollo Project—Mr. HALL is a leader in our class on these issues—that this is where we need to be moving forward for our future on national security, for our jobs, and opportunities that will help us engage in a stronger future economy, and for an environment. It all ties together very nicely.

Mr. HALL, I know you are very interested in this as well, so please join us.

Mr. HALL of New York. I thank the gentleman from Florida.

And I am happy to tell you that there is a solution to the problem of what to do with that power while the battery is being developed, it's called ''net metering.'' And most States, New York being one of them, I believe have net metering which enables you to, if you're a homeowner or a business and you put solar panels on your property or on your roof and you don't use all that power, it winds the meter backwards and puts the power back into the grid and uses the grid as a battery. So that's what most people are doing today who have solar panels.

In fact, I helped the Action Club at the Arlington High School in Dutchess County, New York recently acquire a grant from the Dyson Foundation of New York, who were very generous and came up with funding for them to put solar panels on the roof of the high school. This is leadership by high school students who went first. And NYSERDA, the New York State Energy and Research Development Authority, I got part of the funding from them, developed a design to produce a certain number of kilowatts from, I think it's 123 kilowatts or so, anyway, it's a substantial amount of power toward what their school uses.

And then they came to us. And knowing how the appropriation process here in Congress can take so long and it's not a sure thing—last year our appropriations were finally signed into law by the President in December—I didn't want them to have to wait that long, so I was able to find a private source of funding for them.

But the point is that, it not only works, but the school kids know about it and they want their school to be solar. And I told them after they get that installed, they should go get the school bus fleet to use 20 percent biodiesel.

I'm burning heating oil in my home in the northeast, where heating oil is a major expense, especially this last winter, the cost rising the way it has has been very harmful to many people, especially those on fixed incomes. And I just called up the local dealer for heating oil and said, do you have a biodiesel blend? And the guy on the other end of the phone said, sure, it's a 20 percent soy/biodiesel blend, and I own the company, I burn it at home myself. It burns cleaner than regular oil. And so I said, send it on over. And for the last two winters now my wife and I have been heating our home with a biodiesel blend. And that's 20 percent less that has to come from Saudi Arabia or some other unstable part of the world where we're funding governments that don't like us, that use that money to buy weapons or to fund madrassas that teach young people who don't have much opportunity in their country, by the way, to advance economically or educationally, they teach them to hate Americans or hate Israelis and to do harm to us. And then, as Tom Friedman likes to write in the New York Times, we have to pay for the other side of the war on terror by sending our troops over there to stabilize these unstable parts of the world.

So that's a lose-lose policy, the old policy that we've been stuck on of oil dependency. The win-win-win policy is the one that we're talking about, where we use wind, we use biofuels. I mean, Brazil did this 20 years ago. They decided that they were going to use sugar cane ethanol. And they converted their vehicle fleet in the entire country over so that now when they drill offshore for oil in Brazil, they sell it on the world market and make money off of it, but they don't use it in their own vehicles. I think they're a few steps ahead of us. But we can get there. We're the nation that put a man on the moon. We're the nation that has been able to lead the way in many areas of medicine and technology, and certainly computer and software and Internet technology. This is something we can do. And we, in government, can incentivize it and try to encourage private industry and encourage individuals to do it. And make it patriotic, make people know that it's patriotic to drive the most efficient vehicle you can in the most efficient way that you can. It's patriotic to carpool, it's patriotic to use mass transit when you can, and it's certainly patriotic to let your elected officials know at every level of government, whether it's snowplows in the winter, school buses or UPS fleets or the thruway trucks that drive up and down all the time from Albany to New York, governmental fleets of vehicles, if we can buy hybrids, as West Chester County has done with their bus fleet, they're running not just hybrids, but biodiesel hybrids, they're already pyramiding in West Chester County on the B line, as they call it, the county bus route, they're pyramiding one new technology on top of another. And the next step would be plug-in biodiesel hybrids.

But we can do this. The technologies are here and available. And the sooner

we start getting on the program and using them, the sooner we will be able to tell some of the countries that we've, unfortunately, been beholden to, whether it's the Saudis to get the oil or whether it's the Chinese to borrow the money to pay for the oil, we will soon be able to tell them, we don't need you quite so badly, and by the way, we'd like to talk to you about human rights and some other things that right now we can't be honest about because, in effect, we've lost our sovereignty because of this dependency.

But at any rate, it's a lose-lose-lose policy on one hand and a win-win-win policy on the other, and I want to see us go for the win-win.

Mr. KLEIN of Florida. Well, as we begin to wind down, we started this discussion about the impact of Iraq and the economy, and the economy and Iraq. And I think we started it from the beginning saying this country, we Americans have spent $600 billion on this effort in Iraq. And at a minimum, as we've discussed tonight, what could we do, certainly in the future, in terms of Iraq, from the right standpoint, taking responsibility and making it stand up and step up for itself and paying for its reconstruction, its fuel needs that Americans are having to pay for right now, and the training of its military.

And those resources, those American dollars can certainly be applied in a way to make us safer in dealing with, as you express, national security interests by taking us away from the addiction to oil and coming up with wonderful new renewable energy sources. The technology is there, it's being developed, it's being refined. We can take the question of the jobs and our economy right now, and of course the environment.

And so, as we begin to wrap up, if you can give some final thoughts as to how the Iraq and the economy are tied together and how we can get beyond this point and do good things for this country.

Mr. BRALEY of Iowa. Well, I thank my friend for the opportunity, and also the opportunity to spend time with two of my good friends tonight talking about very, very important issues.

We've focused primarily on the impact of the war in Iraq and the cost of the war on the domestic economy here in the United States. But when I look at my friend from New York and I look at my friend from Florida, two States that really symbolize a growing connection between our domestic economy and the global economy, one of the things we know is a lot of the issues we've talked about tonight all come back to something we all are charged to do when we swore to represent this country, and that is to provide security.

□ 2115

Now that may be security from harm, from foreign interests. It may be economic security. But it all comes together. And we know that many developing countries, the addiction to energy needs is what keeps them suppressed in reaching greater levels of economic stability, and that's why oil and the pursuit of oil has played such an important role in the last 100 years in the world economy.

By exporting our knowledge about renewable energy, about new emerging economies that can be shared and applied in the global economy, I think we can give a great gift to the American people in the return of a safer world, a more secure world, and a world where we have the ability to be able to predict with greater certainty what the current economic trends are going to be and set economic policies, with the assistance of the administration and the Federal Reserve, to address these crises before they become the full-blown crises that we have been talking about on the floor tonight.

So I look forward to working with my friends and my other colleagues here on both sides of the aisle in trying to provide some guidance and direction as we get our hands on this very important subject.

Mr. KLEIN of Florida. I thank the gentleman from Iowa for participating tonight on behalf of our freshmen class.

And if you would like to, Mr. HALL, take a minute to give a close.

Mr. HALL of New York. Quickly I would just add about Iraq two quotes, one from Ambassador Ryan Crocker. When I was over there with our Republican colleagues TOM COLE, RIC KELLER, DAVE LOEBSACK of Iowa, the four Members of Congress sat with the Ambassador, and he was asked by one of us, ''What's the state of reconciliation and peace and resolving the conflicts between the tribes and the different religious sects?''

And I was sitting right next to him; so I wrote down his response to be sure I had it right. His response was, ''The Maliki Government is somewhere between challenged and dysfunctional.'' Now, that was October.

In March General Petraeus stated on March 13, ''No one feels that there has been sufficient progress by any means in the area of national reconciliation.''

So it's my contention that not only do the Iraqis need to start paying for their own reconstruction, I think they need to take responsibility for their own security as well because as long as we are putting our men and women in a police role to try to police their civil war and their ethnic and tribal and religious differences, it's just going to let them continue to be dysfunctional. And when we phase out or pull out or whatever you want to call it and get back to the real business that this country faces, the real dangers that we face, which, as you said before, I believe, are Afghanistan and Pakistan certainly more in terms of terrorism, that they will be forced to come to terms with whether they want to be a country or whether they want to be three separate groups of Kurds and Sunnis and Shia or whatever it is. But that's one thing.

And the other thing is I am a firm believer that after 5 years and a least $600 billion spent and over $1 trillion in veterans' benefits that we have incurred that we will have to pay out of responsibility and the debt that we owe to the men and women who fought in this conflict that it's time for us to start looking at what those dollars could do at home for the things that we really need to take care of, not just for national security but for economic security, education security, health security, and all the other meanings of the word.

So I thank my friends both, and I thank the gentleman from Florida for chairing this session.

Mr. KLEIN of Florida. I thank the gentleman from New York and the gentleman from Iowa. It's been an honor and privilege to serve with you and all the rest of the Members of our freshmen class, both Democrats and Republicans.

I know the future of our country, the future of our families, our children, and I have got two kids in college right now and I know all of you have kids in high school and college, we think about that every day as we try to make decisions which will be the best for our country both from a national security and economic security point of view. And I know that we're going to work together in a collegial way to accomplish those.

So I thank you, wish you a good night, and look forward to seeing you next week at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEK of Florida (at the request of Mr. HOYER) for today.

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for today after 2 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COURTNEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 23.

Mr. TANCREDO, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 23.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

ADJOURNMENT

Mr. HALL of New York. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 17, 2008, at 8:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:–

6119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyroxsulam; Pesticide Tolerances [EPA-HQ-OPP-2006-0785; FRL-8349-9] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dibasic Esters (DBE); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0182; FRL-8341-4] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0857; FRL-8350-3] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6122. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities and Gasoline Dispensing Facilities; Correction [EPA-HQ-OAR-2006-0406, FRL-8540-2] (RIN: 2060-AM74) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6123. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emission Measurement Accuracy Margins for Portable Emission Measurement Systems and Program Revisions [EPA-HQ-OAR-2004-0072; FRL-8539-3] (RIN: 2060-A069) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6124. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Atlanta, Georgia 8-hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0958-200802; FRL-8539-2] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6125. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Approval of Construction Permit Waiver [EPA-R05-OAR-2007-0717; FRL-8533-1] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6126. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference; Correction [MD201-3117; FRL-8536-3] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6127. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Open Burning Rule [EPA-R01-OAR-2005-ME-0008; A-1-FRL-8526-5] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6128. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Reasonably Available Control Technology [EPA-R03-OAR-2007-1169; FRL-8532-6] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6129. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Montana; Revisions to Administrative Rules of Montana, and Interstate Transport of Pollution [EPA-R08-OAR-2007-0646; FRL-8527-1] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6130. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston [EPA-R06-OAR-2005-TX-0015; FRL-8532-1] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6131. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Standards for the Administrative Collection of Claims [A.G. Order No. 2918-2007] (Treasury RIN: 1510-AA91) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6132. A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting the Department's Fiscal Year 2009-2013 Future Years Homeland Security Program, pursuant to 6 U.S.C. 454 Public Law 107-296, section 874(c); to the Committee on Homeland Security.

6133. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Fiscal Year 2007 Defense Environmental Programs Annual Report, pursuant to 10 U.S.C. 2706; jointly to the Committees on Armed Services and Energy and Commerce.

6134. A letter from the Secretary, Department of Health and Human Services, transmitting the Medicare Beneficiary Ombudsman Annual Report for Calendar Years 2005-2006, pursuant to Public Law 108-173, section 923(a) (117 Stat. 2394); jointly to the Committees on Energy and Commerce and Ways and Means.

6135. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a legislative proposal to address the declining balance in the Inland Waterways Trust Fund (IWTF); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

6136. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''March 2008 Report to the Congress: Medicare Payment Policy''; jointly to the Committees on Ways and Means and Energy and Commerce.

6137. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Employees Short-term Disability Security Act of 2008''; jointly to the Committees on Oversight and Government Reform, House Administration, and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETERSON of Minnesota:

H.R. 5813. A bill to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 5814. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 5815. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself and Mr. BOEHNER):

H.R. 5816. A bill to prohibit assistance for the Carter Center located in Atlanta, Georgia; to the Committee on Foreign Affairs, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 5817. A bill to establish a new nonimmigrant category for Korean aliens seeking to enter the United States temporarily to perform services in a specialty occupation, and for other purposes; to the Committee on the Judiciary.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. WATT, Mr. MAHONEY of Florida, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. LYNCH, Mr. CARSON, Mr. ELLISON, and Mr. CLAY):

H.R. 5818. A bill to authorize the Secretary of Housing and Urban Development to make

loans to States to acquire foreclosed housing and to make grants to States for related costs; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. GRAVES, and Mr. SESTAK):

H.R. 5819. A bill to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 5820. A bill to authorize the Forest Service to provide financial assistance to States for the acquisition of land to preserve and maintain such land for traditional use by the public, and for other purposes; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. CHABOT, Mr. FORBES, Mr. FORTENBERRY, Mr. GOODE, Mrs. MUSGRAVE, Mr. PITTS, Mr. SALI, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. ROSKAM, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. PENCE, and Mr. SMITH of New Jersey):

H.R. 5821. A bill to amend title 10, United States Code, to close loopholes in the prohibition on the sale or rental of sexually explicit material on military installations; to the Committee on Armed Services.

By Mr. CARDOZA:

H.R. 5822. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on withdrawals from qualified retirement plans upon receipt of notice of foreclosure on a principal residence; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. KING of New York, Mr. BISHOP of New York, and Mrs. GILLIBRAND):

H.R. 5823. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 5824. A bill to require the Secretary of Defense to establish a mortgage foreclosure counseling program for members of the Armed Forces returning from service abroad; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. COSTA, Mr. AKIN, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BARRETT of South Carolina, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Ms. BEAN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOREN, Mr. BOSWELL, Mr. BOUSTANY, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARNEY, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. COBLE, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. COOPER, Mr. CRAMER, Mr. CRENSHAW, Mrs. CUBIN, Mr. CUMMINGS, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FERGUSON, Mr. FILNER, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Mr. FOSSELLA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GERLACH, Mr. GINGREY, Mr. GOHMERT, Mr. GONZALEZ, Mr. GOODE, Mr. GORDON, Mr. GRAVES, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HALL of Texas, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HELLER, Mr. HERGER, Ms. HERSETH SANDLIN, Mr. HINOJOSA, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HUNTER, Mr. INSLEE, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY, Mr. KING of New York, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KUCINICH, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LAMPSON, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MATHESON, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCGOVERN, Mr. MCHENRY, Mr. MCHUGH, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICA, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Ms. NORTON, Mr. ORTIZ, Mr. PASTOR, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REHBERG, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SALAZAR, Mr. SALI, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. SCHIFF, Mrs. SCHMIDT, Mr. SCOTT of Georgia, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SIRES, Mr. SMITH of Nebraska, Mr. SNYDER, Ms. SOLIS, Mr. SOUDER, Mr. SPACE, Mr. SPRATT, Mr. STEARNS, Mr. SULLIVAN, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of California, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALBERG, Mr. WALZ of Minnesota, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Mr. WELLER, Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mr. WILSON of Ohio, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. WOLF, Mr. YARMUTH, Mr. YOUNG of Alaska, and Mr. MCNULTY):

H.R. 5825. A bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. FILNER, Ms. BERKLEY, and Mr. HALL of New York):

H.R. 5826. A bill to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSKAM (for himself and Mr. KIRK):

H.R. 5827. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve food safety; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota:

H.J. Res. 80. A joint resolution proposing an amendment to the Constitution of the United States prohibiting the penalty of death; to the Committee on the Judiciary.

By Mr. SHUSTER:

H. Con. Res. 329. Concurrent resolution expressing the sense of Congress that former Presidents and high-ranking political figures should refrain from freelance diplomacy against the wishes of the current Government and stated United States foreign policy; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Ms. BERKLEY, Mr. BOEHNER, Mr. BLUNT, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. MCCOTTER, Mr. ENGEL, Mr. SHUSTER, Mr. BURTON of Indiana, Mr. WEINER, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. KAGEN, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mrs. GILLIBRAND, Mr. FOSSELLA, Mr. LOBIONDO, Mr. MCNULTY, Mr. KUHL of New York, Mrs. MILLER of Michigan, Mr. SHAYS, Mr. BURGESS, Mr. GERLACH, Mr. PORTER, Mr. RAMSTAD, and Mr. POE):

H. Res. 1110. A resolution condemning Hamas as a foreign terrorist organization responsible for the murders of 26 United States citizens; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida:

H. Res. 1111. A resolution expressing the sense of the House of Representatives that any funding provided by the United States to the Government of Iraq for reconstruction, training for Iraqi security forces, and fuel for United States operations in Iraq should be provided in the form of loans; to the Committee on Foreign Affairs.

By Mr. BAIRD (for himself, Mr. KIRK, Mr. SERRANO, Mr. FALEOMAVAEGA, and Mr. SAXTON):

H. Res. 1112. A resolution recognizing 2008 as the International Year of the Reef; to the Committee on Science and Technology.

By Mr. FORTENBERRY:

H. Res. 1113. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY:

H. Res. 1114. A resolution supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day; to the Committee on Oversight and Government Reform.

By Mr. KLEIN of Florida (for himself, Mr. MICA, Ms. NORTON, Mr. BROWN of South Carolina, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. TANNER, Mr. FARR, Mr. PORTER, Mr. SIRES, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. COBLE, Mr. WAMP, and Mr. WALSH of New York):

H. Res. 1115. A resolution expressing support for designation of April 16, 2008, as ''National Golf Day''; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. BUCHANAN, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. WEXLER, Mr. PUTNAM, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. MILLER of Florida, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. BOYD of Florida, Mr. BILIRAKIS, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. WELDON of Florida, Mr. YOUNG of Florida, Ms. CASTOR, Mr. MAHONEY of Florida, and Mr. FEENEY):

H. Res. 1116. A resolution honoring the life of Claude Denson Pepper, distinguished former Senator and Representative from Florida; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. KINGSTON.

H.R. 333: Mr. YOUNG of Alaska and Mr. PERLMUTTER.

H.R. 406: Mr. GARRETT of New Jersey, Mr. KELLER, Mr. KLINE of Minnesota, Mr. LATOURETTE, Mr. MORAN of Kansas, Mr. WALDEN of Oregon, Mr. JOHNSON of Illinois, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. BROWN of South Carolina, Mr. CARTER, Mr. CONAWAY, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. GOODE, Mr. HENSARLING, Mr. JONES of North Carolina, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. MCHENRY, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. SALI, Mr. STEARNS, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.

H.R. 579: Mr. WHITFIELD of Kentucky and Mr. GALLEGLY.

H.R. 615: Mr. KENNEDY and Mr. BURTON of Indiana.

H.R. 616: Mr. KENNEDY.

H.R. 618: Mr. ENGLISH of Pennsylvania.

H.R. 620: Mr. CARSON.

H.R. 642: Mr. TOWNS.

H.R. 643: Mr. WITTMAN of Virginia, Mr. ROSKAM, Mr. HOYER, Mr. PAYNE, Mr. KING of New York, and Mr. WALDEN of Oregon.

H.R. 1078: Mr. PUTNAM and Mr. HOLT.

H.R. 1085: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Mrs. NAPOLITANO, Ms. NORTON, Mr. CUMMINGS, Mr. BACHUS, Mr. SIRES, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTELLO, Mr. RODRIGUEZ, Mrs. JONES of Ohio, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. MATHESON, Mr. FARR, Mr. COSTA, and Mr. LIPINSKI.

H.R. 1110: Mr. HARE.

H.R. 1174: Mr. BURTON of Indiana.

H.R. 1246: Ms. RICHARDSON.

H.R. 1277: Mr. UDALL of Colorado.

H.R. 1343: Mr. SALI.

H.R. 1518: Mr. OLVER.

H.R. 1524: Mr. ALTMIRE.

H.R. 1532: Mr. STARK and Mr. BRADY of Texas.

H.R. 1542: Mr. GENE GREEN of Texas.

H.R. 1553: Mr. CARNEY.

H.R. 1643: Mr. BRALEY of Iowa.

H.R. 1655: Mr. BARTLETT of Maryland and Mr. PAYNE.

H.R. 1774: Mr. WU.

H.R. 1866: Mr. BOREN.

H.R. 1967: Mr. MCHENRY, Mr. KING of Iowa, Mr. CONAWAY, Mr. BROUN of Georgia, and Mr. BARTLETT of Maryland.

H.R. 2054: Mr. MATHESON.

H.R. 2158: Mr. CULBERSON.

H.R. 2188: Ms. SUTTON.

H.R. 2676: Ms. HOOLEY.

H.R. 2686: Mr. PETERSON of Minnesota.

H.R. 2703: Mr. KING of New York.

H.R. 2712: Mr. COHEN.

H.R. 2734: Mr. FRELINGHUYSEN.

H.R. 2851: Mr. BOUCHER, Mr. MATHESON, Mr. ARCURI, and Ms. HOOLEY.

H.R. 2964: Mr. SHAYS, Mr. HONDA, and Mr. BERMAN.

H.R. 2991: Mr. SCHIFF.

H.R. 3016: Mr. MCCOTTER.

H.R. 3036: Mrs. CAPPS.

H.R. 3041: Mr. DOYLE.

H.R. 3089: Mr. DAVID DAVIS of Tennessee.

H.R. 3098: Mr. BISHOP of Georgia.

H.R. 3202: Mr. WEXLER.

H.R. 3257: Mr. HOLT.

H.R. 3282: Mr. MCGOVERN.

H.R. 3334: Ms. CLARKE.

H.R. 3368: Mr. GOODE.

H.R. 3522: Mr. PEARCE.

H.R. 3622: Mr. BISHOP of Georgia.

H.R. 3658: Mr. ACKERMAN.

H.R. 3660: Mr. GONZALEZ and Mr. SESTAK.

H.R. 3689: Mr. FRELINGHUYSEN.

H.R. 3769: Mr. ORTIZ, Mr. REYES, Mr. MILLER of Florida, Mr. ELLSWORTH, Ms. SHEA-PORTER, and Mr. COURTNEY.

H.R. 3819: Mr. ROSS.

H.R. 3870: Ms. LINDA T. SÁNCHEZ of California and Mr. BLUMENAUER.

H.R. 3934: Mr. LATOURETTE.

H.R. 4053: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4054: Mr. UDALL of Colorado, Mr. ENGEL, and Mr. YOUNG of Alaska.

H.R. 4061: Mr. ROSKAM.

H.R. 4091: Mr. DAVIS of Illinois.

H.R. 4221: Mr. FILNER.

H.R. 4318: Mrs. SCHMIDT.

H.R. 4335: Mr. CARSON.

H.R. 4344: Mr. BROUN of Georgia.

H.R. 4651: Mr. PAUL and Mr. PAYNE.

H.R. 4652: Ms. CLARKE, Mrs. MALONEY of New York, and Mr. TOWNS.

H.R. 4926: Mr. SHAYS and Mr. CARNEY.

H.R. 4927: Mr. LAMBORN.

H.R. 4930: Mr. ROSS and Ms. SCHWARTZ.

H.R. 5131: Mr. BROWN of South Carolina and Mr. ENGLISH of Pennsylvania.

H.R. 5176: Mr. BRALEY of Iowa.

H.R. 5236: Mr. HERGER.

H.R. 5244: Mr. ORTIZ, Mrs. LOWEY, Mr. JEFFERSON, and Mr. BISHOP of Georgia.

H.R. 5266: Mr. VAN HOLLEN.

H.R. 5425: Mr. BONNER.

H.R. 5426: Mr. ENGLISH of Pennsylvania and Mr. PRICE of North Carolina.

H.R. 5440: Mr. GOHMERT, Mr. GERLACH, and Mr. SHAYS.

H.R. 5443: Mr. MANZULLO and Mr. FLAKE.

H.R. 5446: Mr. PLATTS.

H.R. 5534: Mr. COHEN, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. FORTENBERRY, Ms. FALLIN, Mr. ROYCE, Mrs. BONO MACK, Mr. BURTON of Indiana, and Mr. ROGERS of Kentucky.

H.R. 5536: Mr. FARR, Mr. GEORGE MILLER of California, and Mr. HINCHEY.

H.R. 5540: Mr. CASTLE.

H.R. 5541: Mr. SIMPSON, Mr. BERMAN, Mr. MURPHY of Connecticut, Ms. SOLIS, Mr. KENNEDY, Mr. FILNER, and Mr. SHERMAN.

H.R. 5590: Mrs. CAPPS, Mr. SIRES, Mr. SPRATT, Mr. ANDREWS, Ms. CLARKE, Mr. MILLER of Florida, and Mr. PAYNE.

H.R. 5596: Mr. GALLEGLY, Mr. ROHRABACHER, Mr. HUNTER, Mr. WAMP, Mrs. BLACKBURN, Mr. KINGSTON, and Mr. LEWIS of California.

H.R. 5603: Mr. COURTNEY, Mr. PETERSON of Minnesota, Mr. KAGEN, Mr. COBLE, Mr. BISHOP of Georgia, Mr. SHAYS, Mrs. MYRICK, Mr. BRALEY of Iowa, and Mr. ENGLISH of Pennsylvania.

H.R. 5606: Mr. REGULA and Ms. JACKSON-LEE of Texas.

H.R. 5613: Mr. KUCINICH, Mr. LIPINSKI, Mr. LARSON of Connecticut, Mr. RENZI, Mr. CARNEY, Mr. MACK, Mr. COSTELLO, Mr. COSTA, Mr. ORTIZ, and Mr. SCHIFF.

H.R. 5627: Mr. CROWLEY, and Mr. WILSON of South Carolina.

H.R. 5633: Mr. MCDERMOTT.

H.R. 5635: Mr. FLAKE.

H.R. 5636: Mr. ENGLISH of Pennsylvania.

H.R. 5637: Mr. FALEOMAVAEGA.

H.R. 5656: Mr. WHITFIELD of Kentucky, Mr. CANNON, Mr. ISSA, Mr. PEARCE, Mr. LAMBORN, and Mr. SALI.

H.R. 5674: Mr. HALL of Texas, Mr. BLUNT, Ms. HERSETH Sandlin, Mr. MURTHA, Mr. HOLDEN, and Mr. BERRY.

H.R. 5684: Mr. BLUMENAUER, Mr. BARTLETT of Maryland, and Mr. MCNERNEY.

H.R. 5695: Mr. HUNTER.

H.R. 5709: Mr. ROSS.

H.R. 5731: Mr. TANCREDO, Mr. KINGSTON, Mr. MILLER of Florida, Mr. ROYCE, and Mr. ROHRABACHER.

H.R. 5737: Mr. ENGLISH of Pennsylvania and Mr. HOEKSTRA.

H.R. 5740: Mrs. EMERSON, Mr. CLYBURN, Mr. BISHOP of New York, Mr. AL GREEN of Texas, Mr. SMITH of Washington, Mr. SIMPSON, Mrs. WILSON of New Mexico, Mrs. GILLIBRAND, Mr. MACK, and Mr. NADLER.

H.R. 5752: Mrs. MYRICK.

H.R. 5757: Mr. KINGSTON.

H.R. 5769: Mr. GARY G. MILLER of California, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, and Mr. WITTMAN of Virginia.

H.R. 5780: Mr. PRICE of North Carolina.

H.R. 5782: Mr. HERGER and Ms. GRANGER.

H.R. 5793: Ms. ESHOO and Mr. KELLER.

H.R. 5794: Mr. BARTON of Texas, Mr. SIMPSON, Mr. MANZULLO, and Mr. MCHENRY.

H. Con. Res. 163: Mrs. MYRICK.

H. Con. Res. 253: Mr. WEXLER.

H. Con. Res. 314: Mr. MCCOTTER.

H. Con. Res. 315: Mr. REHBERG and Mr. HOBSON.

H. Con. Res. 317: Mr. FRANK of Massachusetts and Mr. WOLF.

H. Con. Res. 318: Mr. FALEOMAVAEGA, Mr. SNYDER, and Mr. BISHOP of Georgia.

H. Con. Res. 320: Mr. DAVIS of Illinois, Mr. RUSH, Mr. JEFFERSON, Mr. CLAY, Mr. GRIJALVA, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. HALL of New York, Mr. SAM JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mrs. BOYDA of Kansas, Mr. LOEBSACK, Mr. SESTAK, Mr. BISHOP of Utah, Ms. SHEA-PORTER, Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. UDALL of Colorado, Ms. CASTOR, Mr. MILLER of Florida, Mr. BARTON of Texas, Ms. GIFFORDS, Mr. BACA, Ms. CORRINE BROWN of

Florida, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, and Mr. MCNULTY.

H. Con. Res. 322: Mr. SHUSTER, Mrs. BLACKBURN, Mr. KIND, Mr. SPACE, Mr. FOSSELLA, Mr. JORDAN, Mr. ROGERS of Michigan, Mr. BOREN, Ms. MOORE of Wisconsin, Mr. LAMPSON, Mr. MITCHELL, Mr. MORAN of Virginia, Mr. HAYES, Mr. ETHERIDGE, Mr. HALL of New York, Mr. CARSON, Mr. INGLIS of South Carolina, Mr. SHADEGG, Mr. GERLACH, Mr. CASTLE, Mr. PLATTS, Mr. DOYLE, Mr. MCGOVERN, Mrs. LOWEY, Mr. CLAY, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. REYES, Mr. TOWNS, Mr. Lincoln Davis of Tennessee, Mrs. Gillibrand, and Mrs. JONES of Ohio.

H. Con. Res. 323: Mr. HALL of Texas, Mrs. MYRICK, Mr. SNYDER, Mr. HAYES, Mr. CONAWAY, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. COBLE, Mr. MORAN of Kansas, Mrs. BIGGERT, Mr. BACHUS, Mrs. MCMORRIS RODGERS, Mr. SAM JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. KINGSTON, Mr. TERRY, Mr. BARTON of Texas, Mr. HOEKSTRA, Mr. ALEXANDER, Mr. REHBERG, Mr. SAXTON, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. TANNER, Mr. WAMP, Mr. TIAHRT, Mr. WU, Mr. DEAL of Georgia, Mr. GORDON, Mr. HENSARLING, Mr. PEARCE, Mr. SESSIONS, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. GARRETT of New Jersey, Mr. KUHL of New York, Mr. EHLERS, Mr. BARROW, Mrs. DRAKE, Mr. RADANOVICH, Ms. GRANGER, Mr. TOWNS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD of Kentucky, Mr. ELLSWORTH, Mr. EVERETT, Mr. WALBERG, Mr. NUNES, Mr. SCOTT of Georgia, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. PORTER, Mr. FERGUSON, Mr. PENCE, Mr. SHADEGG, Mr. MELANCON, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. GALLEGLY, Mr. WITTMAN of Virginia, Mrs. BONO MACK, Mr. SULLIVAN, Mr. BACA, Mr. BAIRD, Mr. BUYER, Mr. MCKEON, Ms. HARMAN, Mr. ROHRABACHER, Mr. PASTOR, Mr. MITCHELL, Mr. ENGEL, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. LIPINSKI, Mr. FOSSELLA, Mr. SKELTON, Mr. CARNAHAN, Mr. CRENSHAW, Mr. MARIO DIAZ-BALART of Florida, Mr. INGLIS of South Carolina, Mr. BISHOP of Georgia, Mr. LINDER, Mr. COHEN, Mr. NEUGEBAUER, Mr. RYAN of Wisconsin, and Mr. ISSA.

H. Res. 106: Ms. SPEIER.

H. Res. 565: Ms. FALLIN.

H. Res. 821: Ms. ROS-LEHTINEN.

H. Res. 896: Mr. CARSON.

H. Res. 925: Mrs. MYRICK and Mr. LIPINSKI.

H. Res. 952: Mr. FORBES.

H. Res. 987: Mr. WILSON of Ohio.

H. Res. 1003: Mr. GOODLATTE.

H. Res. 1011: Mr. COSTA and Ms. WATSON.

H. Res. 1022: Ms. WASSERMAN SCHULTZ.

H. Res. 1026: Mr. HARE.

H. Res. 1048: Mr. FILNER.

H. Res. 1055: Mr. COHEN and Mr. BRADY of Pennsylvania.

H. Res. 1062: Mr. SPRATT and Mr. PAYNE.

H. Res. 1069: Mr. ISRAEL, Mr. SAXTON, Mr. SHUSTER, and Mr. WEXLER.

H. Res. 1079: Mr. WATT, Mr. RAMSTAD, Mr. BERMAN, Mr. Carson, Mr. TOWNS, Mr. MEEK of Florida, and Ms. WATERS.

H. Res. 1080: Mr. BISHOP of Georgia.

H. Res. 1093: Mr. WALSH of New York, Ms. ZOE LOFGREN of California, and Mr. PAYNE.

H. Res. 1097: Ms. BORDALLO, Mr. KLEIN of Florida, Mr. BARROW, Mr. MURPHY of Connecticut, and Ms. MATSUI.

H. Res. 1109: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mrs. TAUSCHER, Mr. BERMAN, Mr. ACKERMAN, Mr. WEXLER, Mr. MEEKS of New York, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. HINOJOSA, Mr. CROWLEY, Ms. Linda T. Sánchez of California, Mr. SCOTT of Georgia, Mr. COSTA, Mr. KLEIN of Florida, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. SPACE, Mr. MURPHY of Connecticut, Mr. ROTHMAN, Mr. HOLT, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. ROSS, Mr. BECERRA, Mr. WILSON of Ohio, Ms. CASTOR, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SALAZAR, Mr. HOYER, Mr. PERLMUTTER, Mr. CUELLAR, Mr. JOHNSON of Georgia, Mr. Lincoln Davis of Tennessee, Mr. SHERMAN, Mr. SERRANO, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. REYES, Mr. SESTAK, Mr. HODES, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. COURTNEY, Ms. WASSERMAN SCHULTZ, Mr. MAHONEY of Florida, Mr. RYAN of Ohio, Mr. BARROW, Ms. MCCOLLUM of Minnesota, Mr. YARMUTH, Mr. COHEN, Mr. LAMPSON, Mr. SARBANES, Mr. TOWNS, and Mr. MCDERMOTT.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 891: Mr. CONAWAY.

H.R. 2833: Ms. BORDALLO, Mr. KLEIN of Florida, and Mr. BARROW.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, APRIL 16, 2008 *No. 60*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, how excellent is Your Name and all the Earth. Our praise can never match Your glory and majesty. Your grace gives worth even to the least of our efforts, so use us to fulfill Your purposes.

Give the Members of this body a new vision of Your glory. Help them to see that no obstacle is so difficult, no challenge so great, no setback so irreversible that Your purposes will not prevail. Free them to depend on You more deeply as they wait patiently for You to replenish their spirits. Lord, speak to our Senators so that their words may reflect the tenor of Your truth and the tone of Your grace. Father, let Your Name be magnified, for the kingdom, the power, and the glory belong to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 16, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he chooses to make any this morning, there will be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees. The majority will control the first half, and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of the highway corrections bill. There will be no rollcall votes between 10 and 11 because the Pope is at the White House. I have spoken to staff, and I think we should be on a pathway of finishing this bill today. I hope so. I hope it is not necessary to file cloture on the bill. If that is necessary, I will file cloture this afternoon, and a vote will occur on Friday morning.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business, with the time divided and controlled by the two leaders or their designees, with the majority controlling the first half of the time and the Republicans controlling the final half.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIRGINIA TECH TRAGEDY

Mr. MCCONNELL. Mr. President, 1 year ago today, a tragedy struck the campus of Virginia Tech, where the lives of 32 students and faculty members were tragically cut short in what was the worst campus shooting in U.S. history. We remember with sadness the terrible loss we all suffered that day while we all mourned with the Virginia Tech family. Our prayers go out to everyone in the Virginia Tech community who is remembering a loved one on this day.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like 5 minutes to talk about the judge situation.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Printed on recycled paper.

JUDICIAL NOMINATIONS

Mr. GRAHAM. Mr. President, No. 1, I wish to acknowledge the progress that was made yesterday between Senator MCCONNELL and Senator REID regarding an impasse over circuit court nominations.

The average, I believe, for the last 2 years of a Presidential term when the opposing party had control of the Senate, was 15 circuit court nominations being confirmed by the Senate. At this point, we are at seven.

As I understand, an agreement reached yesterday between Senator REID and Senator MCCONNELL will allow three circuit court judges to be moved forward by the May 23 recess. I appreciate that progress.

I live in the State of South Carolina, which is in the Fourth Judicial Circuit. We have a judicial emergency on hand there. A third of the Fourth Circuit Court of Appeals is vacant. We have two nominees, one from South Carolina and one from North Carolina, who have been awaiting hearings and confirmation for well over 200 days now.

I urge my colleagues to allow these fine candidates for the judiciary to move forward and the Senate get on about its business when it comes to judges. What I worry the most about is, over the last 4 or 5 years, we have had an experience with judges pretty much unknown to the Senate. There are a lot of anecdotal stories, a lot of cases in the past where people slow walked. I can only speak to my time here. I was involved in the Gang of 14 to make sure the Senate did not do something that would haunt the body for years to come. The Gang of 14 was a bipartisan effort to make sure filibustering judges would be done only in extraordinary circumstances, simply because if we engage in this practice of trying to hold up Presidential nominations based on philosophy and not qualifications, if all of us become President, so to speak, saying, I am not going to allow a vote on a judge I wouldn't have picked, it becomes chaos.

I urge Senators CLINTON and OBAMA, who have been, quite frankly, part of the problem, to look at the model they are setting, because if they do secure the White House, they do not want this to come back to haunt them.

I want an independent judiciary. I wish to make sure it is well paid and insulated as much as possible from an unfair process. The confirmation process is getting out of hand, overly political, too many political interest groups on the left or right have an inordinate amount of say in who gets on the bench. The role of the Senate is to pass judgment, an up-or-down vote, on qualified nominees sent over by the President.

I found in the Senate if you get someone who is an outlier, there is usually bipartisan support to say no to that nominee. President Bush sent over a couple nominees I opposed. Generally speaking, I expect my time in the Senate to defer as much as possible to a Presidential nominee who I think is qualified and not base my vote or denying a nominee a vote based on the fact I would not have chosen that person. I certainly would not have chosen Justice Ginsburg, if I was President, but she is eminently qualified and received well over 90 votes, I believe.

I hope in the future we will allow judges to come to the floor, through the committee, in a timely process. The Fourth Judicial Circuit is in dire need of Judge Conrad and Mr. Steve Matthews from South Carolina having hearings and a vote. If a Senator does not like these nominees, they can vote against them. What happened there is creating a problem in the area of the country in which I live and, quite frankly, it is unfair.

I look forward to working with my colleagues to break this logjam. Senator DURBIN and Senator KENNEDY were kind enough to meet with Steve Matthews, the nominee from South Carolina, and I appreciate them doing so.

Let's not get into a pattern that will come back to haunt us as a body and do a lot of damage to the confirmation process and over time erode the independence of the judiciary.

I appreciate the progress that was achieved yesterday, but there is a lot more to do, particularly when it comes to the Fourth Circuit.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. DEMINT. Mr. President, over the past couple of weeks, there has been a lot of talk about the lack of progress the Democrat majority in the Senate has made on judicial confirmations in the last couple of years, but I want to thank the majority leader for his promise last night to confirm three judges by Memorial Day. This is certainly welcome news. I hope at least one of those is the nominee for the Fourth Circuit.

As we all know, our courts are in crisis. Currently, there are over 40 vacancies on the U.S. Circuit Court, and of those half are judicial emergencies. The consequences of the majority's failure to act on these nominations result in extended judicial vacancies, increased casework, and a delay in verdicts. This obstruction is harmful for the American judicial system and the American people.

One of the most important jobs we have here in the Senate is to offer advice and consent to the President's judicial nominees. While I believe all of these nominees deserve an up-or-down vote on the Senate Floor, I rise today specifically to speak on the current judicial vacancies on the Fourth Circuit Court of Appeals and the qualified nominees waiting for a vote.

The Fourth Circuit of Appeals, which covers South Carolina, North Carolina, Virginia, West Virginia, and Maryland, is one-third vacant. Even though the Fourth Circuit is facing so many pronounced vacancies, and there is a critical need for judges, the Democratic leadership has made no effort to move any of the pending nominees.

In spite of the number of vacancies, the Fourth Circuit, run by Chief Judge Karen Williams, continues to do a remarkable job. Many of the cases brought before the Fourth Circuit are extremely complex, and the judges must spend a longer amount of time on each of these cases before issuing their opinion. Our judges will not sacrifice quality, but it may take a lot longer for the court to issue its decision. We are lucky that the Fourth Circuit has the leadership it has. They are dedicated and hardworking, clearly, but we cannot continue with this high level of vacancy.

I have heard firsthand about the impact these vacancies have on the Fourth Circuit. Appellate courts must have enough judges to fill the panel, and if a seat is vacant, they must fill it somehow. This means judges from other circuits or judges from the district courts must take time away from their families, their caseload, their administrative tasks to fill the spot on the panel.

Two of the Fourth Circuit nominees, Mr. Steve Matthews of South Carolina and Mr. Robert Conrad of North Carolina, have the support of their home State Senators and are ready for a hearing in the Senate Judiciary Committee. Despite these facts, both nominees have been waiting for over 200 days for a hearing.

Let me quote an editorial from the Washington Post in December of 2007 in which they addressed the dire straits of the Fourth Circuit.

> The Senate should act in good faith to fill vacancies—not as a favor to the President but out of respect for the residents, businesses, defendants, and victims of crime in the region the Fourth Circuit covers. Two nominees—Mr. Conrad and Steve A. Matthews—should receive confirmation hearings as soon as possible.

On that note, I wish to spend a couple of minutes telling you about Mr. Steve Matthews from South Carolina. President Bush nominated Steve Matthews in September of 2007, but the Senate Judiciary Committee has failed to hold a hearing on his nomination.

Matthews received his undergraduate degree from the University of South Carolina and his law degree from Yale Law School. He is currently the managing director of Haynesworth, Sinkler, and Boyd in Columbia, SC.

Prior to joining the Columbia firm, Matthews practiced in the Washington office of Dewey Ballantine and served

in the U.S. Department of Justice during President Reagan's second term. During his time at the Department of Justice, Matthews advised then Attorney General Ed Meese and President Reagan on the selection of nominees for Federal judgeships, and served as special counsel to Meese on the Iran Contra investigation.

I have personally met with Mr. Matthews several times and know he has the experience, the intellect, and the integrity necessary to serve on one of our Nation's highest courts.

We must fulfill our constitutional responsibility to vote on judicial nominations and allow hearings, as well as plain up-or-down votes here on the Senate Floor. The Senate Judiciary Committee has several extraordinary nominees before it, and the Fourth Circuit desperately needs their service.

Our courts are in critical need of judges and any inaction on these nominees is irresponsible and puts our Nation's judicial system at risk. Again, I thank the majority leader for committing to at least three by Memorial Day, and I appreciate the opportunity to address this issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I think the Senate is clearly in a slowdown. It is not fulfilling its responsibility to evaluate and vote on Presidential nominees for our courts in America.

We are now into the fourth month of 2008 and only one circuit judge, Judge Haynes, who received an ABA rating of unanimously well qualified—the highest rating by the bar—has been confirmed, and that confirmation only happened last week, April 10. So we have gone quite a long time here. We still have 10 pending nominations to the appeals courts that need hearings, need votes out of the Judiciary Committee, and need up-or-down votes on the Senate Floor.

Why is this a problem? I will tell you. Because President Bush campaigned on, and effectively, I believe, won the day on the argument that judges should be, as now Chief Justice John Roberts said at his confirmation hearing, neutral umpires. They are supposed to call the balls and strikes. They are not supposed to be on one side or the other. They are not supposed to be setting forth their personal political agendas in the guise of ruling on disputes of law in a courtroom. That is an abuse of the power of the judiciary. Members of the Judiciary are given lifetime appointments. They cannot be removed except through impeachment or death, and their salaries can not be reduced. It is critical that those judges show restraint and remember their proper role in our three branch system.

Now, the truth is that for many years my liberal activist colleagues have delighted in having Federal judges, and sometimes State judges, promote and affect a political agenda they could not win at the ballot box. That is what it is all about. But we need judges who respect the rule of law and who understand they are not policymakers. If they want to set policy, let them run for Governor, let them run for President or the Senate. So President Bush has consistently submitted nominees with high ratings, even from the American Bar Association, which frequently, I submit, is more activist than I would favor. Indeed, they meet and have all these resolutions and pass these resolutions on issues with which I do not agree. I am a member of the ABA, but I don't agree with some of the positions they take in these resolutions. They meet in some big conference, unrepresented by the members of the bar, and they do these things.

I mention all that to say they have been rating these present nominees very well. They have been giving them high ratings because they are men and women of good legal ability, sound judgment, and President Bush would not nominate them if they were not committed to the proper role of a judge, in my view.

Circuit court vacancies—these are the 11 circuits we have. The circuit courts are the first level of appellate courts above the Federal district court, the trial courts. When you appeal a criminal conviction or a civil judgment in America, you appeal first from the district court to the circuit court. That is one step below the Supreme Court. Then you can appeal from there to the U.S. Supreme Court, Chief Justice Roberts and his team, right across the street. That is the way the system works. These appellate courts are important because the Supreme Court only takes 100 or so cases a year, and many of the rulings of the circuit courts have become final. That is one reason people consider them to be important. Ultimately, the Supreme Court will rule.

Despite the fact that there are 10 nominees for the 13 vacancies in the circuit courts, the Judiciary Committee, our committee, of which I have been a member now for almost 12 years, has only given a hearing to 1, and that was over a year and a half ago when Senator SPECTER was chairman, the Republican chairman.

Peter Keisler, the circuit nominee for the D.C. Circuit here in Washington, was given a hearing in August 2006, but he has still not been voted on, called up for a vote in the Judiciary Committee. He is a fabulous nominee. One of the reasons he is being objected to is the same reason they objected to Miguel Estrada, the same reason they objected to a lot of other nominees—he is so capable, he would be on the short list for the Supreme Court of the United States. If they can kill them off at this level, they will not be considered sometime in the future. That is just a fact. I have been here. I know how this works. There is no reason Peter Keisler ought not to be confirmed. He had a hearing in August 2006, and he still has not been brought up for a vote in the committee.

Catharina Haynes was highly rated too. She was confirmed last week after we began to complain about this. That was the first circuit court nomination hearing since September of last year.

The Fourth Circuit is in a crisis. The vacancy rate is alarming. One-third of the seats are vacant. Four nominees are pending for those vacancies, but none has even been given a hearing.

Robert Conrad, former Federal prosecutor, has been waiting for a hearing for 265 days. He is also, at this point, a Federal district judge, a Federal district judge for the Western District of North Carolina. He was nominated for a judicial emergency. He has the support of both his home Senators, received a unanimous ABA rating of ''well qualified,'' the highest rating you can get. He is a consensus nominee. The Senate unanimously confirmed him for his current district judge seat, and the ABA, then, ranked him unanimously ''well qualified.'' The whole ABA 15-member committee voted him the highest rating, unanimously. So why hasn't he been given a hearing?

Steve Matthews has been waiting over 205 days. We have others out there who I think are being slowed down.

Mr. Conrad is an excellent nominee, in my opinion. He has a number of qualifications. I remember he was given the duty to conduct one of the investigations that occurred in the Department of Justice. He testified. I remember him testifying because I liked the honesty and directness in his testimony. He chose not to prosecute anybody for those offenses, but by all accounts he examined it carefully and fairly. Among other qualifications he had, he played point guard on the Clemson University basketball team in the ACC where he was an academic All-American basketball player, among the other things he did, which has always impressed me.

I would say there has been talk about invoking the so-called Thurmond Rule. The Thurmond Rule could sort of be, if you want it to be, an excuse for slow-walking nominees and not approving the nominees who ought to be approved just because there is a Presidential election on the horizon. Majority Leader HARRY REID mentioned last night that the so-called rule would be invoked in June. Senator LEAHY has mentioned before that he would invoke it in the second half of this year. Let me say this about the Thurmond Rule. It is a myth. It does not exist. There is no reason for stopping the confirmation of judicial nominees in the second half of a year in which there is a Presidential election.

I remind my colleagues that our now chairman of the Judiciary Committee, Chairman LEAHY, when he assumed control over the committee, stated he would institute the Thurmond Rule starting the spring of this year. He said:

The Thurmond rule, in memory of Senator Strom Thurmond—he put this in when the Republicans were in the minority—which said in a Presidential election year, after spring, no judges would go through except by the consent of both Republican and Democratic leaders. I want to be bipartisan. We will institute the Thurmond rule.

Those were his remarks at Georgetown University Law School in December 2006.

In May 2007, he reiterated that the Thurmond Rule would kick in next April. Senator LEAHY said:

Obviously the Thurmond rule kicks in.

But let's be very clear about it. The Thurmond Rule as interpreted is a false myth. Senator LEAHY, before the statements he made in 2006 and 2007 during the Bush Presidency, has admitted as much. In fact, as Senator LEAHY said in 2000, when the situation was somewhat different—during President Clinton's final year in office, like this is President Bush's last year:

There is a myth that judges are not traditionally confirmed in Presidential election years. That is not true. Recall that 64 judges were confirmed in 1980; 44 in 1984; 42 in 1988, when a Democratic majority in the Senate confirmed the Reagan nominees and, as I have noted, 66 in 1992, when a Democratic majority in the Senate confirmed 66 Bush nominees.

Those are not my words. Those are Senator LEAHY's words.

I see the distinguished ranking member of the Judiciary Committee is here. It is time for him to speak. I will just say that we, as Members of this Senate, have a Constitutional responsibility to move judicial nominees. We should not be playing games. Good nominees with strong support ought to be moved forward. A lot of these nominees have not been treated fairly. It is time to move them forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I begin by thanking my distinguished colleague from Alabama for his cogent, timely comments about the need to process the confirmation of judges. Republicans have reserved time in our period for morning business to speak to this issue in order to acquaint the American people with the importance of proceeding with the confirmation of Federal judges. The process has been slowed down very materially during the final two years of Presidential terms when the White House is controlled by one party and the Senate the other, as the White House is now controlled by Republicans and the Senate by Democrats.

As I have said on the Senate floor, this is a problem that has been going on for the past two decades. In the last two years of President Reagan's administration, there was a slowdown when Democrats were in charge of the Senate. The slowdown continued during the term of President Bush, the 41st President. Then, Republicans retaliated during the term of President Clinton by slowing down the process. We have had very major disputes—I would even call them bitter disputes. Notwithstanding the disrepute of the word ''bitter,'' sometimes it is applicable, and I think it is certainly applicable to the filibusters of 2005. During that confrontation between the parties, filibusters were used repeatedly by Democrats. Republicans retaliated in kind with the threat of a so-called nuclear or constitutional option.

As I have said on the floor on previous occasions, the fault lies, in my judgment, with both parties. I thought the Republican caucus was wrong in its response to President Clinton's nominees, and I backed up my opinion with my votes. I voted in support of President Clinton's qualified nominees.

It is my hope that we can find a resolution to this issue, that we can reach across the aisle. There is no doubt the American people are sick and tired of party bickering. There is also no doubt that the American people want prompt justice in our courts. Where you have judicial emergencies, as you have in many courts where nominees have been pending for protracted periods of time, failing to fill vacancies does great harm to the litigants who are waiting to have their cases heard. As a simple illustration, I'll use an automobile accident case. If somebody has this type of case in court, first you look to the jurisdiction, which is a judicial emergency, and there is no district judge to try the case. The litigant waits and waits. You do not have to emphasize the consequences of that situation. People are perhaps out of work from their injuries as their medical bills are rising. They ought to have their day in court to have the matter adjudicated. If the matter is finally tried, then an appeal is taken in the courts of appeals, and there are judicial emergencies there. Again, the litigant waits and waits. The problem is clear. It is my hope we would move ahead here and process judicial nominees.

I am pleased to note that some progress has been made, as announced by the majority leader after consultation with Senator MCCONNELL, the Republican leader. There is an arrangement to have three circuit judges confirmed before Memorial Day. That is a step in the right direction, providing that the right judges are confirmed.

It has been announced similarly that finally, at long last, after protracted disputes, there is an agreement between the White House and the Michigan Senators on the nomination of two circuit judges for the Sixth Circuit.

It is my hope that the confirmations will be directed to three of the nominees who have been ready for hearings or committee votes and have been waiting the longest time.

Peter Keisler, nominee for the District of Columbia Circuit Court of Appeals, has been waiting for more than 650 days. There has been some talk about the D.C. Circuit not needing an additional judge. That is simply not factually correct. Mr. Keisler has been lauded by newspaper editorials—The Washington Post, the Los Angeles Times—and is preeminently well qualified to be confirmed to that position.

Judge Robert Conrad, Chief Judge of the U.S. District Court in North Carolina, has been waiting for over 270 days, and he is nominated to fill a judicial emergency. There is no blue-slip problem with Judge Conrad; the Senators from North Carolina are both urging his confirmation.

Similarly, with the nomination of Steve Matthews of the Fourth Circuit, he has been waiting for more than 220 days. And, again, both the blue slips have been returned. So, it is my hope we will move quickly to confirm Mr. Keisler, Judge Conrad, and Mr. Matthews. They are the ones who have been ready for committee action the longest and are most pressing.

By letter dated April 10, I wrote to Senator JOHN MCCAIN, Senator HILLARY CLINTON, and Senator BARACK OBAMA, asking for their positions on prospective motions, which I intend to pursue in the Senate, to discharge from the Senate Judiciary Committee the nominations of Judge Conrad, Mr. Keisler, and Mr. Matthews.

There are procedures where we can take the matters from the committee and take them to the floor for action by the entire body. The Constitution provides that confirmations will be handled by the Senate; there is no provision for committee action. In my judgment, when the controversies have raged for this period of time, the nominees ought to come to the full Senate.

I have also written to the interrogators of the debate, which is scheduled for this evening at the convention center of Philadelphia, Mr. George Stephanopoulos of ABC News and Mr. Charles Gibson of ABC News, suggesting that these would be appropriate questions for Senator CLINTON and Senator OBAMA during the course of the discussion this evening.

I ask unanimous consent that the text of the letters to Senator MCCAIN, Senator CLINTON, Senator OBAMA and Mr. Stephanopoulos and Mr. Gibson be included in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Now, in these letters to the three Senators, dated April 10, I said I would not make the disclosure of them public until April 15, in order to give them an opportunity to reply before these letters were released to the press. I said:

I do not plan to make the news media aware of my inquiries until April 15th in order to give you ample opportunity to advise me of your response.

Yesterday evening, I did receive a response from Senator OBAMA. I think it is worthwhile to read this into the RECORD. Senator OBAMA writes:

I am responding to your letter of April 10, 2008, regarding several pending judicial

nominations. As a former constitutional law instructor, I fully appreciate the important work that our Federal judges do and the need to fill judicial vacancies. However, I have great respect for the Senate's constitutional advice and consent role in the confirmation of these judges.

The concerns you have raised in your letter are important ones. However, since I am not a member of the Judiciary Committee, I would defer to Chairman Leahy on the scheduling of any committee votes on these pending nominations, and I would defer to Senator Reid on the scheduling of any floor votes.

Moreover, I am confident that we can work in a bipartisan fashion to continue to fill vacancies. Just last week, the Senate confirmed five judicial nominations. And today, Chairman Leahy has announced a resolution reached with the Administration over Sixth Circuit nominations. Those events highlight a desire on all sides to ensure that vacancies on the bench are filled.

Thank you for seeking my views on this issue. Sincerely, Barack Obama, United States Senator.

I begin by thanking Senator OBAMA for his reply. But, I disagree with him, disagree respectfully, on the position he has taken. When he says he is not a member of the Judiciary Committee, I believe his standing as a Member of the Senate is the determinative membership, and under the Constitution of the United States, the Senate has the constitutional responsibility to consent or not on pending nominations.

When Senator OBAMA says that ''I would defer to Chairman LEAHY on the scheduling of any committee votes on these nominations,'' and, ''I would defer to Senator REID on the scheduling of any floor votes,'' again, I disagree, respectfully.

A Senator's duties are not delegated. No Senator can delegate to anyone else his constitutional responsibilities. The Constitution does not refer to the Judiciary Committee. The Constitution does not refer to the majority leader. Even if it did, that would not provide a basis for a Senator, duly elected and sworn to uphold the Constitution, as I took an oath on five occasions and as Senator OBAMA has taken an oath and as every Member of this body has taken an oath, not to uphold the Constitution.

The Constitution says: The Senate confirms. The Constitution says: Senators vote. You cannot delegate your constitutional responsibilities. There is an abundance of case law on this subject in a myriad of contexts, and so, I would respectfully ask my colleague, Senator OBAMA, to reconsider.

I would also ask, respectfully, for Senator MCCAIN to respond and for Senator CLINTON to respond. Further, when Senator OBAMA talks about his confidence that we can work out, in a bipartisan fashion, an agreement to fill the current vacancies, I think that confidence is misplaced.

When Senator OBAMA makes note of the fact that there were confirmations last week, he does not make note of the fact that these were the first confirmations this year, and that there was no hearing on any circuit judge from September 25, 2007, until February 21, 2008.

What is required to move the process along is for Senators to discharge their duty. In proposing to bring these matters to the floor for action by the full Senate, it is my view that every Senator ought to stand up and say whether he agrees with what is going on today because I think we have an electorate that is concerned.

And, the purpose of this discussion today is to fully acquaint the electorate with what is happening. As we have seen in prior elections, obstructionism costs at the ballot box. I would prefer not to resort to the political process. I would prefer not to make this a campaign or an election issue. I would prefer to see the Senate decide this on the merits.

Again, I emphasize the need for independent judgments. I do not think it is sufficient for a Senator to say: I am going to defer to the chairman. I do not that it is sufficient for a Senator to say: I am going to defer to the majority leader.

When I disagreed with the chairman of the Judiciary Committee—and we had a very distinguished chairman, Senator HATCH, sitting beside me—I said to Senator HATCH: ORIN, I respectfully disagree. I am going to vote that way. Let the RECORD show Senator HATCH is nodding in the affirmative.

The PRESIDING OFFICER. The time for morning business has expired.

Mr. SPECTER. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. When I disagreed with the majority leader, I said so. I would ask other Senators to do the same.

Mr. President, we have the Senator from South Carolina on the floor. He arrived in the middle of my remarks. I would ask that he be permitted to speak, and also Senator HATCH, be permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, we are laying down our bill. Senator DEMINT has been waiting for his amendment. He has a time problem. So I am willing to give another 3 minutes to our Republican friends. But, seriously, we need to get going on this bill. We have been on this bill now for 3 days.

We finally have an amendment. We would like to hear it. So I would agree to 3 minutes more.

Mr. SPECTER. Mr. President, I renew my request for 5 minutes for the two Senators who are on the floor.

Mr. DEMINT. I thank the Senator. I have spoken on judges. I will defer to Senator HATCH and make my comments later.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 10, 2008.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I write seeking your position on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina, nominee to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina, nominee to the Court of Appeals for the Fourth Circuit.

Mr. Keisler's nomination has been on the agenda since June 29, 2006, without a Committee vote despite his excellent credentials. He graduated magna cum laude from Yale University and then received his Juris Doctor from Yale Law School. In addition to clerking for Supreme Court Justice Anthony Kennedy, Mr. Keisler has held several high level positions in the Department of Justice. Most recently, he served as Acting Attorney General, providing much needed leadership after the resignation of Attorney General Gonzales. Prior to that, Mr. Keisler served as the Assistant Attorney General managing the Civil Division of the Justice Department. He is currently a partner in the D.C. office of Sidley Austin LLP. The American Bar Association has awarded him its highest rating, a ''unanimous well qualified,'' and the editorial boards of the Los Angeles Times and The Washington Post have called him a ''moderate conservative,'' a ''highly qualified nominee,'' and someone who ''certainly warrants confirmation.''

The only objections raised to Mr. Keisler's nomination have nothing to do with his qualifications or suitability to sit on the D.C. Circuit. Instead, the objections concern whether the Senate needs to fill the 11th seat on the D.C. Circuit, the seat to which Mr. Keisler is nominated. On the contrary, there is recent precedent of the Senate confirming a nominee to fill the 11th seat on the D.C. Circuit. In 2005, the Senate voted to confirm Thomas Griffith to fill the 11th seat on the D.C. Circuit. Judge Griffith was voted out of the Judiciary Committee and confirmed with bipartisan support, including the support of Senators Biden, Feinstein, Durbin, Kohl, and Schumer. In addition, Congress recently validated the 11th seat of the D.C. Circuit when it passed the Court Security Improvement Act last year. Further, arguments against filling the 11th seat based on the decrease in the D.C. Circuit's caseload since 1997 are premature due to the recent addition of detainee cases to the circuit's jurisdiction and the possibility of an increase in administrative law cases due to choice of venue options.

I include Judge Conrad and Mr. Matthews in the proposed motion due to the critical need to expeditiously fill the vacancies on the Court of Appeals for the Fourth Circuit. Currently, one-third of the seats on the Fourth Circuit are vacant, leaving the court inexcusably understaffed. Judge Conrad and Mr. Matthews are also exceptional appellate court nominees. Judge Conrad is the Chief Judge of the Western District of North Carolina, a position to which he was unanimously confirmed in 2005. Prior to his service on the bench, he had a long career as a federal prosecutor, working in both Republican and Democratic administrations. He has the support of both his home state senators, and the ABA has rated him unanimously ''well qualified.'' The vacancy to which Judge Conrad has been nominated has been declared a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts. In fact,

there is a protracted history to this particular seat, which has been vacant since 1994. However, Judge Conrad has been waiting for a hearing for over 260 days.

Mr. Matthews is another outstanding circuit court nominee. A graduate of Yale Law School, Mr. Matthews has had a distinguished career in private practice in South Carolina. He also served for several years in appointed positions in the Department of Justice, including positions in the Civil Division, the Civil Rights Division, the Office of Legal Policy, and the Office of the Attorney General. He has been a shareholder of a prominent South Carolina law firm since 1991, and from 2004 to 2008 served as the managing director. He has the strong support of both of his home state senators. Despite his impressive and varied professional credentials, Mr. Matthews has been waiting for a hearing for over 200 days. Notwithstanding my repeated requests, no Committee action is planned at this time on any of the aforementioned nominees.

Another nominee, Justice Stephen Agee of Virginia was recently nominated to fill another judicial emergency on the Fourth Circuit. I remain hopeful that Justice Agee will be listed on a hearing agenda and acted on by the Committee in the very near future. If the Committee delays in processing his nomination, I may return to him, given the judicial emergency on the Fourth Circuit.

I write to find out how you would vote on the proposed discharge petition, but also, candidly, to focus the public's attention on these nominations. I know you are aware of the ongoing controversy as to whether the Judiciary Committee is processing nominations with appropriate dispatch. This type of delay has been a recurrent problem during the last two years of every President's Administration for the past two decades when the White House is controlled by one party and the Senate by the other.

I am also seeking the responses of Senator Obama and Senator McCain on this subject. I do not plan to make the news media aware of my inquiries until April 15th in order to give you ample opportunity to advise me of your response.

Thank you very much for your consideration of this request.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, April 10, 2008.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I write seeking your position on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina, nominee to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina, nominee to the Court of Appeals for the Fourth Circuit.

Mr. Keisler's nomination has been on the agenda since June 29, 2006, without a Committee vote despite his excellent credentials. He graduated magna cum laude from Yale University and then received his Juris Doctor from Yale Law School. In addition to clerking for Supreme Court Justice Anthony Kennedy, Mr. Keisler has held several high level positions in the Department of Justice. Most recently, he served as Acting Attorney General, providing much needed leadership after the resignation of Attorney General Gonzales. Prior to that, Mr. Keisler served as the Assistant Attorney General managing the Civil Division of the Justice Department. He is currently a partner in the D.C. office of Sidley Austin LLP. The American Bar Association has awarded him its highest rating, a ''unanimous well qualified,'' and the editorial boards of the Los Angeles Times and The Washington Post have called him a ''moderate conservative,'' a ''highly qualified nominee;'' and someone who ''certainly warrants confirmation.''

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I am also seeking the responses of Senator Clinton and Senator Obama on this subject. I do not plan to make the news media aware of my inquiries until April 15th in order to give you ample opportunity to advise me of your response.

Thank you very much for your consideration of this request.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, April 10, 2008.

Hon. BARACK OBAMA,
U.S. Senate,
Washington, DC.

DEAR SENATOR BARACK OBAMA: I write seeking your position on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler, nominee to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina, nominee to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina, nominee to the Court of Appeals for the Fourth Circuit.

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Thank you very much for your consideration of this request.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 15, 2008.

Mr. GEORGE STEPHANOPOULOS,
ABC News.

DEAR GEORGE: On April 10, 2008, I wrote to Senator John McCain, Senator Hillary Clinton and Senator Barack Obama seeking their positions on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina to the Court of Appeals for the Fourth Circuit.

With this letter, I am enclosing copies of those letters. I suggest you may find this subject a matter for questioning Senator Clinton and Senator Obama during tomorrow's debate in Philadelphia.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 15, 2008.

Mr. CHARLES GIBSON,
ABC's World News.

DEAR CHARLES: On April 10, 2008, I wrote to Senator John McCain, Senator Hillary Clinton and Senator Barack Obama seeking their positions on a prospective motion to discharge from the Senate Judiciary Committee the pending nominations of Mr. Peter Keisler to the Court of Appeals for the D.C. Circuit, Judge Robert Conrad of North Carolina to the Court of Appeals for the Fourth Circuit, and Mr. Steve Matthews of South Carolina to the Court of Appeals for the Fourth Circuit.

With this letter, I am enclosing copies of those letters. I suggest you may find this subject a matter for questioning Senator Clinton and Senator Obama during tomorrow's debate in Philadelphia.

Sincerely,

ARLEN SPECTER.

Mr. HATCH. Mr. President, last week an event occurred that was a long time coming.

I am not talking about the grand opening of the Newseum a few blocks from here down Pennsylvania Avenue.

No, last week the Senate finally voted on and confirmed a few nominees to the Federal bench.

This event is of historical proportions because not since 1848 had the Senate taken this long to confirm a Federal judge in a Presidential election year.

You heard me right.

The first judicial confirmation of 2004 was on January 28, the first one in 2000 was on February 10, and the first one in 1996 was on January 2.

One of my Democratic colleagues was here on the floor last week trying to shuffle the historical chairs on the judicial confirmation deck by talking about the 1996 session rather than 1996 itself because the second session of the 104th Congress began on January 3.

By dicing and splicing the calendar that way, he tried to avoid counting all of the judges we confirmed that year.

I am not going to play that game.

I am comparing apples with apples, years with years.

In 33 of the 40 Presidential election years since 1848, the Senate confirmed the first Federal judge by the end of February.

Not mid-April, not mid-March, but the end of February.

This is the latest start to judicial confirmations in a presidential election year in 160 years.

Now I realize that the Senate cannot vote on nominations that have not been reported to the floor from the Judiciary Committee.

And the Judiciary Committee generally does not report out nominees who have not had a hearing.

Unfortunately, the Judiciary Committee has simply not been holding hearings for nominees to the U.S. Court of Appeals.

There was no judicial confirmation hearing at all last month, and the hearing 2 weeks ago was yet another one with no appeals court nominee.

This graph shows the number of appeals court nominees receiving a Judiciary Committee hearing in each of the 16 Congresses since I was first elected to the Senate.

These are the 95th Congress in 1977–78 to the current 110th Congress.

You can see there is some variation here and there from Congress to Congress, but without a doubt the 110th Congress is the lowest of them all.

Appeals court nominees are simply not getting hearings.

This graph helps us better evaluate what is going on today.

The Judiciary Committee held a hearing for an average of 23 appeals court nominees in the previous 15 Congresses during which I have served in this body.

One of my Democratic colleagues last week actually mocked using such an average as a comparison.

This average is over many years and includes periods when Democrats as well as Republicans ran the Senate and occupied the White House.

It is a much better, much more reliable standard than pulling out the single year or, worse yet, only the portion of a single year that makes a predetermined partisan point.

Today, 15 months into the 110th Congress, only five appeals court nominees have received a hearing.

That is less than one-fourth the average over the previous 30 years.

Now some might say that Presidential election years, and therefore Presidential election Congresses, are different, that everything slows down.

OK, fair enough, perhaps that would be a better comparison.

Comparing the current Congress with the previous seven Presidential election Congresses, however, only widens the contrast between what the Senate has done in the past and what the Senate is not doing today.

It turns out that the Judiciary Committee held a hearing for an even higher average of 25 appeals court nominees during those Presidential election seasons.

In the current Presidential election season, however, only five appeals court nominees have had hearings.

If the partisan roles were reversed and the pace of hearings for appeals court nominees had slowed to perhaps one-half or one-third of the historic average, I can guarantee you that my friends across the aisle would be down here raising the roof about how we were failing to do our confirmation duty.

In fact, when I chaired the Judiciary Committee under the previous President and the hearing pace was much faster than it is today, my colleagues

on the other side did complain early, loudly, and often.

But the pace today is worse than one-half, worse than one-third, worse even than one-fourth of the historic average.

The current Judiciary Committee hearing pace for appeals court nominees is the worst in decades.

In fact, there is virtually no current pace at all.

It has not been this way in the past, and it does not have to be this way today.

I am pleased that last night the distinguished majority and minority leaders spoke about this here on the floor and the majority leader acknowledged that ''we need to make more progress on judges.''

The majority leader said he would do his very best, his utmost as he put it, to confirm three more appeals court nominees by Memorial Day, which is coming in less than 6 weeks.

I would like to point out a few highly qualified nominees who have been waiting a long time and who I hope will be included in this effort.

Yesterday, this editorial appeared in the Washington Post.

It opens with these words: ''It is time to stop playing games with judicial nominees.''

The editorial correctly notes that the Senate confirmed more than twice as many appeals court nominees in the final 2 years of the Clinton administration than the Senate has confirmed so far in the 110th Congress.

Even with the three additional appeals court nominees the majority leader has pledged to confirm, we have a lot of ground to make up.

The editorial suggests beginning to make up that ground by confirming Peter Keisler to the U.S. Court of Appeals for the D.C. Circuit and Rod Rosenstein to the Fourth Circuit.

Unlike some other languishing appeals court nominees, Mr. Keisler has at least had a hearing.

But it was 624 days ago.

Mr. Rosenstein has not been waiting that long but is fully as qualified. As the Post editorial points out, he has admirers on both sides of the aisle and is an excellent and principled lawyer.

Two other Fourth Circuit nominees whose consideration by the Judiciary Committee is long overdue are Steven Matthews of South Carolina and Robert Conrad of North Carolina.

My colleagues from those States are speaking in more detail on the floor today, but I want to highlight that these fine nominees have the strong support of their home-State Senators.

Lack of such support can be a reason why a nominee does not get a hearing.

I know, because that is the reason I could not give a hearing to some Clinton judicial nominees when I chaired the Judiciary Committee.

But that is not the case with these nominees.

And in Judge Conrad's case, this body confirmed him just a few years ago to the U.S. District Court without even a rollcall vote.

I hope that this pledge by the majority to make some much-needed confirmation progress is not just a temporary flash in the pan.

The majority leader last night suggested that there is some kind of rule that the Senate does not confirm judicial nominees after June.

He actually referred to this as the Thurmond doctrine.

I want to say to my colleagues that there is no such thing as a Thurmond doctrine, a Thurmond rule, or even a Thurmond guideline for judicial confirmations in a Presidential election year.

In 2000, the current Judiciary Committee chairman said that while things might, he said might, slow down ''within a couple months of a presidential election,'' that the best judicial confirmation standard was set in 1992.

Like today, his party was in the majority.

Like today, a President Bush was in the White House.

Senator Thurmond himself was ranking member of the Judiciary Committee.

In that Presidential election year, the Judiciary Committee held hearings on appeals court nominees until September 24 and the Senate confirmed appeals court nominees until October 8.

The Senate confirmed 66 judges, including 11 appeals court judges, in 1992.

So I want to dispel this judicial confirmation myth that there is any kind of rule, let alone a doctrine, that justifies shutting down the confirmation activity which I hope and trust is finally about to begin.

There is no doubt that we are way behind where we should be in the judicial confirmation process.

But it does not have to stay that way, not if we are serious about doing our duty.

As the Washington Post editorial said, the Senate ''should at least give every current nominee an up-or-down vote and expeditiously process the nominees to the U.S. Court of Appeals for the Fourth Circuit.''

That would be a great place to start.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

AMENDMENT NO. 4146

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4146.

(The amendment is printed in the RECORD of March 7, 2008, under ''Text of Amendments.'')

Mrs. BOXER. Mr. President, I know my colleague Senator DEMINT is here to offer what will be the first amendment to this bill. I thank him, because I know he initially had several amendments. It looks as though he has boiled it down to one amendment. I know Senator INHOFE and I are glad about that. I thanked him previously for calling me and saying that he was pleased with the way we treated the transparency of this bill.

I have been given a copy of the amendment by the Senator from South Carolina. I will listen carefully to his presentation, and I will have remarks afterward. Senator INHOFE may also have some remarks prior to Senator DEMINT being recognized.

Senator INHOFE and I are hopeful we can get this completed. This is a bill that overall creates not one more penny of new spending. It will unleash into our economy, however, a billion dollars already budgeted for. That is why so many people are supporting this in real life: Construction companies, workers, transit operators. All of them have written to us. I will put those names in the RECORD. We are hopeful, if everybody cooperates today, we can get this finished. This bill isn't rocket science. It is very simply making technical corrections to SAFETEA–LU and in places where some projects simply couldn't go forward, replacing those projects without adding a penny of new spending. There is full transparency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree with the comments made by the chairman. It is my understanding we are down to maybe three amendments. I have talked to Senator COBURN, who has an amendment, as well as Senator BOND. It is my hope that Senator DEMINT will be able to present his amendment. Then it is my understanding we will hold votes until early this afternoon and maybe try to get some of the others out of the way. Being a conservative, I want to make sure everybody understands: A technical corrections bill is always necessary when we have a major reauthorization of transportation. There are some things in here that are borderline. One case, in my State of Oklahoma, in Durant, I mistakenly said 200 yesterday, but it is $300,000 on a road program that the Department of Transportation came back and said: We thought we were ready for this, but we

are not. But we are, on down the road in Idabel.

It is common sense that that is where it should be done. It is the same amount of money. I agree with the principle behind the amendment of the Senator from South Carolina, but in this case we have to have the technical corrections bill in order to go forward with a lot of the projects that have been authorized since 2005. I am hopeful we will be able to proceed along those lines.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO RECOMMIT

Mr. DEMINT. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to recommit H.R. 1195 to the Committee on Environment and Public Works of the Senate with instructions to report the bill back to the Senate with an amendment striking all new earmarks and spending increases for existing earmarks.

Mr. DEMINT. Mr. President, I thank the chairwoman and ranking member for setting an example for this body in how a bill should be presented to the Senate—with full disclosure, all documentation. It allows us to have an open and honest debate about any differences. There is no question about what is contained therein and what is not. In this case, we disagree on parts of this, but I don't want to begin without first saying I believe the chairwoman and ranking member have set an example for the rest of the committees.

My motion to recommit simply addresses what I believe are serious problems in developing a technical corrections bill that actually changes the legislation from one earmark to another or pluses up earmarks, takes money from an earmark that might be not needed anymore, the project is not wanted, that money is moved somewhere else. While it certainly is correct that the total cost of the bill is about the same, we do need to remember that by next year, we are projecting over a $3 billion shortfall in the trust fund. So instead of adding to earmarks and creating new ones, it makes sense to try to save some of that money so we can fund important infrastructure projects around the country.

The motion to recommit sends this bill back to committee with an amendment that says it should be presented back to the Senate where all of the new earmarks are excluded and any additions to funding for existing earmarks is returned to the current level. What that leaves us with is a technical corrections bill, which is what this bill should be.

The administration has noted with strong concerns that the majority of the technical corrections bill is devoted to earmarks. It modifies hundreds of earmarks from the legislation that passed in 2005. It effectively creates new earmarks, including a standalone section that would provide mandatory funding for a magnetically levitating rail system. The presence of excessive earmarks in the 2005 bill created significant inefficiency in the allocation of resources to fund transportation infrastructure.

I have heard regularly from the Department of Transportation of the difficulty in implementing a national transportation system with thousands and thousands of earmarks for special projects that don't necessarily match State priorities.

I encourage my colleagues to take a look at the motion to recommit. It does not kill the bill. It simply refocuses on a technical correction perspective rather than adding to earmarks or creating new ones.

I thank the chairwoman for the opportunity to offer this and thank both her and the ranking member for setting an example of how a bill should be brought to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, again, I thank the Senator for his kind comments about the way we have handled this legislation.

This amendment is, first, wrong on its face and, second, it is going to kill the bill. Of all times to try and kill what I consider a mini-economic stimulus plan, this is not one of them. We have a lot of people out of work. Many people have called Senator INHOFE and myself, and others, saying this is an important piece of legislation.

I will read the names of those people, because I believe it is important that we show the breadth of support. It is a very simple piece of legislation, but it will correct some errors. It will say, as an example, in Oklahoma—and we have them in California—and for all these 500 projects, one leg of a project might not have been ready. Let's put the funds where they can be used now, where they are ready to go. Unleashing up to a billion dollars of funds right now means tens of thousands of jobs, and we have to rebuild our infrastructure. We are doing it within the confines of the moneys that were already authorized.

Again I have said this so many times, I am sure it is boring people, but I think it is important to note who has written to Senator INHOFE and myself to move this bill: the American Association of State Highway and Transportation Officials, whose members include the Departments of Transportation for all 50 States; the American Highway Users Alliance, whose members represent millions of highway users; the American Public Transit Association; the American Road and Transportation Builders Association; the Associated General Contractors; the Council of University Transportation Centers; the National Stone, Sand and Gravel Association; the National Asphalt and Pavement Association.

This is not one of these bills that is a matter of some intellectual debate. This means real jobs for real people and real infrastructure improvements for all the people of this Nation who count on us to keep their highway and transit systems moving.

What does Senator DEMINT do? He would send this bill back to the committee, in essence killing the bill. We passed this bill out of committee on a bipartisan voice vote on June of 2007. Here we are, moving toward June of 2008. Why on Earth would we want to stop the forward progress of this legislation? We can't afford further delay.

I am sorry my colleague has left the Chamber, but Senator DEMINT had several projects that he asked for in SAFETEA–LU. I ask unanimous consent to print a list of those projects in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMINT SAFETEA PROJECT REQUESTS

Senator DeMint requested 13 different earmarks in SAFETEA, totaling $110 million dollars.

1. I–73, Construction of I–73 from Myrtle Beach, SC to I–95, ending at the North Carolina state line: $40,000,000.

2. Construction of I–73 from Myrtle Beach, SC to I–95, ending at the NC state line: $10,000,000.

3. Widening of US 278 to six lanes in Beaufort County, SC between Hilton Head Island and SC 170: $15,000,000.

4. Engineering, design and construction of a Port Access Road connecting to I–26 in North Charleston, SC: $10,000,000.

5. Improvements to US 17 in Beaufort and Colleton Counties to improve safety between US 21 and SC 64: $10,000,000.

6. Widening of SC 9 in Spartanburg County from SC 292 to Rainbow Lake Road: $5,000,000.

7. Complete Construction of Palmetto Parkway Extension (I–520) Phase II to I–20: $3,000,000.

8. Complete a multi-lane widening project on SC Hwy 5 Bypass in York County, SC between I–77 and I–85: $4,000,000.

9. Re-construction of an existing interchange at I–385 and SC 14, in Laurens County, SC: $2,000,000.

10. Construction of the Lexington Connector in Lexington County, SC to alleviate traffic congestion: $2,000,000.

11. Widening of 4.4 miles of West Georgia Road in Greenville County, SC: $2,000,000.

12. Extension of Wells Highway in Oconee County, SC: $2,000,000.

13. Demolition of the old Cooper River Bridges in Charleston, SC: $5,000,000.

Total: $110,000,000.

Mrs. BOXER. All of these will bring jobs and improve transportation in the State of South Carolina. That is why I supported it, as did Senator INHOFE. That is why we all supported it. There is a number of projects contained here, 13 projects, $110 million, Senator DEMINT has in SAFETEA–LU. Fortunately for Senator DEMINT, none of his projects required any technical corrections.

Let's take one: Construction of I–73 from Myrtle Beach, SC to I–95, ending

at the North Carolina State line. Suppose something had turned up in the engineering and they had to stop it further toward Myrtle Beach, but they couldn't go ahead with the project until they made that technical change. Then Senator DEMINT would find that the project was stymied. He is fortunate. He didn't have this problem. But a lot of us weren't so fortunate. We did have issues in our States where we had to make changes.

This legislation fixes nearly 500 descriptions for highway and transit projects. Without the changes included in the legislation, many of these projects will continue to be stuck at red lights. This isn't the time to slow down job creation. This is the time to unleash job creation. This technical corrections bill provides a green light that could unleash up to $1 billion in transportation projects. The funding has been approved before, so we are not increasing spending. Given the current slowdown in our economy, we simply cannot afford to allow these funds to remain unused.

At the appropriate time, I am going to move to table the DeMint motion. I think we are working on an agreement to have a vote on that motion at around 2 o'clock.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I will just be a moment. I see the Senator from Florida wants the floor. But let me, first of all, say that this is right. In my State of Oklahoma, we had some things for which it took 7 years for this bill to come into reality. The reauthorization is something we should do every other year, but we did not do it.

When you pass a bill of this magnitude—and, look, I have to say there is no one person in this body of 100 Senators who is more conservative than I am. That is what all the ratings say. ACLU has me as No. 1. So it is not a matter of conservative versus liberal. This is a matter of doing what we are supposed to do. We are supposed to defend America. We are supposed to work on the infrastructure. We have been doing it since the National Highway System came into effect back in the Eisenhower administration.

But I had two changes that were in my bill. I had a light signalization that was meant to take place in Tulsa, OK. This is a modernization, using new technology. However, in the original bill, it said ''Oklahoma.'' It did not say ''Tulsa, OK,'' when clearly that was our intent. So the Department of Transportation of Oklahoma said: Put in ''Tulsa'' so we know where that belongs.

The other one, which I have already mentioned, was the $300,000 for a project. Actually, it was a feasibility study in Durant, OK, in southern Oklahoma. Then they found out later that you are better off doing it down the road from there in Idabel. Consequently, if we are forced not to be able to make that technical correction, we would be forced to spend $300,000 on something we are not ready to do.

So the important thing to get across to people is that this technical corrections bill does not increase the total amount of authorizations that are taking place right now from the 2005 bill. It is the same amount. I do not want people to think it is not, because it is, and that is an irrefutable fact.

I kind of agree with the chairman of the committee when she talks about that this will kill the bill. It would if it went back and they could not move it, the House would not accept this. This is one of the most difficult things to deal with when we are doing the authorization bill because every time we finally get an agreement here, we have to go over there and get the same thing—Democrats and Republicans here and Democrats and Republicans there. I just don't want to put ourselves in a position where we send anything over there that could kill this bill because this is necessary to finally finish the implementation of the 2005 Transportation authorization bill.

So with that, I will yield the floor, and I will have more to say later.

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to speak in favor of the technical corrections bill. In large part, we have a technical correction in the bill affecting a major interstate project in Florida that needs to be passed.

Now, the story I am about to tell you is going to amaze some people of what happened.

A few years back, when we passed the highway bill, they passed the version in the House, and we passed the version in the Senate, and they got merged so they were identical. The bill was getting ready then—the same bill that had passed both Houses—to go to the President for signature. But a strange thing happened on the way to the White House because someone—identity yet unknown—went in and changed the language, which was, ''Widening and Improvements for I–75 in Collier and Lee County''—a matter of $10 million in the highway bill—and changed that to be, instead, $10 million for a study for an interchange on Interstate 75 at Coconut Road.

Now, the long and short of it is, you simply cannot do that once it passes the House and passes the Senate in identical form and then goes to the President in that identical form for signature. Somewhere in the process of enrolling the bill to send it down to the White House, someone is not permitted to go in and change the meaning of the appropriation—in this case, $10 million for widening Interstate 75, which has become a parking lot at 7 o'clock in the morning and 5 o'clock in the afternoon because of all the traffic. That is why we want to widen Interstate 75 in southwest Florida to six lanes instead of the existing four lanes.

Someone went in and changed the intent and wording of the bill. So what we have in the technical corrections bill is a technical correction to have the law read, in fact, what it was intended to read, and what it, in fact, did read until somebody went in and tampered with it.

Now, in the meantime, we have had correspondence from the chairman of the Committee on Transportation and Infrastructure in the House of Representatives to the local metropolitan planning organization, which has, under State law, the authority for setting up the priorities for road projects, saying to them that you need to follow the law—the law as it went to the President for signature. We have correspondence back from the metropolitan planning organization—in this case, many letters, but in the one I have in my hand to me—stating there was an error in the enrollment of the bill and the metropolitan planning organization wants the original intent of the legislation to be what governs, which is the widening of Interstate 75, and the $10 million used for that.

So, Mr. President, I ask unanimous consent to have printed in the RECORD both of these pieces of correspondence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, January 23, 2006.

Mr. JOHN ALBION,
Chairman, Lee County Metropolitan Planning Organization (MPO), Fort Myers, FL.

DEAR CHAIRMAN ALBION: Thank you for your letter of December 21, 2005 updating the Committee Transportation and Infrastructure on the Lee County MPO's Long Range Transportation Plan and their decision to exclude the Coconut Road Interchange from its financially feasible plan. The letter further requests a ''re-programming'' to occur for these funds.

Section 1701 of Subtitle G, Title I of SAFETEA–LU (Public Law 109–59) contained amendments to the law located in Section 117 U.S.C. Title 23, titled High Priority Projects. The authority provided in Sec. 117 with regard to projects authorized in Sec. 1702 on SAFETEA–LU is quite clear and unambiguous. Projects for which funds are designated are available only for that project. The state in which the designated project resides is free under the terms of the law to build, or not build the project. However, the law does not provide authority for a state to use funds designated for an authorized project on some other project.

In this important sense then, the funds made available to these authorized projects are not subject to the same legal terns and conditions as formula funds.

As the second session of the 109th Congress proceeds, the Committee will, as the Committee has historically done on previous reauthorizations, work to pass into law a bill to amend SAFETEA–LU. This bill, which in previous Congresses has been titled a corrections bill, will seek to make improvements, rectify errors and modify aspects of SAFETEA–LU. With regard to Sec. 1702, my past experience on this committee suggests that where a state elects to not utilize funds designated for an authorized project, the committee will incorporate the effect of that

decision as appropriate when developing the bill. In an era of funding shortfalls, it is an important responsibility of the committee to see that all funds provided in SAFETEA–LU are in fact used for their intended benefit on the transportation system.

Sincerely,

DON YOUNG,
Chairman.

LEE COUNTY METROPOLITAN
PLANNING ORGANIZATION,
Fort Myers, FL, August 20, 2007.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON, I write as Chair of the Lee County MPO requesting that the language for the $10 million ''Coconut Road Earmark'' be restored to the language that both the House and Senate approved when they voted final passage of SAFETEA–LU on 7/28/05—''Widening and improvements for I–75.''

This correction to the legislation corrects an error in the enrollment of the bill. The language in the Public Law is not the same as that passed by the House and Senate. During the enrollment process, managed by Congressman Don Young (AK), someone tampered with the bill. Funds for I–75 improvement were changed to funds for a totally new Coconut Rd. interchange—a project not on the MPO priority list.

The specific requested change is as follows: Technical Amendment to SAFETEA–LU (119 Stat. 1509) [PL. 109–59, Section 1934]: The table contained in Section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1509) is amended in item number 462 by striking 'Coconut Rd. interchange I–75/Lee County' and inserting ''I–75 widening and improvements in Collier and Lee County, FL.''

The MPO has been discussing this topic for two years, attempting to understand how we received money for a project that was not anywhere on our priority list. We were told that we had no choice other than to accept it or return it. Having learned that our entire delegation and the full Congress actually voted for an MPO priority project and that it is possible to have an enrollment error corrected, on Friday August 17, 2007, the MPO voted (10 in favor, 3 opposed, 2 absent) to request this technical amendment.

On behalf of the MPO, I thank you for your assistance in this matter. If you wish to contact me, please contact me directly. I look forward to your reply to our request.

Cordially,

CARLA BROOKS JOHNSTON,
MPO Chair.

Mr. NELSON of Florida. So we come to this point. It is absolutely critical that we pass a technical correction so that the law, as it was intended by the passage in the House and the Senate, be honored. The question is, What about the tampering? Well, we need to find out.

Mr. COBURN, the Senator from Oklahoma, has taken great umbrage at this tampering. I can tell you, as the senior Senator from Florida, I am very grateful to him for him being upset and wanting to do something about this. This Senator and my colleague from Florida have signed on to an amendment by Senator COBURN trying to get to the bottom of who did the tampering and how did it occur so this kind of stuff will never happen again.

There is some question about the way Senator COBURN's amendment is drafted, that it would be a direction to the House of Representatives which might meet some constitutional problem, in which case what we are trying to work out is that there would be a future amendment where there would be an investigation by the General Accounting Office and maybe some resolution with regard to the Justice Department saying that this matter ought to be investigated as to a violation of the laws of this country in that you cannot tamper with legislation like this.

Whatever we resolve, I hope we will get it in because we have that separate issue of the tampering that needs to be dealt with, and it needs to be exposed to the light of day so people will understand you just do not take a bill that is duly passed by the Congress of the United States and, while it is en route from Capitol Hill to 1600 Pennsylvania Avenue, change the meaning of the bill.

It is my hope that as we get into all these other issues that seem to have cropped up that have nothing to do with Interstate 75, we can get these other issues resolved so the technical correction can proceed and that we can get this particular technical correction adopted into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to vote in relation to the DeMint motion to recommit the bill, and that no further amendments be in order to the motion prior to the vote; that following the conclusion of the debate this morning with respect to the motion, it be set aside to recur at 2 p.m., with the time until 2:15 p.m. equally divided and controlled between Senators BOXER and DEMINT or their designees; and that at 2:15, without further intervening action or debate, the Senate proceed to vote in relation to the DeMint motion to recommit the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, since we have a lull in the conversation about the technical corrections bill—and the reason for that is, frankly, it is a very straightforward bill. We know of two other amendments. We are working with Senator COBURN on his amendment dealing with an investigation into what occurred in the Coconut Road project in Florida. We know Senator BOND has an amendment which is really not a technical correction. It goes to overturning a law that was passed which protects consumers when they are defrauded by furniture moving companies. That is his amendment. We hope he can come down here so we can get going; we can start to debate that.

But in the meantime, I have asked Senator INHOFE if he had any objection if I rose to pay tribute to 19 young Americans who were killed in Iraq who were either from California or based in California, and he had no objection to that. I don't know if I need to ask to speak as in morning business. If that is the appropriate thing, I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under ''Morning Business.'')

Mrs. BOXER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HALTING THE GROWTH OF GREENHOUSE GASES

Mr. BARRASSO. Mr. President, later today, President Bush will propose halting growth in U.S. greenhouse gases by the year 2025. In his speech at the White House, the President is expected to place significant emphasis on new technology.

I recently introduced legislation to address the challenge of how to deal with greenhouse gases. The bill is called the Greenhouse Gas Emissions Atmospheric Removal Act, or the GEAR Act.

Members of this body have discussed various proposals to regulate the output of greenhouse gases. Some advocate doing it through a cap-and-trade approach. Others have advocated a carbon tax. Such proposals are aimed at limiting future carbon output into the atmosphere. Many proposals have been introduced and debated using this approach of dealing with carbon output.

Overlooked in the debate are the greenhouse gases that are already in the atmosphere. The best science tells us that the greenhouse gases already in the atmosphere are the gases that are causing the warming of our planet. To what extent, we are not certain.

So let's resolve to find a way to remove the excess greenhouse gases that are already in the atmosphere—remove them and then permanently sequester them.

To accomplish this goal, we are, as a nation, going to need to make a significant investment to develop new technology.

The approach my legislation takes to address this is through a series of financial prizes—prizes where we set the technological goals and also define the outcomes we demand.

The first researchers who meet each criteria will receive not only a financial prize but also international acclaim.

The prizes would be determined by a Federal commission under the Department of Energy. The commission would be composed of climate scientists, physicists, chemists, engineers, business managers, and economists.

The commission would be appointed by the President with the advice and consent of the Senate. The awards would go to those, both public and private, who would achieve milestones in developing and applying technology—technology that could significantly help to slow and even reverse the accumulation of greenhouse gases in our atmosphere.

The greenhouse gases would have to be permanently sequestered, and sequestered in a manner that would be without significant harmful effects.

This is how it would work. There would be four different levels of prizes.

The first level would go to either the private or public entity that could first demonstrate a design for successful technology that could remove and permanently sequester the greenhouse gases.

Second, there would be a prize for a lab scale demonstration project of the technology that accomplishes the same thing.

Third, there would be an award for demonstrating the technology to remove and permanently sequester greenhouse gases that is operational at a larger working model scale.

Finally, there would be an award for whoever can demonstrate the technology to remove and permanently sequester greenhouse gases on a commercially viable scale.

There you have it—four different levels of development: First, to design the technology; second, a lab scale demonstration of the technology; then for a larger working model; and then, finally, the proven use of the technology on a commercially viable scale.

Well, once the technology is developed, the United States would share intellectual property rights to that technology with whomever invented it.

This bill, as drafted, does not include a specific dollar amount for each prize. Instead, it authorizes such sums as may be necessary.

The commission will be directed to report to Congress 1 year after enactment into law. The commission will recommend the levels of funding that would be necessary to achieve the goals of this act.

I believe prizes can be a unique tool in creating the technological development we need. It only seems natural that if we get all the best scientific minds thinking about the same problem, and working on it, we significantly enhance our chances of solving it.

Historically, prizes have been used to spur all types of technological development to solve big problems.

In 1714, the British Government offered the first prize of this type, and they did it for a device capable of accurately measuring longitude. John Harrison, a clock maker, was awarded 20,000 pounds for designing an accurate and durable chronometer 59 years later. This transformed our ability to sail the seas.

In 1810, the first vacuum-sealed food was produced after 15 years of experimentation. It was driven, again, by a prize offered, this time, by Napoleon. Today, vacuum sealing is still used throughout the world.

In 1909, the first flight across the English Channel was spurred by a prize offered by a newspaper.

Charles Lindbergh was competing for a prize offered by a wealthy hotel owner when he flew the Spirit of St. Louis nonstop from New York to Paris in 1927. Well, that achievement spawned what is a $300 billion aviation industry today.

It is my hope and my goal that this legislation will foster the kind of solutions that we need to address the concerns about climate change.

What I am proposing is that we take a brand new look at climate change. With that new look, our solution will be based on removing excess greenhouse gases that are already in the atmosphere. We must think anew and we must act anew.

That line—''we must think anew and we must act anew''—is engraved on a scenic overlook along Interstate 80 between Cheyenne and Laramie, WY. It is engraved on the pedestal that holds a large-size bust of Abraham Lincoln. Lincoln was the one to have the vision for the Transcontinental Railroad.

It is now time for us as Americans to think anew and act anew about the issue of climate change and controlling greenhouse gases. Americans have always looked within ourselves for solutions. We have always had confidence in American ingenuity and American creativity to deal with the challenges of the future.

Yes, we want to protect our environment and, yes, we want a strong economy. The way to have both is by thinking anew and acting anew. It is time to use our untapped human potential and the American spirit to develop the technologies we need.

It is now time for the Senate and for Congress to find a solution to global climate change, not through limits but through imagination, innovation, and invention. I look forward to working with each and every Member of the Senate in achieving this goal.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask my friend from Iowa if he wants to speak in morning business.

Mr. GRASSLEY. Yes, for 6 or 7 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that at the conclusion of my remarks, Senator GRASSLEY be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, first of all, I make a plea to my friends on the other side of the aisle. There are a couple of amendments out there. Senator INHOFE and I are anxious to get done with the bill. The bill is a mini-economic stimulus. It would release a billion dollars worth of projects for important highway and transit programs. It is a technical corrections bill that stays within the limits we set in terms of spending. When Senator INHOFE and I agree on something, it usually covers the spectrum. So we hope we will have a good vote.

I wanted to say something before Senator BARRASSO leaves because he mentioned the President's goals. The President says we should halt the growth of greenhouse gases by 2025—''halt the growth,'' which means 18 years of nothing. What a pathetic response to a crisis that has united evangelical groups, scientists, businesses, and much of the world.

So I am just here to say—I am not going to have a debate with my good friend, whom I really enjoy as a member of our Committee, but I want to say this gives new meaning to doing nothing. When we have a crisis such as we have now and we have a small window to act and we wait 18 years, this is not talking about leaving the problems to the new President, like he is doing in Iraq. It means we are following a recipe for gloom and doom instead of looking at this problem and seeing it for what it is—an amazing opportunity.

It is interesting that my friend, Senator GRASSLEY, is here, who is so strong on ethanol. Well, this is the kind of thing we are going to do so we can get off of fossil fuel. We have other opportunities, such as cellulosic. We have new ways of making cars.

I happen to drive a hybrid. It is amazing. I get over 50 miles per gallon. I sort of wave at the gas stations because I don't have to go there that often. These cars are getting better and better.

We have so many ways, but it is not going to happen if we simply say, by 2025 we will halt the growth of greenhouse gas emissions. We have to halt the growth very soon. I view it as a great opportunity for an economic renaissance in this country. If you look at Great Britain, they have cut their carbon emissions by 15 percent over the last 10 years or so. Their GDP has grown by 45 percent, and they have added 500,000 new green jobs.

I think rather than being so frightened and meek as the President is about this, we should be leading the world to this new great economic renaissance. America should be in the front, inventing these products. I know the President says he wants to invest in new technology. Unless you have a cap on greenhouse gas emissions, unless your proposal involves a cap so we get down to what is necessary to prevent catastrophe, then you are part of

the problem. You are not part of the solution. You are just making believe you are part of the solution.

I don't want to do any more than is necessary. I want to do what is necessary to reverse a real, serious, horrific problem for the world. As our intelligence community tells us, as our Pentagon tells us, if we do nothing, the ravages of global warming will be the cause of wars, will be the cause of droughts, will be the cause of famine, will be the cause of unrest, and will be the cause of refugees wandering around starving to death.

That is why so many churches have joined us, many of the great religions have joined us in this effort. We have a great group working here. I was a little bit surprised when the President sort of took on the Lieberman-Warner bill in his way. He didn't mention it by name, but he basically referred to efforts in the Senate and the dangers. Mr. President, I have been trying to get to see you on this issue. I have wanted to talk to you on this issue. I know the former Prime Minister of England, Tony Blair, spoke to you about this issue. He is coming to speak to me again. We need to work together. This should not be partisan.

Unfortunately, it is. When I and my staff were in Great Britain, we were meeting to understand what steps they have taken and how about a cap-and-trade system and the rest. What we found out was most remarkable. Each party, Labor and Conservative, was staking claim to the issue of global warming and saying to the other party: You are not doing enough. I turned to my staff and said: Oh, if I have one prayer, it is that we have a situation where that happens at home instead of this horrible fight. And if I have another prayer, it is that the Presidential candidates, Republican and Democratic, will argue over who has the best plan. That may happen, and that would be exciting. But I do not want to wait until then. I do not want to do nothing. I do not want to be part of the problem. I do not want my grandkids to say: Where was my grandma? At the moment they had a window to do something, they slammed it shut.

I am glad my friend came to speak about global warming. I hope we can continue to work together to get him on board in a more aggressive way to do more, to do our job, to fulfill our responsibility. We would never take our grandchild, put him or her in an infant seat in the car, go to a parking lot at the supermarket and leave him or her inside with the windows closed and the Sun beating down. We would not do that because we adore our children and our grandchildren, and we want the world to be better. At least we want it to be as good as it was for us.

We are so lucky. We have lived through such golden years for ourselves and our families. We have the American dream. We saw Richard Nixon step to the plate and create the Environmental Protection Agency, and Presidents, Republican and Democratic, who have come after stand up—until now.

I say to my colleagues, we are going to have a moment come June. It is going to be a little bit different than today. Today Senator INHOFE and I are joined at the hip on this technical corrections highway bill. We are not going to be that way on global warming, but I hope we can have some bipartisanship, and JOHN WARNER has been leading the way. We need to do more instead of wait until 2025 to halt the growth of greenhouse emissions. That is too late. That is dangerously late. That is the equivalent of doing nothing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

MEDICAID MORATORIUMS

Mr. GRASSLEY. Mr. President, today the House Energy and Commerce Committee is taking up—or maybe has already taken up—consideration of a bill, H.R. 5613. This bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

I know some people have concerns, because I have discussed those concerns, with these CMS Medicaid regulations. So let me be very clear that I am not unsympathetic with those concerns. I am not here to argue the regulations put forth by the administration are perfect. I have issues with some of them that I wish to see addressed.

However, the regulations do address areas where there are real problems with Medicaid. CMS is taking care of those problems, and we ought to let them move forward instead of delaying all of these Medicaid regulations at once.

As everyone knows, Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations, people whom we all agree we have a social responsibility to look out for—low-income seniors, the disabled, pregnant women, and children. These classes of people depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges that we, as fiscal conservatives—and we all brag about fiscal conservatism—ought to be concerned about, these financial challenges coming from Medicaid, sometimes not being administered the way it should be.

Quite frankly, using the term ''fiscal challenges'' is a gentle way of putting it sometimes. A more severe way of putting it would be that Medicaid has a history in our respective States—not every State but a lot of States—of abusively pushing the limits of what should be allowed to maximize Federal dollars that we send to them under various formulas.

I am not going to devote time in my remarks today to issues of fraud and abuse in Medicaid, but that is legitimate to talk about. I will be back with that at another time. Instead, I want to focus on a very simple concept, and that simple concept is that Medicaid program integrity depends upon the setter for Medicaid services and the States and providers and ultimately beneficiaries having a clear understanding of the rules of the road. That is what we ought to expect out of any government program, that everybody knows how that program operates.

In this instance, States have not had clear guidance. In that case, they could be inappropriately spending taxpayers' dollars. Improper payments, wasteful spending—what does it do? It only increases the financial pressure on a very worthwhile safety net.

The Medicaid regulations that H.R. 5613 attempts to halt would halt all efforts by CMS to provide clear rules, rules of the road in very critical areas where there have been well-documented problems and most of those problems costing the taxpayers more money.

During the recent debate on the budget resolution, I entered into the RECORD a Congressional Research Service memo that showed some of the issues that exist under current law. I am not going to go into all of those issues today in detail because they are in the RECORD, but when CMS does not know how a State is billing for a service and States do not have clear guidance for how they should bill, neither Medicaid beneficiaries nor the taxpayers at the Federal or State levels are well served.

We should be, in fact, talking about fixing the regulations so that they better address real problems in Medicaid. But instead, the House of Representatives is trying to kick this can down the road to next year.

What does that mean for the taxpayers? H.R. 5613 spends $1.7 billion to place a short moratorium on these regulations. This is only to delay the regulations until March of next year—$1.7 billion to delay the regulations for 1 year.

I know supporters hope the next administration, whichever party that might be, whichever of the three candidates still in the race might be, will completely cancel the regulations. If these regulations were canceled, what would it cost if we tried to completely prevent these regulations from ever taking effect? It would not cost just this $1.7 billion that is going to be spent between now and next March. It would actually cost the taxpayers almost $20 billion over the next 5 years and almost $50 billion over the next 10 years.

It is absolutely a farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to walk away from these issues. But that is what this bill, H.R. 5613, does; it walks away. Let's say it another way. It kicks the can down the road hoping the next President might walk away.

I know supporters of that bill will say they need more time. They say

they have not had enough time to study the regulations and to respond. That argument is starting to strain credibility. The public provider rule was proposed well over a year ago to study and react. The rehabilitation services rule was proposed 9 months ago for people in the House of Representatives to respond to and react.

Supporters of that bill have had plenty of time; that is, plenty of time if they wanted to make new policy. But it is obvious by these actions that their only real interest is in making these regulations go away.

This is very unfortunate because finding solutions is what we should be doing instead of kicking the can down the road. When we start talking about the integrity of the Medicaid Program, it is clarity of the rules that is most needed between the Center for Medicaid Services and our 50 States. So if you do not like the rules, that is fine, but there are tens of billions of dollars involved in this delay.

I say to my colleagues: Roll up your sleeves, or maybe I should say roll up our sleeves and let us all get to work to solve a problem that the regulations try to solve instead of kicking the can down the road. That is what we should be doing for the taxpayers. That is what we should be doing for the credibility of the Medicaid Program, a Medicaid Program that is needed, a Medicaid Program, for the most part, that serves people well. Contrariwise, putting moratoriums on all the Medicaid regulations issued by the Center for Medicaid Services is not the right answer.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion on the Boxer substitute amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Boxer substitute amendment No. 4146 to H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed, Ron Wyden, Dianne Feinstein.

CLOTURE MOTION

Mr. REID. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller IV, Jack Reed, Ron Wyden, Dianne Feinstein.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required by those motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as I have indicated to the Chairman, and, of course, I have not had the opportunity to speak to the ranking member, but we have explained to the minority that I am filing these cloture motions—I have done so with the hope and anticipation that we need not have a cloture vote on this bill. We should finish this bill today. I hope we can do that. If not, of course, with these being filed, we will have the cloture vote Friday morning. But I hope that is not necessary. There is not a reason in the world we should not finish this bill today and go on to something else.

WELCOMING POPE BENEDICT XVI

Mr. REID. Mr. President, this morning I was honored to help welcome Pope Benedict XVI to the United States for his first papal visit to America.

In his brief remarks this morning on the south lawn of the White House, he spoke of his admiration and respect for America, our country.

His lifetime of righteousness in faith and deeds is an inspiration, not just to the more than 1 billion Catholics worldwide but to those of every faith.

As Pope Benedict XVI said shortly after his election 3 years ago:

I place my ministry in the service of reconciliation and harmony between peoples.

During my entire life, I have known the Catholic Church to be a deep well of comfort and aid to those in need and a pillar of strength in times of uncertainty.

I had a wonderful conversation this morning with Cardinal Mahony of Los Angeles. He indicated: Can we please do something on immigration? I said: We are trying. And he has been so helpful to us on this issue. I hope we can fulfill the wishes and prayers of Cardinal Mahony and do something about immigration. Certainly, it is something that needs to be done. Comprehensive immigration reform is what we need, which he supports.

On behalf of the Senate, I certainly wish to extend my welcome to the Pope. We welcome him to America with open arms.

ONE YEAR ANNIVERSARY OF VIRGINIA TECH SHOOTING

Mr. REID. One year ago today, on a campus not far from here, southwest of where we stand, the Virginia Tech community suffered a tragedy that continues to defy our comprehension. This great university, academically sound, athletically, in many instances superior, suffered a great loss. Thirty-two lives were taken by the hand of a young man with a deeply disturbed mind and some guns.

One year from that day, we pause to honor memory of these 32 young men and women and to grieve for their friends, family, and loved ones. I would, in passing, indicate that there were others than just students killed. Our thoughts go out to those unfortunate individuals whose lives were snuffed out for no reason.

I also grieve for our country, for these bright young men and women taken from all of us before their limitless potential could be fulfilled. As we mark this sad anniversary, the terrible images of chaos, panic, and heartbreak remain woven in the fabric of that community and our common memory.

But we remember also the amazing strength of Virginia Tech's community in those days and weeks that followed, how they lifted themselves from the deepest depths of despair to find a brotherhood and sisterhood of solace, peace, and even hope. President Steger and the entire Virginia Tech family demonstrated grace and steely resolve.

I want to take particular note at this time and extend my admiration and appreciation to Governor Kaine, who has led that State with such integrity and political brilliance but with an example of all things good during the time of this tragedy. To this day, he has done a wonderful job of reaching out to the community, everyone in the State of Virginia, meeting with people, and giving them confidence that the future will be better.

Now, as then, there is little we can offer but the broad shoulders of our Nation to lean upon and help carry the heavy burden of their pain.

Mr. President, I say for those of us who suffer this time of year with allergies, being outside on the south lawn for an hour today, as indicated by my inability to stop coughing, makes me reflect on how great it is to live in the desert with no rose petals, flower petals, and pollen around. In the desert, we do not worry about that kind of stuff. But we also do not have much hay fever.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR PAY RESTORATION ACT

Mr. KENNEDY. Mr. President, earlier this month, we honored the 40th anniversary of the death of Dr. Martin Luther King, Jr. Each year on this anniversary we get together and speak glowingly of Dr. King's life and work. These words are important; make no mistake. But even more important than honoring Dr. King with words is honoring Dr. King with action. Today, we have the opportunity to do that by passing the Fair Pay Restoration Act.

The right to equal pay for equal work is a fundamental right. Indeed, Dr. King was in Memphis on that fateful day in April 1968 to protest pay discrimination against African-American Memphis sanitation workers. We hope to have this legislation on the floor in the early part of next week. It involves overturning the Ledbetter case, a Supreme Court decision of recent times.

Forty years later, we are still fighting the same fight as Dr. King. We are still trying to empower workers to assert their civil rights.

Over the years, I have been proud to stand with the majority of the Congress for justice and fairness by passing strong bipartisan laws against pay discrimination. In 1963, we passed the Equal Pay Act. We followed that in 1964 with the landmark Civil Rights Act. Then we passed the Age Discrimination Act, then the Americans With Disabilities Act. Most recently, we passed the Civil Rights Act of 1991. All these laws protected workers from pay discrimination and have made our country a stronger, better, and fairer land.

These laws are just words on a page of a lawbook if workers can't get into court when employers break the law. To bring these words to life, we must today continue the work Dr. King started. This effort is necessary because last May the Supreme Court undermined the fundamental protections against pay discrimination. In the Ledbetter decision, the Court imposed serious obstacles in the path of workers seeking to enforce their rights.

Ledbetter was a textbook case of pay discrimination. Lilly Ledbetter, whom I have had the honor to meet, was one of a few women supervisors at a Goodyear Tire and Rubber Company plant in Gadsen, AL. She worked at the plant for almost two decades, consistently demonstrating that a woman can do a job traditionally done by men. She put up with teasing and taunting from her mail coworkers, but she persevered and consistently gave the company a fair day's work for what she thought was a fair day's pay. What she didn't know, however, was that Goodyear wasn't living up to its end of the bargain.

For almost two decades, the company used discriminatory evaluations to pay her less than her male colleagues who performed exactly the same work. The jury saw the injustice in Goodyear's treatment of Ms. Ledbetter and awarded her full damages. But five members of the Supreme Court ignored that injustice and held that Ms. Ledbetter was entitled to nothing at all—nothing at all—saying she was too late in filing her claim.

Under the rule in the Ledbetter case, Ms. Ledbetter would have had to file her claim within a few months of when Goodyear first started discriminating against her. Never mind that Ms. Ledbetter didn't know about the discrimination when it first began. Never mind that she had no means to learn of the discrimination because Goodyear kept salary information confidential. Never mind that Goodyear's discrimination against Ms. Ledbetter continued each and every time it gave her a smaller paycheck than it gave her male colleagues. The rule imposed by the Supreme Court reversed decades of precedent in the courts of appeal, it overturned the policy of the EEOC under Democratic and Republican administrations, and it upset the Nation's accepted definition of what is right.

This chart shows that the paycheck accrual rule was the law of the land prior to Ledbetter. In all these areas, these are the courts of appeal decisions that would have helped Ms. Ledbetter to recover. These areas are the areas where the EEOC demonstrates the paycheck accrual rule under EEOC policy, as well as these others. This small area in here shows what is now known in the Supreme Court decision as the Ledbetter decision. But this is the way the law of the land had been for years prior to this judgment and this decision.

The rule imposed by the Supreme Court reversed the decades of precedent in the courts of appeal, it overturned the policy of the EEOC under both Democratic and Republican administrations, and it upset the Nation's accepted definition as to what is fair and right.

The Court's decision turned back the clock on civil rights. Every year, thousands of workers suffer pay discrimination. The Ledbetter decision will hurt workers alleging discrimination of every kind: Sex, race, national origin, age, and disability. This chart shows 5,700 pay discrimination charges that have been brought. These here are on disability, discrimination on the basis of disability, after we passed the Americans with Disabilities Act. The dark green is on gender discrimination. The lighter green is on race discrimination; discrimination on the basis of race. This is national origin in here: 588. This is discrimination on age. All these cases—5,700—are based upon the pay discrimination that has crossed the country.

This is a real challenge. This doesn't represent the hundreds of thousands—hundreds of thousands—of cases of people who don't know about it. This is what is happening in this country. This is what is going to continue to happen unless we overturn the Ledbetter decision.

The Supreme Court's decision in Ledbetter gives employers free rein to continue to discriminate and leaves workers powerless to stop it. The result defies both justice and common sense. We must act to restore the decency and fairness to our Nation's civil rights laws.

The bipartisan Fair Pay Restoration Act will restore the clear intent of Congress. That is the legislation we will have on the floor to act on this next week. It provides a reasonable rule that reflects how pay discrimination actually occurs in the workplace. It links the time for filing a pay discrimination claim to the date a worker receives a discriminatory paycheck—not when an employer makes a discriminatory decision. Workers shouldn't have to be mindreaders in order to protect themselves from discrimination. Workers who aren't allowed to share information about their wages shouldn't be rendered powerless to combat discrimination. This bill recognizes that workers who receive a discriminatory check today should not be out of time to file a claim simply because the employer managed to hide its illegal behavior initially.

This legislation holds no surprises. It puts the law back to what it was on the day before the Supreme Court's Ledbetter decision. So we know this legislation is fair and it is workable. There would not be any unexpected consequences. Courts would not be overwhelmed. In fact, the Congressional Budget Office has said this bill would not increase litigation costs by much and businesses would not be blindsided. We are restoring what the law was previously. Most importantly, the Fair Pay Restoration Act makes employers accountable for violating the law. Under the Supreme Court's rule, if an employer can keep its discriminatory ways secret for 6 months, it gets a free pass. Do my colleagues hear me? If they are able to keep this secret that they are discriminating on any one of these bases—any of the bases we have mentioned, including age or disability, national origin, sex or race—in any of these areas, if they are able to do that and keep that a secret for 6 months, the employers get the free pass.

They can continue to discriminate and its victims are powerless to stop the unfair treatment. It only makes sense that, if the violation continues, the right to challenge it should continue. No one should get a free pass to break the law.

The Supreme Court's decision in Ledbetter took us backward in time. It takes us farther away from our ideal of a fair and just workplace for all Americans. We have too much progress still to make, and we cannot afford a step back. With this legislation, we can at least make up the ground we have lost.

That is why this legislation has such widespread support. This chart indicates the various groups. A wide array of civil rights groups, labor unions, and religious and disability rights groups support this legislation. It includes the American Association of People with Disabilities. AARP understands what is happening in terms of age discrimination; Business and Professional Women understand the discrimination taking place against women; NAACP; the United Auto Workers and other labor organizations, too; National Congress of Black Women; Religious Action Center understands the moral implications of this issue; U.S. Women's Chamber of Commerce, and others. They all support this legislation. Many businesses also support the bill, including the U.S. Women's Chamber of Commerce, as I said. All companies that play by the rules and treat workers fairly should support this legislation.

Workers have lived for almost a year with the inequity of the Ledbetter decision. It is time to stand up for the right to fair pay. As Dr. King said so eloquently after the passage of the Civil Rights Act of 1964:

Many people felt that after the passage of the civil rights bill, we had accomplished everything. We didn't have anything else to do and we would miraculously move into a new era of freedom.

But when we opened our eyes, we came to see that the civil rights bill, as marvelous as it is, is only the beginning of a new day and not the end of a journey.

If this bill is not implemented in all of its dimensions, it will mean nothing, and all of its eloquent words will be as sounding brass on a tinkling cymbal. We must take this bill and lift it from thin paper to thick action, and go all out, all over this Nation, to implement it.

It is time to hold employers accountable for their unlawful conduct. It is time to turn the clock forward on civil rights, instead of backward. It is time to pass the Fair Pay Restoration Act.

A final comment. This is a remarkable woman, Lily Ledbetter. Here is her quote:

And according to the Court, if you don't figure things out right away, the company can treat you like a second class citizen for the rest of your career. That isn't right.

She played by the rules. She worked hard and provided for her family and was being discriminated against. Here she is again:

I hope that Congress won't let this happen to anyone else. I would feel that this long fight was worthwhile if, at least at the end of it, I knew that I played a part in getting the law fixed so that it can provide real protection to real people in the real world.

We hear a lot of speeches in this body about the importance of work and paying people fairly. We hear speeches on both sides of the aisle about this. Here we have the classic example of a hard-working, decent, fairminded woman, who is trying to provide for a family, is playing by the rules, and she is getting shortchanged on the basis of doing equal work but not getting equal pay. She finds that out and pursues her rights and receives damages, under the rule of law in most of the States; and the Supreme Court, by a narrow margin of one, makes a decision that because she didn't know about it at the time this was started, when there was no chance in the world she would know about it because pay records are kept confidential, she is going to lose out on the fair pay she is entitled to under the protection of the law we have passed.

This body has gone on record time in and time out about fair wages for their work. We are going to have another opportunity in the next week to see whether we are going to continue this.

Let me finally say we are going back to the previous law. This isn't a new, bold idea carving out terms of the future. This is the way the law was. We are restoring the law, restoring the protections. This should have passed unanimously. How can Members of this body say no to restoring the law to what it was in the overwhelming majority of the jurisdictions of this country, on the fundamental issue of fairness that applies to virtually all workers, applies to men and women of color, men and women of disability, men and women of age, applies to national origin, and applies across the board? What are we afraid of?

We will have the chance to take this up and to take action on it and to call the roll, and the American people will understand who in this body is for fairness and treating American workers right, and who is for going back in terms of the Nation's fundamental commitment to decency and honoring hard-working people, who should be entitled to equal pay for equal work. We will find out when we call the roll the early part of next week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. TESTER pertaining to the introduction of S. 2875 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. TESTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DAY

Mr. THUNE. Mr. President, I rise to speak today on an issue that is on the forefront of most Americans' minds this week, and that is the issue of tax day. Yesterday was the filing deadline, April 15, which comes around every year, and for most Americans it is greeted with a great deal of trepidation and anxiety.

April 15 represents the annual call of Uncle Sam, the tax collector, knocking on the doors of hard-working taxpayers, and it highlights the real tax burden that is placed on American families.

This year, Americans will work 74 days to pay their Federal taxes, 74 days to pay their Federal tax burden alone. In order to pay State and local taxes, Americans will work an average of 39 additional days. What that means is that the typical hard-working, taxpaying, law-abiding American in this country will have to work an average of 113 days to pay taxes in 2008.

If we look at a calendar, that pretty much takes care of the months of January, February, March, and April, up to the 23rd of this month. If you think about it, every American is still working this year to pay the tax man. They have not gotten to that point in the tax year when everything they make can then be dedicated to the expenses they have for their families, for their children's education, for retirement, for fuel costs—all the things we deal with in our daily lives. We are still at a point on the calendar where none of what we make can be applied to those necessities of life because we are still at a point on the calendar where everything we earn and make in this country is dedicated to paying the tax man. Literally 113 days of the calendar year of this year up until April 23, which will be next week, is dedicated to pay the tax man.

What does that mean? Another perspective: If you put it into an 8-hour work day, taxpayers are going to work 1 hour and 37 minutes every single day to pay Federal taxes, and an additional 51 minutes to pay State and local taxes.

Put that into perspective. All other categories of consumer spending pale in comparison to the annual tax burden. In fact, Americans only need to work 60 days to pay for annual housing costs, 50 days for health and medical care, 35 days to pay for their annual costs, and 29 days to pay for transportation.

So the expenses most people deal with in their every-day lives, whether, again, that is the cost of housing, health care, food, or transportation—all are basic necessities—pale in comparison to the number of days the American taxpayer works every single year to pay their tax burden.

That is a pretty remarkable chart, I think you would have to say, when you look at the tax burden and the number of days you have to pay relative to the things we spend the rest of our money on.

This year, the statistics are probably better, if you can imagine that, than they were a few years ago. In 2000, before the historic tax cuts took effect, taxpayers had to work an all-time high

of 123 days to pay their tax burden. We have gone from 123 days down to 113 days.

In that same year 2000, a record 33.6 percent of the Nation's income was dedicated to paying taxes. After the 2001 and 2003 tax cuts, Americans were able to work an average of two fewer weeks to meet their Federal tax burden. That is why we find the average American working 113 days to meet their tax liability as opposed to 123 days a few short years ago. That is attributable to the tax relief that was enacted in 2001 and 2003.

Aside from paying taxes, filling out tax returns is a burden in and of itself. We have a Tax Code that is out of control, out of date, and is imploding under its own weight. The U.S. Tax Code spans over 54,000 pages. Some of the current provisions of the code were created 40 years ago. Each year individuals, families, and businesses spend needless hours poring over IRS forms and regulations trying to make sense of the endless exercise of filing taxes. In fact, in total, taxpayers dedicate over 6 billion hours to file their taxes and spend over $140 billion a year in compliance costs.

I read a story a couple of days ago that those who still fill out their own tax returns take an average of 34 hours to do so. That is almost a week. That is a workweek almost for most people to comply or fill out the tax return—for those who still fill out their own tax returns.

Bear in mind that a lot of Americans have gotten to the point where it is so complex, burdensome, and complicated they turn it over to a tax preparer. For those who still fill out their tax returns, 34 hours is the average they spend in complying with the Tax Code in this country.

Ironically, the complexity and uncertainty of filing taxes is only amplified by congressional action. Since 1986, we have made—I say we, the Congress—have made 15,000 changes to our Tax Code, or approximately 2 every single day. Many of these changes focus on 1- or 2-year extensions of expiring provisions.

For example, last year, Congress was unable to extend the alternative minimum tax until the IRS had published its 2007 tax return forms. Because of this delay, 13.5 million taxpayers had to wait until February 11 to file forms relative to the alternative minimum tax.

Only Congress can create a complex tax provision, such as the alternative minimum tax, and actually make it more complicated by extending it after the IRS publication deadline.

Unfortunately, the congressional leadership is simply either oblivious or unsympathetic to the tax burden on American families. Last month, the Senate Democrats called for the largest tax increase in American history. Under the Democratic budget, the reduced individual tax rates are set to expire in 20 months.

As millions of Americans have now finished coping with this year's April 15 deadline, I think it is important to point out that this deadline is going to be even more painful under the Democratic budget that passed the Senate earlier this year.

If the 2001 and 2003 tax cuts are not extended, on January 1, 2011, the 10-percent tax bracket will expire, the tax bracket that was put into effect that impacts low-income earners, lowers their tax liability and took literally millions of American taxpayers completely off the tax rolls. The 25-percent tax bracket that currently applies to earners in that tax rate bracket is going to go up to 28 percent. The 28-percent tax rate will increase to 31 percent. The 33-percent tax rate will increase to 36 percent. And the 35-percent tax rate will increase to 39.9 percent.

On top of the increased tax rates that will happen on January 1, 2010, unless we take steps to extend and prevent those tax cuts from expiring, the increased child tax credit will expire as well. Families with children are going to see their tax burden increase substantially when the $1,000 tax credit is reduced to $500 after the year 2010.

Additionally, the marriage penalty is reinstated. The 31 million filers who report dividend income and the 26 million filers who report capital gains income also will see their taxes on their investments go up.

Finally, the death tax will be reinstated at pre-2001 levels of $1 million. In other words, you can exempt $1 million worth of your income, the wealth you acquired over the years, from the death tax liability. If we think about how that impacts small businesses, farmers, and ranchers—and I can share that as someone who lives in a rural State where we have a lot of farm and ranch families. We have a lot of people with lots of assets, lots of land, lots of equipment, but they are very cash poor. When you take $1 million anymore, with land values being what they are in a place such as even my State of South Dakota, you are going to have an awful lot of people who are going to be hit very hard by the death tax when it becomes reinstated at a $1 million-level exemption.

Attach to that a maximum statutory rate of 55 percent—which, incidentally, is one of the highest death tax rates in the world. So literally you are going to have for people now who worked their whole lives—small businesses, farmers, ranchers—to accumulate some things to pass on to the next generation, all but $1 million of that would be taxed at a rate as high as 55 percent.

Think about the impact that is going to have on family farm and ranch operations in this country and many of our small businesses, which is where most of the jobs in the country are generated.

In total, the average family is going to see their taxes increase by roughly $2,300 per year. That is enough to buy several months of groceries or several months worth of health care.

It does not have to be this difficult. Congress can work in a bipartisan manner to fix our broken Tax Code and to ease the tax burden for families and small businesses.

Commissions have been convened, hearings have been held, studies have been published, and yet another tax day has passed without comprehensive tax reform.

Streamlining our Tax Code will strengthen our economy, it will improve the competitiveness of our businesses, and it will greatly ease the tax burden for all American families.

The problem is not that Washington taxes too little. The problem is that Washington spends too much. The American people, when they start spending virtually a third of their year to pay the tax burden that is imposed on them at the Federal level, the State level, and the local level, we are asking way too much and imposing way too much a burden on the working men and women in this country and those small businesses that are creating the jobs and those who are trying to pass on those operations to the next generation so we can keep family farms, ranches, and small businesses in the family, contributing, creating jobs, and paying taxes. With a confiscatory death tax, which will happen if we do not take steps to extend the tax cuts, we are going to see a lot of those farms, ranchers, and small businesses go by the wayside.

I hope the sentiment in this body, the Senate, and the House of Representatives will change to the point that we recognize the importance of extending the tax relief that was enacted in 2001 and 2003 so we do not see these steep increases in income rates and return of the marriage penalty and a decrease in the per-child tax credit, dividend, and capital gains income being taxed at much higher rates, and the death tax being reinstated. If we are successful in extending those tax cuts, I think we will see an economy that, although experiencing an economic downturn right now, will improve, will start to grow again and create jobs. If we allow these tax cuts to expire, I think it is ''Katy, bar the door'' in terms of the adverse economic consequences and impact it will have on this economy and on the working men and women of this country and the entrepreneurs who make it work.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 2:15 shall be equally divided and controlled between the Senator from

California, Mrs. BOXER, and the Senator from South Carolina, Mr. DEMINT, or their designees.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I don't see the Senator from South Carolina here, and I don't want to presume to describe his amendment. That wouldn't be fair because he views his amendment as something that will help this bill and I view it as something that will kill this bill. Simply put, what he is saying is we need to recommit this bill to the Environment and Public Works Committee, and what he is basically saying is that we need to scrub out of this bill any changes that were made to projects.

Although Senator DEMINT wasn't here at the time, I made the point earlier that in this SAFETEA–LU bill is $110 million worth of projects he requested. He was fortunate: all those projects seemed to be moving forward, and they do not need any technical correction. But many of us—many of us—don't have that experience. For example, Senator INHOFE explained a road project in Oklahoma where one portion of the project wasn't ready for funding and another was. So, yes, we make a technical correction. I have a similar project in my State where we have to make sure the project is changed a little bit or there are going to be some bad impacts on some of my people who live in those communities.

So there is really nothing nefarious going on here. We are just trying to get these projects moving. We are trying to give a green light to projects that are facing a red light. What that means is that about $1 billion worth of projects could actually get started—transit projects, road projects—and we think that, at this particular time when we are suffering a recession, the last thing we should do is try to bring this bill back to the committee because, effectively, that would kill it. So I have respect for my colleague's intention here, but, in essence, if he was being completely straightforward, he would admit this is going to kill this bill.

We know how hard it is to get bills up before the Senate. This bill actually passed when Senator INHOFE was chairman of the committee, but it has languished because we haven't had a chance to bring it to the floor. Senator REID gave us time. It is a simple bill. I was hopeful it could be finished by now. I am grateful we are having a vote on at least one of the amendments—we know of another couple of amendments.

So that is really what I have to say. At the appropriate time, I am going to make a motion to table this motion, so I will return to do that, as I say, at the appropriate time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is advised that the time is under the control of the Senator from South Carolina.

Mr. DEMINT. Mr. President, I yield to the Senator from Virginia.

(The remarks of Mr. WARNER are printed in today's RECORD under ''Morning Business.'')

Mr. DEMINT. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Two minutes 25 seconds.

Mr. DEMINT. I appreciate the chairman giving me the time to speak on the bill. I am offering a motion to recommit, which will be up for a vote in just a few minutes, and it is a motion to recommit the technical corrections bill back to the EPW Committee.

The purpose of this is clear: Colleagues, we have to stop increasing spending at every point, never cutting anything and never looking for savings. On this Transportation bill, there have been a number of projects, hundreds of millions of dollars worth, that were not needed or wanted. And we need to be reminded that the highway trust fund by next year is going to be over $3 billion in the red. With this Transportation bill, we had an opportunity to save. Yet, instead of doing that, I am afraid this technical corrections bill goes well beyond technical corrections and takes the money that would have been saved from unwanted or unneeded projects and uses it to add new earmarks to the Transportation bill that aren't in the original legislation and adds spending to existing earmarks.

My motion would recommit the technical corrections bill to the committee and instruct them to take out any new earmarks and any increases in spending for existing earmarks. What that will do is just leave the base bill, which would be, at that point, technical corrections. That is what this bill is intended to be. So I encourage all my colleagues to show some fiscal restraint and to restore this bill to a technical corrections bill.

I thank the Chair, and I yield back the remainder of my time.

Mr. INHOFE. Mr. President, I ask unanimous consent I have 1 minute to respond.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we talked about this before. First of all, I am coming from a very conservative perspective. Looking at this and also looking at the infrastructure needs we have, we want to make sure the technical corrections bill is not killed because that will stop all the activity going on that is so desperately needed in South Carolina as well as the rest of the country.

There is no increase in the technical corrections bill in the amount of authorization. That is very important for people to know. We talk about projects and assume they are projects that were not considered before. The top line is an amount of authorization that is the same. It has not increased at all. So I contend, with all due respect to one of my closest friends and fellow conservatives, that the conservative position is to stay with the technical corrections bill.

Mrs. BOXER. Mr. President, I move to table the DeMint motion to recommit and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion to table the motion to recommit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—78

Akaka	Durbin	Murray
Alexander	Ensign	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bennett	Grassley	Pryor
Biden	Harkin	Reed
Bingaman	Hatch	Reid
Bond	Hutchison	Roberts
Boxer	Inhofe	Rockefeller
Brown	Inouye	Salazar
Bunning	Isakson	Sanders
Byrd	Johnson	Schumer
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
Dodd	McConnell	Webb
Dole	Menendez	Whitehouse
Domenici	Mikulski	Wicker
Dorgan	Murkowski	Wyden

NAYS—18

Allard	Corker	Gregg
Barrasso	Cornyn	Kyl
Bayh	DeMint	Martinez
Brownback	Enzi	McCaskill
Burr	Feingold	Sessions
Coburn	Graham	Sununu

NOT VOTING—4

Clinton	McCain
Hagel	Obama

The motion to table was agreed to.

Mrs. LINCOLN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I rise to talk about an amendment that has been filed, which may or may not be offered. I wanted to alert the Senate to the possibility of an amendment that deals with moving companies—companies that move families, move furniture, et cetera, from city to city and across State lines—in fact, move them all over the country.

This amendment touches on a bipartisan provision that the Commerce Committee handled 3 years ago, which was, I guess, led by Senators INOUYE, STEVENS, Lott, and myself. We basically acknowledged that there has been a problem in the moving industry for quite some time. I don't want to go into great detail, but I will be glad to if Senator BOND comes down and offers his amendment.

I want to give a little bit of background. Basically, if you look at the statistics, since 2001, there have been about 25,000 official complaints with the Department of Transportation related to household good carriers transporting goods in interstate commerce. These complaints do cover a wide range of abusive household good carrier practices—everything from fraudulent cost estimates to lost and even damaged goods. So they really do cover the waterfront. However, the most outrageous of these complaints, in my view, is what they call ''hostage goods.''

What happens here is a moving company will move goods, and they will hold a consumer's possessions hostage until they pay thousands of dollars in excess of the original estimate. It is hard to believe that people would treat each other this way, but we have seen this thousands of times around the country, where a moving company will hold goods hostage because they want to chisel more money out of the customer.

Three years ago now, in the Commerce Committee, we looked at this situation. We understood the Federal Motor Carrier Safety Administration only had five employees assigned for the entire Nation when it comes to household goods and those complaints. Obviously, we had a problem. We worked on a solution. Again, this was a very bipartisan solution.

Part of the solution was to authorize State attorneys general and State consumer protection officials—they are not always AGs; it depends on the State. Usually they are attorneys general offices, but they don't have to be. It would allow the State to enforce certain Federal household goods consumer protection laws and regulations as determined by the Secretary of Transportation. This set up a partnership between the State governments and the Federal Government. We think it has been working well. We are hearing positive feedback.

State attorneys general, back in January of 2004, sent a letter, signed by 48 State attorneys general, saying they would like to have this authority. Let me tell you why. Probably, they have had similar experiences that I had when I was in the attorney general's office in Arkansas. I had a friend of mine who had moved from Florida back to Arkansas; he was moving back with his family, et cetera, et cetera. Literally, his goods—everything he owned—were held hostage by one of these unscrupulous moving companies. Naturally, as the attorney general, I thought surely we could help him. We started looking at it and learned that we were preempted by Federal law. I think he filed a complaint with the U.S. Department of Transportation, but let me ask my colleagues, who is going to be better at enforcing this and doggedly pursuing relief for their citizens, the State attorney general or the U.S. DOT in Washington—again, with five employees for the whole Nation? That is a pretty easy answer, and that is the State AGs. This is something we crafted, and we believe it is balanced. It came out of committee unanimously. There was compromise. Two Democrats and two Republicans worked together to get compromise language that we believed was fair and, we thought, served the purpose, and we believe it is good law.

I think it is important that it did come out of the committee unanimously. Again, Senator Lott took a real leadership role, and Senator STEVENS was involved and Senator INOUYE was involved and I was involved. We worked hard to get this done for the committee and for the Senate and for the American people.

As part of all this, we listened to industry complaints. We really did try to go the extra mile with the industry. We even had a hearing held by Chairman Lott on May 4, 2006. We brought in witnesses and allowed moving companies to come in and talk about the situation. Basically, at the conclusion of the hearing, the committee found strong support for our safety provision, including the endorsement of the U.S. DOT inspector general and the FMCSA.

So this has been something that has been vetted, has been agreed to, has been passed by the committee and by the Senate, and it has been signed into law. We think it is a good provision.

Obviously, if there is an amendment on this today, this would not be a technical correction, this would be a big shift in policy. I think that is an important factor for colleagues to consider as they look at this.

Also, if it is offered and if, in fact, I have a chance to come back to the floor and talk about it further, I know there will be a little bit of a comparison to the Consumer Product Safety Act and the Consumer Product Safety Commission bill that we filed a few weeks ago, and we passed it on the Senate floor 79 to 13, I believe it was.

I know there will be a little comparison, but this is very different. This is different in a number of ways. It is similar in some ways, but it is different also. And that is, with a consumer recall and with the State being able to enforce a consumer recall once that decision has been made in Washington, there may be thousands, tens of thousands, possibly millions of units of that product out in the American marketplace that has been recalled. Those products may be in warehouses or they may show up on the Internet. There are a lot of different ways they can show up. It can take literally years to get all those products out of the stream of commerce.

The moving industry is very different than that. Almost always what happens with one of these moving companies is something goes on during the move which more often than not is over a few days' period. Oftentimes, it is from one State to another State. The fact situation here is very different.

One of the reasons we are seeing an increase—and even though we passed this law, we are still seeing a fairly steady increase in these types of complaints—is the proliferation of the Internet. You can get on the Internet right now—I did this yesterday as an experiment. I clicked on something such as ''cheap moving companies.'' I don't know exactly what I typed. Several came up. With many of these companies, what you do is click a couple of little buttons to tell how many rooms you have in the house, or something very rudimentary, and you get a quote.

For folks who know about moving, it takes a lot more than that. You cannot make a couple clicks on the computer and think you are going to get an accurate moving estimate.

My experience has been with these large companies, they have written contracts and they have procedures in place. They come out to your home, or wherever you may be, and they look at your goods. They measure, they offer various services for crating, boxing, and all this kind of jazz. They can look, do their measurements and calculations and give you an estimate down to the penny. More often than not, those estimates are very accurate.

The problem is not so much the name-brand companies. I am sure there are occasional problems with them. But the problem we are trying to get to is these companies that are fly by night, many based on the Internet, many of them you do not know with whom you are dealing.

What we are trying to do is clean up this industry and help the American public in any way we can.

Since we passed this legislation, you would think you would see an amazing drop in statistics. We have seen the numbers grow a little bit. Again, it has been fairly steady. We feel as though

we do not have accurate numbers yet. We are actually going to request a GAO study to allow them to do their analysis and see how our provision is working. I think what we will find, once the numbers come in and are analyzed, is some good movement in the right direction.

One point that is important is that under SAFETEA-LU, the FMCSA did not add that many employees. It went from 5 employees to 11 employees. That is still a very small number of employees to do this all over the country. Hopefully, the State attorneys general will be able to help resolve these matters that are very good for the people in their States.

Madam President, I don't know if Senator BOND is going to offer his amendment. He told me earlier he thought he would. I hope he does not. If it does require a vote, certainly I will ask my colleagues to vote against his amendment. If he, in fact, does offer his amendment, I would like to have a chance to respond to Senator BOND. I know Senator BOXER and a few others have indicated their interest in doing that as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4538 TO AMENDMENT NO. 4146

Mr. COBURN. Madam President, I ask that the pending amendment be set aside and at the appropriate place amendment No. 4538 be inserted into the Boxer substitute.

The PRESIDING OFFICER. The Senator may propose an amendment to that substitute.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL, proposes an amendment numbered 4538 to amendment No. 4146.

Mr. COBURN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create a bipartisan, bicameral special committee to investigate the improper insertion of an earmark for Coconut Road into the conference report of the 2005 highway bill after both chambers of Congress had approved identical versions of the conference report)

At the appropriate place, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for ''Widening and Improvements for I–75 in Collier and Lee County''.

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for ''Coconut Rd. interchange I–75/Lee County''.

(3) A December 3, 2007, article in the Naples Daily News noted, ''Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.'''.

(4) Page 824 of Riddick's Senate Procedure notes that ''Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.''.

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the ''Coconut Rd. interchange I-75/Lee County'' calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 1, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

Mr. COBURN. Madam President, I am on the floor this afternoon because a few years ago something happened in Congress that should never have happened. What happened is a bill passed the House and a bill passed the Senate. A bill that both Houses agreed to was changed before it went to the President. We do not know where it was changed or who changed it. We do not know the details of it. There has been speculation in the press, but we do not have any real knowledge of how this happened. But there is a principle, and the principle is, if we cannot trust what we agree to in both bodies of Congress will be sent to the President, then everything we pass has to be suspect.

This is a hard amendment to offer because there is a lot of angst around looking at ourselves and looking at the problems. But the one thing we do know is the American people expect the process to be one that is open, one that is accurate, and that when the President gets a bill, it truly represents what the Congress intended.

What actually happened? On the highway bill conference report passed by Congress, item 461, there were widening improvements for the I–75 corridor in Collier and Lee Counties in Florida. What actually went to the President was different. This was changed to Lee County only and for an interchange. Somehow that got changed. This money has been rejected three times by the citizens and their elected representatives in that area because they do not want an interchange. What they wanted was to widen I–75 in terms of hurricane evacuations.

As I said, we do not know how this happened. There is press speculation. We don't know if it occurred in the Senate. We don't know if it occurred in the House. What we do know is it did occur, and nobody can dispute the fact. And this bill, thanks to Chairman BOXER, corrects that and puts it back to what the original intent of Congress was, what Congress intended originally.

Some will say: Now that we fixed it, we don't need to do anything about it.

But the problem the American public has in terms of confidence in us is that we will do the right thing, and the right thing is to figure out how something such as this happened and make sure it never happens again and put in the safeguards so we know it will not happen again. I believe it is time for Congress to look at this issue and fix it.

Many of my colleagues say we are treading on dangerous water because if this occurred in the House, we are forcing the House to look at something, one body telling the other body to do something. We don't know where it occurred.

The amendment I am offering creates a committee of Members, four from the House, four from the Senate, that will look at this issue and make appropriate recommendations to the appropriate bodies; that is, the House Committee on Official Conduct and the Senate Ethics Committee or any law enforcement officers.

I understand that there will possibly be a second-degree amendment, and this ought to be offered and made, that the Justice Department look at this. That can certainly happen in due time, but there is this little issue of separation of powers. We have the responsibility in Congress to do what is right.

It is very interesting the debates we have had, especially in this Congress, about separation of powers and not wanting the executive branch to take power away from us. However, we are thinking about offering a second-degree amendment that would do that.

I believe in the people in this body. I believe we all do not like that this happened. I believe we all want to see that it never happens again. The best way to do this is to have an investigation, two Members appointed by the Speaker and two Members appointed by the minority leader in the House, two Members appointed by the majority leader in the Senate and two Members appointed by the minority leader in the Senate. So we have eight Members reporting back to us what happened and making recommendations to the appropriate committees, not necessarily to us.

As we all know, Senate ethics investigations, as well as House investigations in terms of official conduct, are not public. We don't know if something is going on regarding this issue now. But what we do know is something happened, and we ought to be about fixing it.

My worry is if we modify this amendment or we do not agree to this amendment, this is going to be the feeling of the American public: Is this political? Can we not control the rules of our own body in terms of enrollment?

It is interesting what Jefferson said when he talked about this in his manual. He described what should and shouldn't be done when a bill has passed both Houses of Congress.

The House last acting on it, notifies its passage to the other and delivers the bill to the Joint Committee on Enrollment, who sees it is truly enrolled in parchment. When the bill is enrolled, it is not to be written in paragraphs but solidly, all in one piece, that the blanks between the paragraphs may not give room for forgery.

That is, in essence, what happened in this case. Now, that is not a case for the Justice Department to investigate at this time. That is a case for us to investigate and look at our own rules. The fact is, something went terribly wrong on the way of a bill going to the President that was different than both Houses of Congress passed.

I understand the angst of someone coming from the Senate and saying this ought to happen, and I understand we don't want to get in a fingerpointing mode. But if the House agrees with this in conference, it will happen; and if they do not agree with this in conference, it won't happen. But what should happen in the Senate should be that we look at this so we can create the confidence that the American people deserve to have in this body to know that when we pass a bill out, that the bill we passed is actually the bill the President signs.

I am thankful to the Transportation Committee and Chairman BOXER and Ranking Member INHOFE for clarifying this and fixing it. It is right that it should be done. It is right that the original intention of it should be done. But that is not good enough. That is not good enough for the American public. I understand the desire of the chairman of the committee to move this out of our hands and into the Justice Department's hands, but I have some problems with that. One is this idea of separation of powers. What other powers are we going to give up when we can't handle a simple investigation into what went wrong during the process of enrollment?

The second thing is, my legal staff tells me we cannot mandate to the executive branch what they will and will not investigate. So should they choose not to investigate this, we will have been no further down the road. But the 100-percent guarantee that it will get investigated is if we have Members of both bodies investigate this and come to a resolution so it does not happen again.

It doesn't matter whose bill it is, and it doesn't matter which party's bill it is. If a bill, no matter whose bill it is, is changed, it affects the whole country, and it affects the confidence in this body. This is an ethical issue for us, if in fact it involved the Senate.

The easy thing would be not to offer this. That is easy; you don't make other Senators uncomfortable with you; you don't have the chance that the House could be upset at what we are suggesting in a conference, if they agree to us jointly in investigating this. We could sweep it under the rug as if it never happened because we corrected it. But it did happen. And by not investigating it, it means it can happen again.

This is not without precedent. I believe in 1982 or 1992, this same thing happened and it didn't get investigated. It just got changed. So here we have it happening again, and only because of some very good work in the press were we made aware of it. Consequently, we ought to be the ones to fix it. We ought to take responsibility for our actions and we ought to correct the problem that happened with this, wherever it may be. If it happened in the House, the House should correct it. If it happened in the Senate, the Senate should correct it. But at least we ought to know the details of how and why, and then, if appropriate, a referral, if in fact that is justified. If it was a simple clerical error, we will know that. If it was more than that, we will know that.

The fact is, by not doing this, what we are saying to the American people is, oops, we had a mistake that is paramount to the quality and the clarity of how this body functions, and we believe it is not a grave error. Well, I happen to disagree. It is an entirely egregious error because it impacts every other piece of legislation.

If I as a Senator can no longer trust that the bills we pass in Congress, after they are enrolled, are exactly what we pass, then I now have to spend the time looking at every bill after it has been enrolled to make sure it matches. None of us has the time to do that. That is what we entrust the Secretary of the Senate and the Clerk of the House for.

So somewhere along the way, something changed. We need to know that. We don't need to play the same political games. We don't need to play a partisan game with it, because nobody knows for sure who did what. What we do need to do is to do the hard work of looking at what went wrong and making the appropriate changes.

I note there are several cosponsors, and the Presiding Officer is one. She has been a great addition to our body because she seeks clarity and transparency in what we do here; also Senator MCCAIN and Senator OBAMA, as well as Senator MARTINEZ and Senator NELSON of Florida. They are the two Senators where this had the most impact.

I don't come to the floor lightly saying we want to poke at people, but I do think it is important for the integrity of our body that we, along with the House, get to the bottom of it. It was my hope we could work this out without trying to refer it to the Justice Department. If in fact it needs to get there, it will get there after appropriate investigation.

To bypass us and give up our power to correct things that are wrong with our rules—not laws, our rules—seems to me to be the antithesis of what we have debated so many times in this Senate over the past 9 to 15 months about the executive power encroaching on the Senate. Now we are ready to give that power away for something that is duly ours and set a precedent

that we are going to ask the Justice Department to investigate us? We ought to be investigating ourselves.

We have the integrity, we have the quality, we have the people, and we have the goodwill of all the Senators of this body and all the Members of the House to do that. Because the institution is more important than any one of us. What we do for the American people has to be more important than any one of us. So it is my hope—I will not take much more time—the Senate will concur.

This is done with all sincerity. I am pointing a finger at no one. But I think if we do not do this, by a second amendment that takes it away, what we will have done is to abrogate our responsibility in terms of the clarity of our purpose and the quality of our work. And if we choose to do that, here is what we will find. We will find another notch down the confidence in Congress by the American people, if we refuse to look under our own bedsheets for our own bedbugs and give that responsibility away.

I appreciate the help of the staff of the committee. They have been very forthright in working with us. As I have said before, I appreciate Senator BOXER's cooperative attitude on this. We disagree on how best to handle this, and I understand her right as the chairman and as a Member of this body, but my hope is we don't give away powers that are ours. The separation of powers is a very important concept in this body, and to abrogate our responsibility and appoint it somewhere else, when we don't have the facts—that can always happen afterwards.

In fact, this amendment states that appropriate referrals will be made to both Ethics Committees of the House and Senate and to law enforcement, if necessary. So my hope would be that we could vote this eventually and look at it. I think it is paramount for the quality of our work.

Madam President, I reserve any time I may have, and I look forward to the comments of the chairman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when I learned about this whole issue of what went on in a very devious way related to a highway project, I was very glad Senator COBURN called it to our attention. Where we are right now is the best way to handle this, and this is where there is a bit of a disagreement.

I am concerned, as I look at the Senator's solution here. Essentially, what he has is the House and Senate selecting Members to go on this special committee, and I believe that injects politics into it right away. We can all say we are going to be objective, and so on and so forth, but I think people get the sense, oh, that is a Republican, and he may feel one way; or she is a Democrat, she may feel one way; or I saw that person going to dinner with another Senator or another House Member this way.

I am chair of the Ethics Committee, so I know it is very hard to be totally objective, and you must be in this circumstance. But I think the appearance of a conflict of interest in setting up this committee is something I would rather avoid. So I think that Senator COBURN has done everything in his power to set up a way to investigate this that is fair, but my feeling is there is a better way to go.

As a matter of fact, I am going to offer an amendment to the underlying substitute, and I would ask the Parliamentarian if I need to lay aside the pending amendment in order to do that.

The PRESIDING OFFICER. The Senator does not need to do that. The amendment is in order at this time.

AMENDMENT NO. 4539

(Purpose: To call for a review by the Department of Justice of allegations of violations of Federal criminal law)

Mrs. BOXER. I send an amendment to the underlying substitute to the desk.

The PRESIDING OFFICER. The clerk will report.

Mrs. BOXER. Do I need to ask for its immediate consideration?

The PRESIDING OFFICER. That is automatic. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4539 to the text of the committee substitute to be inserted:

At the end of the amendment, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59 to ascertain if a violation of Federal criminal law has occurred.

Mrs. BOXER. Madam President, I thank the clerk for reading. That is it in its entirety. We call attention to the exact problem that occurred in the bill, the exact project, without naming it. It is explained here. We know it is the Coconut Road project.

This is not a sense of the Senate. This is a very direct amendment that says the Department of Justice shall review these allegations and they shall ascertain if a violation of Federal criminal law has occurred.

So what we do, by taking it into this realm, we take it out of the realm of politics. Senators selected by the Senate to be on this investigation committee of something that happened over in the House; House Members selected by the House to investigate, to me it injects politics into the process.

Secondly, if you read the Constitution and you see the speech and debate clause, you understand that this raises constitutional issues—the Coburn amendment—as to whether one part of Congress can investigate another. I don't want to see this whole thing collapse like a deck of cards because we did something unconstitutional. We know that the Justice Department, when there is an allegation of improper behavior, we know when there is a possibility here of laws being broken, they have the clear obligation and responsibility, and now we are, in essence, telling them they must review this.

In our conversations, one of the things Senator COBURN was worried about was that the Department of Justice could not use the subpoena power. I have looked at that and what I have found is that is not true. In the case of the Jefferson investigation, it was because there was no warrant. That was the problem. There was some narrow issue involving that. Clearly, this investigation would be appropriate.

Also, we don't give up anything here, I say to my colleague. Consistent with applicable standards and procedures, that is what we say. The Department of Justice shall review, consistent with applicable standards and procedures. No new rules, no new laws, no new ways, and very clearly done.

Frankly, if I might say, I am so angry about this. I am so upset about this. I am sick about this. I think it is very possible people ought to go to jail here. A Senate and House committee can't send anybody to jail. They simply can't. They could make a referral to Justice, but they can't do it.

I am saying I think what we are doing here, by requiring that the Justice Department—by saying, ''They shall review allegations,'' I think is a much better way to go. It keeps politics out of this, it keeps constitutional questions about the debate clause out of this, and it gets to the heart of this, which is, if there was a crime, the person ought to go to jail or the people ought to go to jail.

Let's get right to the point instead of setting up some political committee. They will call hearings and the press will come and people—Senators will make speeches and make their careers. I can just see this thing. I can see this coming. I want to avoid a circus. I want to put somebody in jail if they did something wrong. That is why I think this particular amendment I am offering is the way to go.

I do respect my friend. I certainly am looking forward to having votes on both of these, but I do think this simple amendment we have here will get to the bottom of this, which is where my friend wants to go. He wants to punish the people who have done something wrong. That is what I think we do here.

I will be happy to yield the floor because I see my colleague would like to respond.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, I thank the chair for her words. I stated that this amendment language is based on a very big precedent established in 1992 in this body with a joint committee of Members of Congress to look at the rules in both Houses, to look at the processes in both Houses. There is a precedent. There is not a

problem with the debate clause. I think that is not a prudent argument to be against this.

The Justice Department will eventually get this if, in fact, we find out there was a crime. I also make the point that nobody knows right now where this occurred. At least I don't. Nobody knows what the facts are, so the assumption we are making that we would be involved in investigating the House is—we do not know that. At least I certainly do not know it, and I have kind of been looking at this for quite some time. So it is an assumption that we are going to have, necessarily, an investigation of the House. We may be having an investigation of the Senate.

The fact is, we have a good precedent for this. This was a Joint Committee on the Organization of Congress, H. Con. Res. 192, in the 102nd, and it looked at everything. It didn't just look at one specific thing. So there is precedent for it.

More important is the separation of powers issue. What we are saying to the American public is we do not have the power to control our own body and that we have to ask the Justice Department to come in and do it. If there is a criminal violation, they certainly ought to be involved in that, but we do not know that yet.

First of all, these are the rules of the Senate. They are not law. We are asking them to investigate the rules of the Senate, not a law; therefore, we are giving power to the executive branch, we are asking the executive branch to come in. My great worry—there is no question, Senator BOXER's amendment will do this. It will get an investigation, if they will come and do it—there is no way we can force them to come and do it—and we will get to the bottom of it.

But I am worried about the integrity of the body, saying to the American public that we cannot police ourselves; we cannot do it; we do not want to take the heavy lifting it is going to take. And I do not believe a four-by-four panel of two Democratic Senators, two Republican Senators, two Democratic Congressmen, and two Republican Congressmen—and this committee has the right to not do any of this in public if they do not want to. The committee totally gets to do this. Nobody wants a circus. I am even reticent that I am actually here making this point. I think it is a pox on our body that this happened, but I think it needs to be addressed.

My hope is that people will not take a partisan viewpoint on how they vote. My hope is they will think about the institution of Congress, they will think about the separation of powers, they will think about the difference between laws and rules of the Senate and rules of the Congress. Then, if a referral needs to be made to the Justice Department, we would do that, but that would most appropriately come from our Ethics Committees, not from this committee—after a referral from this committee to the Ethics Committee.

The chair of the Ethics Committee cannot say whether they are looking at this right now. They may be. They may not be. We do not know. The Justice Department cannot say whether they are or not. So we do not know what is happening.

The point is, something needs to happen. I worry that when we tell the American public we are not capable of looking into our own dysfunction, that, in fact, what it says is that we give up power to the Justice Department to look at how we enroll bills and whether we violated the rules under how we do it. I have a real concern with that. I have tremendous concern with that, especially since we made such a large issue of separation of powers in this Congress.

I will make one other point, and it is not to demean the Senator from California. If this were important to the committee, why was your amendment not part of the committee mark? If, in fact, the committee was enraged over this, why was this not a part of the original committee mark?

Mrs. BOXER. Is that a question to me?

Mr. COBURN. Why have we not addressed this in the original committee mark or the substitute? We corrected it—and I said, while the Senator was out, I was thankful that the problem was corrected. But the issue of how it got changed is not in the committee mark.

This amendment, this second-degree amendment, comes on the fact that we are trying to offer what I think is a cogent way that has precedent in both the House and Senate for solving this. That is probably just an oversight because I know the Senator cares deeply about this. I know she was upset about it. With everything they had to do to bring this bill to the floor as quickly as they did, that is probably what happened. But the fact is, we are at this point. If the body wants the Justice Department—if we want to give up that power to the Justice Department, the body will vote that, and that is fine.

The last point I will make, and I will not continue on a lot further, is this does not force the House to do anything. Let me tell you why. This bill will go to a conference committee, I believe, of which Chairman BOXER will be the head, and all the House has to say is: We disagree with this; we do not want to do this; we do not want to have a committee look into this. The House has that option, and if it does not agree to it, it will not come out of the conference committee and we will not do anything on it.

The same is true of her amendment in terms of the Department of Justice. But it is important for the American people to know whether something happens on it and whether we do it in a way that emboldens and strengthens the institution of Congress or weakens it.

AMENDMENT NO. 4540 TO AMENDMENT NO. 4539

Before I yield the floor, I have a second-degree amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4540 to amendment No. 4539.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for ''Widening and Improvements for I–75 in Collier and Lee County''.

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for ''Coconut Rd. interchange I–75/Lee County''.

(3) A December 3, 2007, article in the Naples Daily News noted, ''Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.' ''.

(4) Page 824 of Riddick's Senate Procedure notes that ''Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.''.

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the ''Coconut Rd. interchange I–75/Lee County'' calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 2, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

Mr. COBURN. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, let me just say to my friend, I am the chair of the Environment and Public Works Committee. I am not the chair of the Judiciary Committee. I just want to say for the record, in defense of my committee members all, that we fixed this problem in this bill. We fixed the problem in the bill. Do I support the Justice Department going after the evildoers and putting them in jail? You bet I do. But—I hate to say it—in Environment and Public Works, that is not our role. I support what the Senator is trying to do here. So let's get that clear.

On page 86, here it is fixed, in section 110. I want to make that clear, that our committee did the right thing and fixed this problem.

My friend is right, there was a committee to look at the rules. But if all he is doing is looking at rules—and I know he is not—then what is the point? I want to look at what happened. My friend himself talked about fraud. The fact is, we better get to the bottom of this, and all this committee is going to do is look at rules. Frankly, I don't think it is doing much. I would much rather put people in jail. The proper way to do that is to call on the Justice Department to look at these crimes because, to me, it is the crimes that concern me. I think what they did, on the face of it, going in the dead of night, is certainly not allowed in our rules—at least my interpretation of the rules. That, to me, is not.

I tell you right now, in our committee we are pretty tough on this. We are not allowing people to change things.

Everything that is in this technical corrections bill—and that is why Senator DEMINT praised us—is on the Web site for all to see. We believe in transparency.

What this is about is getting to the bottom of allegations of serious crimes—bribery. Bribery. That is why I do believe at the end of the day let's keep politics out of this issue.

I can tell you right now, the Senators who get on this committee are going to have the flashbulbs going off in their faces, they are going to make a big to-do about this, and they are not going to talk about rules, they are going to talk about crimes. The sad thing is, even if they got to the bottom of it, at the end of the day the committee cannot put anybody in jail. The Justice Department can.

The speech and debate clause is really clear. I know my colleague in the chair is a very prominent attorney. If you look at section 6, article I, it clearly says:

. . . for any Speech or Debate in either House, they shall not be questioned in any other Place.

So our attorneys are saying the way this is set up, A, you have politics in it; B, you have a constitutional problem, probably; and C, it is a lot of hoopla, a lot of cameras, and at the end of the day we want to put people in jail. That is what we are talking about, really, at the end of the day.

Looking at the Senator's own document on page 5, he says the committee shall share its findings, share its documents, share its information, and so on, with various groups.

I just believe to be tough you have to get the Justice Department involved. When there is a knock on the door from the Justice Department, you will get to the bottom of this. That is what the Boxer amendment does.

I hope people who really want to be tough will do the tough thing, not set up some committee that is going to give Senators and House Members a chance to make political points, and the public will look at us and say this is just a great big show, but really get to the bottom of it and get the Justice Department into this now. There are reports that they are looking at some issues, but there is nothing to say that they are looking at this particular problem.

That is what I have to say. My friend is right to bring this up. I am glad. When the press said: What do you think? I said: Good for him for bringing this up. I am sorry we were not able to agree on the right approach, but I feel very good about the approach I have come up with here. I look forward to our colleagues voting on this at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I will just make one comment.

First of all, the chair of the EPW Committee is very gracious. I appreciate her words, and I intended no disrespect for her in terms of her effort. I know she supports this effort to get to the bottom of it. But I would make a correction. We only say we should share with three people: the appropriate law authorities and the appropriate ethics committees of both the House and the Senate.

We did not envision a show. I would envision that the people who might be on this committee would take this very seriously; that, in fact, it probably would not be open hearings but, rather, closed, and that, in fact, we would get to the bottom of the problem.

But either way we get to the bottom of the problem, I am happy we are going to get there. I think it is important that we get there. As I outlined, I think the integrity of what we pass, no matter how we get there, as long as we can ensure the integrity, I will be satisfied we have done that. I am not sure we will get that.

The final point I would make is we will be setting a precedent. Let us not forget, we will be setting a precedent that the Congress says the Justice Department should investigate us. That is a big precedent. That is a big precedent. I am not a lawyer. I do not know if it has happened before, but I do not like that precedent. I don't like it at all. Because I think the integrity of this body is far greater than that. I think Members of this body are far above that, that we do not need the Justice Department to investigate us. I think we can investigate ourselves and we need to demonstrate to the American public that we do have the will and courage to do the disciplined thing and do the right thing and to solve the problem.

Then if a referral is needed to the Justice Department, we should give it. But I have great qualms, great worries about ceding to the Justice Department the power to investigate us. My own personal experience is, we do not know where they will go. We do not know that they will stick on us. The point is, this is a big precedent I would worry about setting.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I might respond to my friend, No. 1, we do not cede a thing. We do not give up anything. As a matter of fact, we stay consistent with applicable standards and procedures, and this cannot be a fishing expedition. We say the Department of Justice shall review allegations of impropriety regarding item 462 in section 193(4)(C) of Public Law 109–

59, to ascertain if a violation of Federal criminal law has occurred.

The question is, to me: Will the people or persons who did something wrong be punished? At the end of the day, that is what I am about. I am not about big committee hearings and special committees and the rest. Listen, I am not about that. I am about: We have a lot of work to do for the American people. My friend used words—''fraud,'' he said. He said ''fraud.'' He already used it. And in his own resolution he says: If they find that there was such fraud, which he already thinks there was—which, by the way, I think it was worse than that, but that is what I think from what I know.

There needs to be proof here. I do not mean to leap ahead too far. He says he is going to refer it to the proper law enforcement. Why can't I say: Well, that is a bad precedent. I do not get it. The difference between what the Senator is doing and what I am doing is I am saying: It looks bad, as if there were a crime committed; we are not sure. Let's get right to the heart of it, and let's go after it.

Here, what my friend is doing, he says: Before we tell them to look at it, we are going to have these hearings. By the way, in his own words, he is going to put the findings on the Internet, he is going to publish them. I have been around here long enough to know what a circus is. I have been involved in a lot of investigations on a lot of committees, and what I want is justice done. I do not want political theatre. I want justice done. I will tell you why. When justice is done and someone goes to jail—we have seen a few people from the other side walk off to jail—that sends the best possible message.

I do not think it ought to be delayed by hearings. Sometimes what happens is, it holds up a Justice Department investigation when there are public hearings going on. I have been in that circumstance too. So I say, here we have two options. One sets up this elaborate committee, and the other one says: Let's get to the heart of this, go after these bad actors, put them in jail. I think that is the better way to go.

I guess I have said it a hundred ways to Sunday. I would stand on those remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I certainly appreciate hearing the debate on the amendments of the technical corrections of the highway bill.

I want to take a little detour for a moment. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NIGERIAN DETAINING

Mr. TESTER. Madam President, I rise to speak on a matter that has been of great concern this week to not only the Governor of the State of Montana and Senator BAUCUS, but to my colleagues from the State of Washington, Senator CANTWELL and Senator MURRAY.

Four Americans were detained last weekend in Nigeria. They have been held in Nigeria until today. Today they were released. It is an enormous relief to all of us and particularly to those families, that Sandy Cioffi, Tammi Sims, Clifford Worsham, and Sean Porter will soon be reunited with their loved ones.

Nigeria's State Security Service has been overseeing their custody since Saturday afternoon, more than 100 hours. They were charged with no crime. They were in the country legally. They did nothing wrong. So we worked closely to try to get these folks released, and it did happen. It is particularly of importance to me because one of the people who was detained is a lady by the name of Tammi Sims. Tammi is from Joplin, MT, which is a stone's throw away from my hometown. I have been in regular contact with her family since last weekend, and they have been worried sick. But now we have reason for hope. We will not be celebrating, however, until Tammi is reunited and the others are reunited with their families here in the United States. We will continue to keep our fingers crossed, and Sharla and I will continue to pray for Tammi and the rest of the group until they are back here on American soil.

I do, however, want to take a minute to thank the consular affairs section of the U.S. Embassy in Nigeria, who were so very helpful in getting information about these individuals back to my office and to the families of those folks. I also thank the dedicated Foreign Service officers of the State Department. They do this kind of work all over the world, probably every day, but it is not until one of your own is in need of assistance that you appreciate their work, and I do.

I also thank some of my other colleagues, including Senator FEINGOLD, Senator BROWN, who also expressed support for these folks. I thank them for that. This is a good day, and hopefully those folks will be back in their home country very soon with their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

CONGRATULATING DOVER AIR FORCE BASE

Mr. CARPER. While we are talking as in morning business, I wish to continue the detour, although I may take a little different direction.

As the Chair and my colleague from Montana probably know, each year our military bases in this country go through a competition in which Air Force bases are evaluated against other Air Force bases, and naval installations against other naval installations, Marine Corps against others, Army installations against other Army installations.

For 23 years or so the Air Force has been comparing their bases in a friendly competition called the Commander in Chief's Installation Excellence Award. During that period of time, it is my understanding that no mobility command, no airlift base, if you will, such as Dover, has ever been honored as the best of the best.

Yesterday I was visited here on Capitol Hill by COL Steve Harrison, who is the active-duty wing commander for the Dover Air Force Base, and he gave me this letter announcing the good news, that Dover Air Force Base has been selected for this high honor.

As an old naval flight officer, I remember often my squadrons on the naval bases where I was located participating in ORI exercises, operational readiness exercises. This is not an ORI. This is a competition which digs in deep and looks at things other than how well you fly your airplanes and meet your readiness requirements and meet your mission, although that is part of it.

This is a competition that also involves how you care for your people; what kind of workspaces do you provide for the folks who are on your bases, the uniformed, nonuniformed personnel? How do you look out for the families of those military personnel? How well do you think outside the box in trying to address the problems and challenges you face? What kind of commitment do you have to innovation in the delivery of the service you provide to support our military forces?

There are over 100 Air Force installations throughout this country. To have been chosen as the one that is believed to be most worthy of receiving this award this year is a matter of great pride, not only for the men and women who wear the uniform at the base, not only for the civilians who work there, and for the families, not only for the Air Force retirees in our State—and there are a lot of them who served at Dover Air Force Base—not only for the folks who live in Dover, the civilian population in central Delaware, this is a matter of pride for all of Delaware.

We have one active-duty installation, actually active duty and a reserve wing at Dover Air Force Base. We have an Air Guard installation up north in our State that we are very proud of. They fly C–130s. But this one, Dover Air Force Base, is very special to the people in our State. They fly C–5 aircraft, which are among the largest aircraft in the world. To be from a little State, and to be the home of one of the biggest aircraft in the world, gives us bragging rights that little States do not often get.

We have C–5B aircraft, about 18 of those at our base. We are getting a new squadron, a squadron of brand new C–17 aircraft that will complement our C–5s. The C–5s will be modernized in the years to come.

Dover Air Force Base has not only wonderful people, a terrific tradition and reputation, but will also have the new C–17s and maybe the first modernized C–5s. We will be ready to go to work and do our job.

Among the things pointed out in the recognition of Dover Air Force Base is

that they have secured, I think in the last year or so, October 1, last fiscal year, October 1, 2006 through September 30, 2007, among other things, they have secured some roughly $50 million in milcon projects. I hope our delegation, Senator BIDEN, Congressman CASTLE and I, was helpful in that process. We are grateful to our colleagues for the support of that funding.

During that period of time, we opened a brand new air freight terminal that cost, over several years, about $77.5 million. The efficiencies that will flow from that new cargo-handling facility will actually pay for that facility within 2 years. Now, whenever companies are looking for a way of a return on investment, the idea that you can get a return on investment in 5 years or maybe even 10 years is not deemed very bad. We will realize a return on this investment for our new cargo-handling facility, our air freight terminal, within 2 years of bringing it on line.

What we have done at the base in terms of privatizing the housing and providing enlisted and officer personnel with better housing for themselves and their families is something we greatly appreciate. Also, in the Air Force, they conduct roughly every 400 or so days an inspection called an isochronal inspection. The isochronal inspections that are now being provided for C–5 aircraft take place not only for the air mobility command C–5S but for those that are in the Air Reserve components and the C–5s that are part of the Air National Guards are all done at Dover Air Force Base.

The good news is not only are they done at Dover, because they are done at the Air Force base with people who know how to do this work, trained to do it, they are able to greatly reduce the amount of time it takes to produce the isochronal inspection—not to diminish the quality, the thoroughness of that inspection, but to reduce the time. Since time is money, we are saving some money there for the taxpayers.

Dover Air Force Base provides over one-quarter of all the Department of Defense airlift requirements. They have for some time. With the new cargo-handling facility coming on line, we expect to see that number go up. I understand in the last year or so, the last fiscal year, they completed more than 20 antiterrorism and force protection initiatives.

So to the team at Dover Air Force base that very much is a team, the active-duty wing, the Reserve wing, which works seamlessly together in providing airlift capabilities for our country and around the world, this old naval flight officer salutes you on a job well done. On behalf of every single Delawarean, congratulations and God bless. Keep up the great work.

Mr. BIDEN. Madam President, yesterday, the Secretary of Defense announced the 2008 Commander in Chief's Awards for Installation Excellence. These awards honor the best installation for each service. For the first time in the 23-year history of the award, the Air Force winner is a mobility base, Dover Air Force Base. Out of 117 Air Force installations, Dover AFB was chosen as the absolute best.

I cannot say that I was surprised. I believe they won because of the tradition of excellence imbued in each man and woman working at Dover.

It started in 1941, when the 112th Observation Squadron of the Ohio National Guard arrived to set up antisubmarine operations at the new Dover airfield. That mission and the others that helped America and her allies win World War II began an enduring tradition of excellence. In 1948, the airfield was officially named Dover Air Force Base and the Nation moved into its Cold War posture. Some may not know this, but for 7 years, 1951–1958, Dover was home to fighter squadrons defending American airspace.

In 1955, one of Dover's best known missions came to the base, the Aerial Port Mortuary. For over 70 years, the Dover team has given fallen Americans an honorable and compassionate homecoming. While it is only one mission on the base, every generation of air men and women stationed at Dover has taken pride in honoring America's heroes and ensuring the grace and dignity of their return to our Nation and their families.

By the late 1950s, Dover was transformed into a mobility base, under the Military Air Transport Service, which became Military Airlift Command, and eventually became Air Mobility Command. Since 1973, Dover has been home to America's largest military transport aircraft, the C–5. Just last year, the Nation's second largest military transport aircraft, the C–17, was added to the base. As home to the Nation's great airlifters, Dover has always been busy—supporting American forces in every military engagement from Vietnam to Grenada to Panama to the first gulf war to the Balkans to Afghanistan and Iraq; supporting our Israeli allies with critical supplies during the Yom Kippur War; evacuating Americans from Iran in 1978; assisting with cleanup from the devastating Exxon Valdez oil spill; assisting Central American nations, Turkey, and Taiwan that have experienced devastating earthquakes; providing humanitarian aid around the globe after major natural disasters; and supporting Presidential travel around the world. This dual mission, to provide lethal force and vital humanitarian aid, makes Dover critical to America's use of both hard and soft power and has made it all the more important that every generation serving at Dover carry on the tradition of excellence.

This year, Dover's tradition of excellence and the entire Dover team have been recognized with the Commander in Chief's Award. What does it mean to be the best base in the Air Force? It means that the entire Dover team has found innovative ways to make the absolute most of the resources they have. They have not only saved the taxpayers money, they have also given the warfighter more capability.

They have also been unstinting in giving back to the local community and the larger Delaware community. The Dover team is not just the air men and women serving on the base. It is also their families, civilians working on base, the businesses that support base operations and life, the State and local government that support base needs, and the entire Delaware military community working together to give the State and the Nation the very best.

Let me give you some examples from the seven categories that were considered in the competition. Keep in mind that all of these accomplishments occurred in 1 year. They were only possible because the people at Dover, despite full-time, 365/24/7 operations in support of Iraq and Afghanistan, constantly challenged themselves to do more and to do it better.

First, improvements to the infrastructure of the base and the working environment were considered.

Dover opened a state-of-the-art, $77.5 million Air Freight Terminal that increased cargo capacity and efficiency through Dover by 50 percent. The base also invested $53 million in a major runway improvement project and another $3.5 million to repair 183,000 square feet of taxiway, improving both the efficiency and safety of airfield operations. After a close analysis of their budget, the Dover team found $32 million to use for base improvements, including a $5 million renovation of a squadron operations building, C–5 recapitalization, and projects needed for the C–17 squadron setup. Thoughtful planning allowed Dover to keep the bed down of a new C–17 squadron on schedule because base personnel proactively made $780,000 necessary basic infrastructure improvements. In addition, they installed solar lights on the runways and reinforced the taxiway so that C–17 aircrews could do navigation training and combat off-load training.

Dover also improved security operations by installing over 450 removable bollards on the base, including some at the gate in a ''Lazy S'' curve to prevent reverse entry threats. The bollard installation reduced the force protection squadron's time spent on contracting by 50 percent, freeing them for security missions. Security was further enhanced by the installation of a $450,000 crash-rated airfield gate, U.S. Transportation Command's No. 1 priority for force protection, and by the use of radiological detection equipment to screen over 91,000 trucks in 1 year alone. This valuable equipment, valued at $150,000, was obtained by base personnel at no cost. In addition, by renovating the Security Forces firing range at a cost of $4.8 million, the base was able to increase the range's capacity by 15 percent and save 1,000 manhours per year.

Second, improvements to the quality of life on the base were considered.

Dover has pioneered Air Mobility Command's privatization effort for base housing. Dover built 240 homes in 2007 and was named the 2007 Outstanding Housing Installation Team-Privatized Location for the Air Force. The $250 million housing project is the benchmark for the command and will ultimately increase the housing standards for 980 families when complete in 2009. Dover's Services Squadron was recognized as Air Mobility Command's 2007 Youth Program of the Year and the Outdoor Recreation Program earned the Air Force's 5–Star Program Award. Quality of life for airmen was further enhanced by finalizing the design of a $13 million, 144-room dormitory that exceeds command standards and will be a model for other bases.

Keeping the Dover team, including families, healthy is critical to a high quality of life. Dover is the only base in the command with 100 percent of its pharmacy technicians nationally certified. In addition, the base was first in the command and third in the Air Force for flu immunization rates, at over 99 percent.

Third, efforts to enhance the productivity of the workforce were considered.

Dover has taken the lead role in reducing the time needed for Isochronal, ISO, inspections and, as a result, was made the regional center for all east coast C–5 Isochronal inspections in July of 2007. This is the first such regional facility in the Air Force. Historically, an ISO inspection took up to 38 days to complete. The 436th Maintenance Team reviewed the entire process to increase velocity while maintaining quality. This led the team to one record-breaking effort in which an ISO inspection was completed in only 13.2 days. These initiatives were also a key reason the 436th Maintenance Squadron won the 2006 Air Force Maintenance Effectiveness Award.

In order to reduce the time planes are on the ground, the 436th Maintenance Squadron did a complete review of how they maintained ground equipment. As a result, they were able to reduce the steps each mechanic takes from 763 to 73, saving 29.7 minutes per inspection, while reducing wait time by 34 minutes. They also saved 63.7 minutes per inspection or 26.54 manhours per year and vacated 17,660 square feet of floor space to be designated for other use. The cellular work design they came up with is considered the benchmark for such designs in the command and is a model of how the Air Force Smart Operations for the 21st century initiative and use of Lean Six Sigma, a process improvement approach first used in the private sector, can make better use of existing resources.

The Dover Operations Group improved throughput for aircraft by creating the only C–5 one-stop/jet-side service system in the Air Force. The Required Flight Manual, Flight Information Publications, weapons and tools needed by an aircrew for a mission are delivered directly to the aircraft. This reduces travel time by 20 minutes, allowing a 12-percent reduction in the C–5 launch sequence and providing more duty days for the crews to complete their missions.

Dover was able to reduce the amount of time needed to overhaul and rebuild C–5 jet engines, TF39, by 12 days, going from 75 to 63 days. The process improvement also allowed two production crews to be reassigned to other sections, regained five critical manning positions, and saved 36 manpower positions and $3.8 million in operating costs. On the whole, by reducing wasted motion for support equipment and tools, the 436th Maintenance Group has saved 73.3 annual man-days and expedited engine repairs so that they are done 5 days faster than the original standard and freeing 1,944 square feet of floor space for other work.

Another key initiative was the effort to ensure that Basic Post Flight inspections be done within 10 hours of mission completion. This initiative was begun in 2005 by the Dover Maintenance Group Commander and brought completion time down to 6 hours, a 40-percent improvement. The complete process review improved Home Station Logistics Reliability rate by 40 percent and overtime man hours were reduced by 75 percent. Overall, this means the team saved 23,000 labor-hours and $1.168 million. The mission benefits included the following: a reduced number of tail swaps, increased number of aircraft ready for flight, reduced number of late take-offs, and dramatically improved efficiency in the launch sequence of events.

The Dover team also ensured a seamless transition for the new C–17 squadron, ensuring that Dover's first C–17 was able to fly its first combat mission within 36 days of arrival. In the squadron's first month, they had a 100-percent on-time departure rate and a 99-percent mission capable rate.

In addition, once investigators were done with the 2007 C–5 crash scene, Dover personnel took the initiative to save and recover parts. Their efforts ensured that 127 parts were recovered, inspected, and restocked into the Air Force supply system, saving $7 million.

Fourth, increases in customer satisfaction or improvements in customer service were considered.

Today, Dover's key mission, or customer service, is to support operations in Iraq and Afghanistan. Twenty-seven percent of the entire Department of Defense airlift requirement last year went from Dover. The 3rd and 9th Airlift Squadrons flew more than 8,000 hours, with more than 2,000 combat hours and 460 combat missions. The two squadrons combined airlifted 59.4 million pounds of cargo and more than 12,000 passengers.

Dover is the second busiest en route airfield in the Department of Defense. It supported 3,000 en route missions in 2007 with a 95-percent departure reliability rate.

In addition, Dover assisted America's diplomatic efforts and the State Department by supporting foreign military sales to 32 countries, handling 85 missions and 950 tons of cargo.

The Dover team also made sure that it provided the best possible services to military personnel and their families on base. Access to mental health care was increased by 35 percent, despite a 40-percent decrease in manning. This exceeded the command's goal for access by 20 percent. In order to keep basic operations functioning, the Communications Squadron answered 99 percent of their 2,700 assistance requests within 2 days. That is 4 percent better than the Air Force standard.

In an effort to improve safety and provide instantaneous responses to emergencies with existing resources, the Civil Engineer Fire Department teamed with the Medical Group to provide 24/7 ambulance service. The Medical Group Airmen who provide ambulance response are now co-located at the emergency call center at the base Fire Department.

Fifth, efforts to encourage bottom-to-top communication and team problem solving were considered.

Dover has been a true leader in implementing Air Force Smart Operations for the 21st century. The key to the success of this initiative to make operations more streamlined and ''lean'' has been clear communication and a team approach. In recognition of this excellence, Dover has hosted numerous training sessions for units from five major commands, Air Force senior leaders, and for the Royal Air Force. Dover instructors have trained 4,200 students in Basic Lean Awareness including a program at the First Term Airmen Center.

Dover is the first base in the command to have two fully qualified level-2 facilitators. These facilitators certified seven level-1 facilitators and trained another 20 level-1 students. They have successfully made operations more efficient in over 50 areas in just 1 year. In addition, Dover's trainers ensured that 210 future Ramstein Air Force Base and Charleston Air Force Base facilitators understood the basics of lean initiatives. These efforts won the Dover team praise from the Logistics Director at Air Mobility Command Headquarters.

Sixth, the promotion of unit cohesiveness and the recognition of outstanding individual effort was considered.

The Dover team won two Department of Defense, one Secretary of the Air Force, 12 Air Force, and 93 Air Mobility Command Awards in 2006. In addition, they won the 2007 U.S. Small Business Administration Award for the State of Delaware. One critical example of why these awards were won is in antiterrorism, where they won command honors for the ninth consecutive year for best

antiterrorism and force protection programs. Dover was able to obtain $1.2 million in Combating Terrorism Readiness Initiative Funds that it used to resolve installation vulnerabilities, resulting in winning the Department of Defense's Best Antiterrorism Operational Unit in 2006 and the Department of Defense's Best Antiterrorism Program Manager Awards for 2007. The Dover team won these awards by completing over 20 antiterrorism and force protection initiatives that created a hard target security signature. These efforts paid off by deterring Fort Dix terrorists from attacking Dover AFB. This event permeated Air Force culture and is commonly referred to as the ''Dover Effect.''

Seventh, the promotion of energy conservation and environmental safety, including compliance, remediation, and stewardship, was considered.

The maintenance squadron at Dover was able to dramatically improve the process for cleaning ground equipment while also making it more environmentally sound. Formerly all ground equipment had to be moved to a separate wash facility primarily used for aircraft. Through careful research, a completely self-contained wash system with zero environmental impact was selected, designed, and installed in the ground equipment facility. This decreased travel time from 190 hours to 12 hours a year, a 94-percent savings. This increased the capability and availability for ground equipment, alleviated contractual issues that had arisen with the old cleaning system, and reduced the chance for aircraft delays. The new process is environmentally friendly and captures, filters, and recycles all waste water.

Dover also received the 2006 Secretary of Defense Environmental Restoration Award for Best Environmental Restoration Program for its restoration of natural resources used to support the base's warfighting mission. Dover reached the Defense Department's environmental goals 4 to 8 years ahead of schedule. Activities at Dover Air Force Base which earned this award include, but are not limited to: obtaining regulator signatures on six Records of Decision for 39 sites in 6 months; achieving Response Complete status at 27 of Dover's 59 sites; opening up 54 acres of formerly restricted land for use in supporting the base's mission; and completing Remedial Designs and Work Plans for 17 sites in only 3 months.

In addition, Dover won the 2006 Air Force General Thomas D. White Environmental Award which recognizes the efforts of installations and individuals to improve environmental quality, restoration, pollution prevention, recycling, and conservation of natural and cultural resources. Dover is 6 years ahead of schedule in its environmental remediation program.

These are the areas that the selection committee looked at when it decided which base was the best in the Air Force this past year. It is obvious that in every area, the Dover team took seriously the challenge to improve base operations and the quality of life wherever possible. From the smallest process improvements to the largest investments in critical infrastructure, Dover personnel found ways to do more. The result is not just that they upheld the base's long tradition of excellence, they surpassed it. In so doing, they have truly given our Nation their best and have made me and every Delawarean proud. We have always known Dover is the best in the Air Force. It is time the rest of the Nation knew about your excellence.

Congratulations, Dover Air Force Base!

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIREFIGHTERS KILLED IN COLORADO

Mr. SALAZAR. I come to speak in regard to three firefighters killed in the State of Colorado in the last day and a half. These three firefighters are part of the legion of first responders who make sure they are keeping us safe day in and day out. In Colorado, in the last day we have had three significant fires that have broken out: one in Crowley County, one in El Paso County in Fort Carson, and a third in Garfield and Pitkin Counties in Carbondale.

The fire in Crowley County, we had two volunteer firefighters who gave their lives fighting that fire. They are John Schwartz and Terry DeVore. To them, their families, we appreciate their sacrifice, serving as first responders often do, putting their lives on the line to make sure communities are protected.

In the case of Gert Marais, who was fighting the fire at Fort Carson and whose plane crashed while he was fighting the fire, to his family we also send our condolences and appreciation.

These are unusual fires for us in Colorado. Usually we get to fire season during the dry times of July and August, September and October. This year in particular we have had moisture that is on average about 200 percent over a normal year in all of our southern river basins, which is seemingly unprecedented. But the fires have been driven by high winds, and the damage has been significant.

In Ordway in Crowley County, a rural and remote part of our State, much of the town of Ordway has been devastated; 1,100 people who live in the town had to be evacuated because of the fire. I have been in Crowley County and Ordway many times in my public life. It is one of those counties in Colorado which is part of that forgotten America. It is rural and very remote. Thousands upon thousands of acres of land within Crowley County have been dried up as the water that irrigated those fields has been taken to so-called higher economic uses of the city, the cities of Pueblo, and Colorado Springs, and the Denver metropolitan area.

It is this fire that caused extensive damage to the town of Ordway and has also created the devastation.

I am certain the 1,100 citizens of Ordway, as devastated as they are in the aftermath of the fire, are also very rich and powerful in spirit. With that power of spirit, they will rebuild the town and the community. I will be there, along with my colleagues, to do everything we can to help them rebuild.

I appreciate the efforts of Governor Ritter and the Federal agencies that have been so responsive to the issues created by these fires in Colorado.

VISIT OF POPE BENEDICT

I also rise to speak concerning the Pope's visit to America. This morning, along with many of my colleagues in the Senate, I participated in greeting the Pope upon his arrival at the White House with President and Mrs. Bush.

It is a momentous occasion for all of us who come from a Roman Catholic tradition to have Pope Benedict visit America. It is our hope that as he comes to Washington and then goes to New York and visits Ground Zero and also addresses the United Nations, one of the things the Pope will do is to talk about what he is here to do, and that is to talk about how it is that we are one global community. As we deal with the issues that confront our world today, whether they relate to terrorism or poverty, disease or the issue of global climate change, at the end of the day it is important to recognize that the hope and optimism of humanity is bound up in how we work together as one people. It is a message of hope and optimism.

We have looked forward to his visit to America and to the inspiration that he will give to 300 million Americans, as well as the over 50 million Catholics we have in the United States.

Some years ago, in 1993 and 1994, we prepared for and held World Youth Day where Pope John Paul II came to the United States and visited many of us in Colorado. He had a mass at Cherry Creek State Park which was attended by over 500,000 young Americans from throughout the United States as well as the world. It was a celebration of World Youth Day in Denver. It was characterized as one of the most peaceful gatherings of a crowd that size in the history of the State, a crowd that size, in terms of the peacefulness of it, probably in the United States. It left a legacy not only in Colorado but across the United States and the world about the hope and optimism that we see in America and in the world, so much of it through the eyes of our young people.

Today, for me, as I greeted the Pope in Washington, DC, at the White House, I was reminded about the hope and optimism which is part of the legacy John Paul II left when he came to visit in Colorado now some 15 years ago.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER.) Without objection, it is so ordered.

Mrs. BOXER. Mr. President, the majority leader will be coming out shortly to let Members know what is happening. But I can tell everybody that this bill is being slow walked. This is a simple bill. This is a mini-economic stimulus bill. It would release $1 billion of highway trust fund moneys to build roads, to fix bridges, to run transit systems, and it got caught up in Presidential politics, investigations—everything you can think of—while the people wonder what we are doing.

This bill, simple as it is, would create about 50,000 new jobs at a time when we know—it is worse than a middle-class squeeze. It is really a middle-class struggle that is going on, and people are worried. They are worried about their homes, they are worried about everything, and this bill will create jobs.

So what we have is a classical slowdown, with Presidential politics being involved dealing with the gas tax that funds the highway trust fund. That is fine, but just let everybody know from where it is coming. The only amendments to this bill—the only amendments—come from the Republican side. I offered one as a side-by-side to Senator COBURN's, which I think is a good amendment. My amendment will not bring down this bill. Others will.

Here is where we are. We have a simple bill. It passed a year ago in the House. It passed, I believe it was June of 2007, under the leadership of Senator INHOFE. Actually, it was under my leadership but with the work of Senator INHOFE, both of us working together, bipartisan, bicameral.

I want to show you, Mr. President, who is strongly supporting this bill: the American Association of Highway and Transportation Officials, that is departments of transportation officials of all 50 States; the American Highway Users Alliance, millions of highway users throughout the country; the American Public Transit Association, transit systems from across the country; the American Road and Transportation Builders Associations, more than 5,000 members of the transportation construction industry; Associated General Contractors, more than 32,000 contractors, service providers, and suppliers; the Council of University Transportation Centers, more than 30 university transportation centers from across the country; the National Stone, Sand and Gravel Association, companies producing more than 92 percent of crushed stone and 75 percent of sand and gravel used in the U.S. annually; the National Asphalt and Pavement Association, more than 1,100 companies that produce and pave with asphalt.

These are real people who are willing, ready, and able to build and rebuild our infrastructure, to build and rebuild our transit systems. This bill is a no brainer. Instead, it is caught up in all of these negotiations right now. Whether we vote tonight or not, we are going to find out soon enough from Senator REID. But, Mr. President, let me say to my colleagues on both sides of the aisle, Senator INHOFE and I really wanted to get them a good bill. Senator INHOFE and I really wanted to get this work done quickly. We did all our homework. We put everybody's name on the Web site, so we complied with the new ethical rules. Senator DEMINT said he was very pleased with the standard we set for transparency.

These projects are ready to go. They are ready to go in Brooklyn, they are ready to go in Manhattan, they are ready to go in San Francisco, they are ready to go in Atlanta, and they are ready to go in Oklahoma. They are ready to go in every State of the Union. I say to all these good people who told us how much they want this bill to move: Please contact the Republican leadership and tell them to play Presidential politics another day with amendments that are not germane, with amendments that don't belong on this bill. Today pass this legislation.

There is too much talk around here and not enough action. We passed a stimulus bill. We did it in a bipartisan way, but we all know there is more to be done. This little bill will create tens of thousands of good-paying jobs in America, doing something that has to be done. But, no, we cannot finish it. We had one vote so far on an amendment by Senator DEMINT. We defeated it, which was important because it was a killer amendment. It says to me people want this bill.

This is the status. We are waiting for some type of agreement. This whole thing is being slow walked. We look forward to hearing from the majority leader as to whether there will be any more votes this evening. But as far as this Senator is concerned—I know I speak for Senator INHOFE—we want to get this bill done. But people are slow walking this bill. We are going to do our best to see if we can get this logjam stopped. But at this point, we have not been able to do it.

Tens of thousands of jobs are in jeopardy, and 500 various transit projects already paid for are in jeopardy. What a shame we cannot go forward. What a shame we are in another slowdown by my friends from the other side of the aisle. It is very discouraging.

Again, as the eternal optimist, I will return to this place tonight, if we can continue working, or tomorrow after we come in after we pay our respects to the Pope.

MORNING BUSINESS

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak up to only 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE POLICY

Mr. BROWN. Madam President, there has been a lot of controversy in the last couple of weeks about the President's sending the Colombia so-called free trade agreement to the House of Representatives. Under this unusual law, there is something called fast track procedure. Fast track procedure—this is a lot of inside baseball—changes the way we do business in the House and Senate. Trade law is the only issue that changes the way that we do business. On no other issue that comes in front of the House and Senate, except the budget, are there limits on amendments, are there limits on required up-or-down votes, timetables—all of that. The Senate rules do not apply on that legislation. It is the only time—in part because of who has written trade policy in this country in the last 20 years.

We have seen trade agreements that always look out for the interests of the drug industry, look out for the interests of the insurance industry, of banking interests, of energy interests. But we have not seen trade policy written in this country, negotiated by the President of the United States, the U.S. Trade Representative, that has shown any of the same concern for workers, for the environment, for food safety, for the safety of consumer products. That is why we have seen what happened with all the toys that came into this country from China. It should not have been a surprise to us that at Eastertime, that at Christmas, that at Halloween last year, that consumer products, especially toys for small children, came into this country that were dangerous. It should not have surprised us because it was somewhat inevitable because of the way we do trade policy in this country.

Professor Jeff Weidenheimer, a professor of chemistry at Ashland University, about 10 miles from where I grew up in north central Ohio, took his class to test children's toys last fall at Halloween and then did it again at Christmas and did it again at Easter. In case after case, they would go to a toy store

or a discount store and they would buy a bunch of toys, very inexpensive toys, and they would test them for lead. Every one of these batches of toys had significant numbers of toys that had lead content—lead in the paint that covered these toys—lead content way above on average what is considered safe. What is considered safe is about 600 parts per million. These were, in some cases, thousands of parts per million.

What should not surprise us about that is the way we set up trade policy in this country. We don't write trade policy to protect our children or to protect our communities or to protect our workers. We don't write trade policy to protect our food supply. We write long trade agreements—this isn't one, but I have to gather these papers to show how long they are. We pass trade policies that are this long. If we wanted to eliminate tariffs, we would pass trade policies that are this long. You could write a schedule of eliminating tariffs in the Colombian free trade agreement of 2 or 3 pages. Instead, we write agreements that are hundreds, if not in some cases over a thousand pages, because they are full of protections—not for workers, not for communities, not for children, not for our kitchen tables, our families—but these are trade policies that are chockfull of protections for the drug industry, the insurance industry, the oil companies, the banks. That is what our trade policy is all about. That is why.

Go back to Jeff Weidenheimer's class at Ashland University and look what happened. American companies decide they are going to shut down in this country because they would rather pay Chinese workers low wages and not have environmental laws and not have worker safety laws and not have to worry about consumer protection laws, so they shut down plants such as Huffy Bicycle in Sidney, OH, and they move to China where it is a whole lot cheaper. You don't have to worry about treating Chinese workers well because they are disposable. They did have to worry about treating American workers well, frankly, because many of them were union, and even if they were not, we have consumer protection laws, safe drinking water, clean air, environmental laws—all of those kinds of things. So these companies in Ohio and in the State of Washington where the Presiding Officer is from, all over our country, these companies shut down and they move to China.

A company such as Hasbro, a toy manufacturer, moves their production to China. Hasbro then subcontracts with a Chinese company, they subcontract their work. They go to a country, China, that does not have the same environmental safety, worker safety, consumer safety, and wages we have in this country, and then they deal with Chinese contractors and they push those Chinese contractors to cut costs: You have to cut costs; you have to cut costs. Every year they cut costs over the year before, because that is good business. These American companies, when they outsource their jobs to China, force those Chinese contractors to cut costs.

Do you know what happens? They use lead-based paints. Do you know why? Because lead-based paint is cheaper to apply, it is cheaper to buy, it dries faster. These toys, then, all of a sudden, instead of having a coating that is safe for little children instead now have a coating that has lead base in them, making them dangerous to children. But they do that because these American companies are pushing these subcontractors to cut costs.

Forgetting for a moment—because these American companies don't seem much to care and the Chinese contractors don't seem to care much—forgetting for a moment these people in China are working in these factories and are probably ingesting all kinds of toxic lead themselves—forget that for a moment, as bad as that is. These toys then come back to the United States. Do you know what the Bush administration did? The Bush administration has weakened consumer protection laws and cut the number of inspectors so these products come through the American regulatory system that used to be the best regulatory system, the best consumer product safety system in the world, the best Food and Drug Administration system in the world—agencies that protected consumer products, about toys, especially—and agencies that protected food products that came into this country. And what do we end up with? We end up with toxic toys coming to our children's bedrooms, we end up with contaminated vitamins and other contaminated food coming into our kitchens. That is the result of American trade policy. It doesn't look out for our families, it doesn't look out for our children, it doesn't look out for our workers, it doesn't look out for our communities. Instead, it looks out for the drug companies, it looks out for the big toy manufacturers, it looks out for the big insurance companies, it looks out for the banks, it looks out for the oil industry. That is what is wrong with our trade policy.

President Bush's answer is let's send another free trade agreement to the Senate, to the House of Representatives, the Colombia free trade agreement. It is more of the same. It will not work.

The last point, Madam President, and I think we are pretty ready to adjourn for the night. When I came to Congress—I was elected the same year the Presiding Officer was elected, 1992—we had a $38 billion trade deficit. That means our country bought $38 billion more than our country sold to other countries around the world. Today, that trade deficit exceeds $800 billion—from $38 billion to $800 billion in a decade and a half. President Bush the First said for every $1 billion trade surplus or trade deficit, it amounted to 13,000 jobs. That means if we had a $1 billion trade surplus, if we were selling more than we were bringing in, it meant 13,000 net gain of jobs in country. If we had a $1 billion trade deficit, it meant we bought $1 billion more than we sold, we had a 13,000 jobs net loss. We have an $800 billion plus trade deficit. Do the math. Think about that.

As we adjourn for the evening, think about what this trade policy is doing. It continues to fail the American people, continues to fail our communities, and it kind of begs the issue about which Albert Einstein once said: The definition of insanity is to do the same thing over and over and expect a different result.

We are getting the same result. It hurts our communities, it doesn't protect our families—consumer protection and food safety and all of that. These trade agreements are a bad idea. We can fix them. I, like Senator DORGAN, who has spoken on the floor many times about this, want more trade. We want plenty of trade. We just want it under a very different set of rules, rules that protect our families, protect our communities, that protect our workers—not just protecting the drug industry and the oil industry and the energy companies and those toy manufacturers that sort of forget about the safety of our children.

HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, today I rise to pay tribute to 19 young Americans who have been killed in Iraq since November 6, 2007. This brings to 831 the number of servicemembers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

SPC Peter W. Schmidt, 30, died on November 13, in Mukhisa, Iraq, of wounds suffered when an improvised explosive device detonated during dismounted combat operations. Specialist Schmidt was assigned to the 2nd Battalion, 23rd Infantry Regiment, 4th Stryker Brigade Combat Team, 2nd Infantry Division, Fort Lewis, WA. He was from Eureka, CA.

SSgt Alejandro Ayala, 26, died November 18, of injuries sustained as a result of a vehicle accident in Kuwait. Staff Sergeant Ayala was assigned to the 90th Logistics Readiness Squadron, F.E. Warren Air Force Base, WY. He was from Riverside, CA.

SGT Kyle Dayton, 22, died December 3 in Ashwah, Iraq, of injuries suffered from a noncombat-related incident. Sergeant Dayton was assigned to the 2nd Battalion, 504th Parachute Infantry Regiment, 1st Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from El Dorado Hills, CA.

CPO Mark T. Carter, 27, died December 11 as a result of enemy action while conducting combat operations in Iraq. Chief Petty Officer Carter was permanently assigned as an East Coast-based

Navy SEAL. He was from Fallbrook, CA.

PFC George J. Howell 24, died December 21 in Riyadh, Iraq, of wounds suffered when his vehicle was attacked by an improvised explosive device. Private First Class Howell was assigned to the 1st Battalion, 87th Infantry Regiment, 1st Brigade Combat Team, 10th Infantry Division, Light Infantry, Fort Drum, NY. He was from Salinas, CA.

SGT Benjamin B. Portell, 27, died December 26 in Mosul, Iraq, of wounds suffered from small arms fire during dismounted combat operations. Sergeant Portell was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, III Corps, Fort Hood, TX. He was from Bakersfield, CA.

PFC Ivan E. Merlo, 19, died in Samarra, Iraq, on January 9, of wounds sustained during combat operations. Private First Class Merlo was assigned to the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from San Marcos, CA.

SGT David J. Hart, 22, died in Balad, Iraq, on January 9, of wounds sustained during combat operations in Samarra, Iraq. Sergeant Hart was assigned to the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from Lake View Terrace, CA.

SGT James E. Craig, 26, died from wounds suffered when his unit encountered an improvised explosive device during convoy operations on January 28, in Mosul, Iraq. Sergeant Craig was assigned to the 1st Battalion, 8th Infantry Regiment, 3rd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO. He was from Hollywood, CA.

PFC Brandon A. Meyer, 20, died from wounds suffered when his unit encountered an improvised explosive device during convoy operations on January 28 in Mosul, Iraq. Private First Class Meyer was assigned to the 1st Battalion, 8th Infantry Regiment, 3rd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO. He was from Orange, CA.

SGT Timothy P. Martin, 27, died February 8 in Taji, Iraq, of wounds suffered when his vehicle encountered an improvised explosive device. Sergeant Martin was assigned to 2nd Squadron, 14th Cavalry Regiment, 2nd Stryker Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI. He was from Pixley, CA.

SPC Michael T. Manibog, 31, died February 8 in Taji, Iraq, of wounds suffered when his vehicle encountered an improvised explosive device. Specialist Manibog was assigned to 1st Battalion, 21st Infantry Regiment, 2nd Stryker Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI. He was from Alameda, CA.

LCpl Drew W. Weaver, 20, died February 21 while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Weaver was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

CPL Jose A. Paniagua-Morales, 22, died March 7, in Balad, Iraq, of injuries sustained in Samarra, Iraq, when an improvised explosive device detonated near his vehicle. Corporal Paniagua-Morales was assigned to C Company, 4th Battalion, 9th Infantry Regiment, 2nd Infantry Division, Fort Lewis, WA. He was from Bell Gardens, CA.

PVT George Delgado, 21, died March 24 in Baghdad, Iraq, from wounds suffered when his vehicle encountered an improvised explosive on March 23. Private Delgado was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Palmdale, CA.

MAJ William G. Hall, 38, died March 30 from wounds he suffered while conducting combat operations in Al Anbar Province, Iraq, on March 29. Major Hall was assigned to 3rd Low Altitude Air Defense Battalion, Marine Air Control Group 38, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Richard A. Vaughn, 22, died April 7, in Baghdad, Iraq, from wounds suffered when enemy forces attacked using a rocket propelled grenade, improvised explosive device and small arms fire. Sergeant Vaughn was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from San Diego, CA.

SGT Timothy M. Smith, 25, died April 7, in Baghdad, Iraq of wounds suffered when his vehicle encountered an improvised explosive device. Sergeant Smith was assigned to the 4th Brigade Special Troops Battalion, 4th Brigade Combat Team, 10th Mountain Division, Light Infantry, located at Fort Polk, LA. He was from South Lake Tahoe, CA.

TSgt Anthony L. Capra, 31, died April 9, near Golden Hills, Iraq, of wounds suffered when he encountered an improvised explosive device. Technical Sergeant Capra was assigned to Detachment 63, 688 Armament Systems Squadron, Indian Head City, MD. He was from Hanford, CA.

I would also like to pay tribute to the eight servicemembers from California who have died while serving our country in Operation Enduring Freedom since November 6.

SPC Lester G. Roque, 23, died November 10 of wounds sustained when his patrol was attacked by direct fire from enemy forces in Aranus, Afghanistan, on November 9. Specialist Roque was assigned to 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Torrance, CA.

SPC Sean K. A. Langevin, 23, died November 9 of wounds sustained when his patrol was attacked by direct fire from enemy forces in Aranus, Afghanistan. Specialist Langevin was assigned to 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Walnut Creek, CA.

First Lieutenant Matthew C. Ferrara, 24, died November 9 of wounds sustained when his patrol was attacked by direct fire from enemy forces in Aranus, Afghanistan. First Lieutenant Ferrara was assigned to 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Torrance, CA.

SGT Phillip A. Bocks, 28, died November 9 while conducting combat operations in Aranus, Afghanistan. Sergeant Bocks was assigned to Marine Corps Mountain Warfare Training Center, Bridgeport, CA.

SrA Nicholas D. Eischen, 24, died December 24, in Bagram Air Base, Afghanistan, in a noncombat-related incident. Senior Airman Eischen was assigned to the 60th Medical Operations Squadron, Travis Air Force Base, CA. He was from Sanger, CA.

SGT James K. Healy, 25, died at Jalalabad Airfield, Afghanistan, of wounds sustained when his vehicle struck an improvised explosive device on January 7, in Laghar Juy. Sergeant Healy was assigned to the 703rd Explosive Ordnance Detachment, Fort Knox, KY. He was from Hesperia, CA.

SGT Robert T. Rapp, 22, died March 3, in the Sabari District of Afghanistan, of wounds suffered during combat operations. Sergeant Rapp was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from Sonora, CA.

SGT Gabriel Guzman, 25, died March 8 at Orgun E, Afghanistan, of wounds suffered when his vehicle encountered an improvised explosive device in Gholam Haydar Kala, Afghanistan. Sergeant Guzman was assigned to the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from Hornbrook, CA.

May all these brave soldiers, brave marines, brave Navy SEALS and sailors, brave airmen—brave all—may they rest in peace. I wish to say that if you come to my office in the Hart Building, before you enter, I have listed on big charts the names of all the individuals who are either from California or assigned in California, and if they passed, they are on that listing. We started with one enormous chart, then two, three, and four. I am sad to say it is growing.

The reason I wished to mention their names on the floor is because sometimes we tend to just look at numbers—and we should—but behind those numbers are our children. I am a grandmother. I ache every time I sign a letter. Every single one of these brave Americans died doing something they wanted to do for their country. Their Commander in Chief sent them

into battle, so of course not one of them has died in vain. But I want to do all I can—and I say this from my heart—to ensure that when we get into a conflict, we know there is a way out and that we can bring these conflicts to an end as soon as possible because so many sacrifices are being made, and no more so than the loss of America's finest.

SERGEANT HEATHER SPRINGER

Mr. NELSON of Nebraska. Madam President, I rise today to honor Nebraska Army National Guard Sergeant Heather Springer, in recognition of receiving the Army Veterans' Association Medic of the Year award and the Bronze Star Medal for Valor.

Sergeant Springer is a native of Lincoln, NE, and currently attends the University of Nebraska Medical Center College of Nursing. She joined the Nebraska Army National Guard on April, 8, 2004, and served with the 313th Ground Ambulance and 110th Medical Battalion. On March 1, 2006, Sergeant Springer transferred to Charlie Company 2–135 General Support Aviation Battalion, 36th Combat Brigade, to become a flight medic. Soon after, she was deployed to Iraq in Diyala Province in support of Operation Iraqi Freedom.

On July 15, 2007, Sergeant Springer was transported to a landing zone where several U.S. soldiers had been struck by a roadside bomb. While conducting treatment for a critically injured soldier, her team suddenly came under enemy fire. She immediately secured the wounded soldier she was attending to and then moved 10 meters to a second wounded soldier, willingly exposing herself to open fire. During this hostile situation, Sergeant Springer remained composed and demonstrated assertive judgment by concluding that the wounds sustained by the first soldier were more critical. She determinedly led part of her team through 60 meters of open road, completely susceptible to enemy fire, to secure the soldier inside a Black Hawk helicopter. Once inside the helicopter, Sergeant Springer noticed that the second wounded soldier she had attended to was being moved towards the helicopter, and instantly moved to help safely transport the soldier aboard the aircraft.

Sergeant Springer displayed remarkable courage and selflessness while placing her own life at risk. These two wounded warriors are alive today as a direct result of her steadfastness and superb medical skills. The DUSTOFF—Dedicated Unhesitating Service to Our Fighting Forces—Association recently awarded her the DUSTOFF Medic of the Year award. The DUSTOFF Association is a nonprofit organization for the Army Medical Department's enlisted and officer personnel, aviation crew members, and others who have actively supported Army aeromedical evacuation programs in war or in peacetime.

Sergeant Heather Springer's admirable performance in Iraq led her to become the second woman in Nebraska National Guard history to receive the Bronze Star Medal for Valor. I wish Sergeant Springer all the best as she pursues her education in nursing school, and join all Nebraskans in honoring the heroism of this exceptional soldier.

ONE-YEAR ANNIVERSARY OF VIRGINIA TECH TRAGEDY

Mr. WARNER. Madam President, 1 year ago today, the horrific shootings at Virginia Tech claimed 32 innocent lives.

In remembrance of the lives of promise that were forever lost that shocking day, I would simply like to read each of their names into the CONGRESSIONAL RECORD: Ross A. Alameddine; Christopher James Bishop; Brian R. Bluhm; Ryan Christopher Clark; Austin Michelle Cloyd; Jocelyne Couture-Nowak; Daniel Alejandro Perez Cueva; Kevin P. Granata; Matthew Gregory Gwaltney; Caitlin Millar Hammaren; Jeremy Michael Herbstritt; Rachael Elizabeth Hill; Emily Jane Hilscher; Jarrett Lee Lane; Matthew Joseph La Porte; Henry J. Lee; Liviu Librescu; G.V. Loganathan; Partahi Mamora Halomoan Lumbantoruan; Lauren Ashley McCain; Daniel Patrick O'Neil; Juan Ramon Ortiz-Ortiz; Minal Hiralal Panchal; Erin Nicole Peterson; Michael Steven Pohle, Jr.; Julia Kathleen Pryde; Mary Karen Read; Reema Joseph Samaha; Waleed Mohamed Shaalan; Leslie Geraldine Sherman; Maxine Shelly Turner; Nicole Regina White.

The day after the shooting, I mourned with the campus community at a convocation held on the campus of Virginia Tech. While the mourning of that tragic day continues for all of us, in the past year the Tech family has come together to support each other in a way that all of America admires. I know that those who have suffered most in the tragedy, and their families, remain in the thoughts and prayers of not only all Hokies, but indeed Americans across the country.

JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, Senate Democrats have worked hard to make progress on judicial nominations. That hard work has paid off, with circuit court vacancies at less than half of what they were when President Clinton left office. The majority leader last week was right to call the Republican complaints chutzpah.

Yesterday, the Michigan Senators and I were able to overcome a long impasse lasting more than a decade over vacancies on the Sixth Circuit. I have long urged the President to work with the Michigan Senators, and, after 7 years, he finally has. With his nomination of Judge Helene White of Michigan, we have a significant development that can lead to filling the last two vacancies on the Sixth Circuit before this year ends.

Our actions in resolving this impasse stands is sharp contrast to action of Senate Republicans who refused to consider any nomination to the Sixth Circuit Court of Appeals in the last 3 years of the Clinton administration, leaving open four vacancies. Thanks to the hard work of Senator LEVIN and Senator STABENOW, we are now poised to fill them all.

Judge White was initially nominated 11 years ago, but her nomination was 1 of the more than 60 judicial nominees the Republicans pocket filibustered. After literally years of work, her renomination yesterday allows us to move forward with the support of the Senators from Michigan. I plan to consider the Sixth Circuit nominations as quickly as possible.

We are also poised to make progress to end a long impasse on the Fourth Circuit with the pending nomination of Steve Agee of Virginia. After insisting on nominating a series of contentious and time-consuming choices such as Jim Haynes, Claude Allen and Duncan Getchell, a nomination that was not supported by either the Republican Senator or the Democratic Senator from Virginia, the President this year has finally chosen to work with Senator WARNER and Senator WEBB. I have already said that I expect to hold the confirmation hearing on the Agee nomination as soon as the paperwork is completed. If we are able to confirm Steve Agee, there will be fewer Fourth Circuit vacancies than there were at the end of the Clinton administration.

Just last week, on a day when the Republicans chose to ignore the pressing problems affecting the lives of the American people and vent over judicial nominations, the Senate proceeded on schedule to confirm another five lifetime judicial appointments, including that of Catharina Haynes to fill the last vacancy on the Fifth Circuit. Similar to yesterday's progress with nominations to the Sixth Circuit, this stands in marked contrast to consideration of nominations to that court during the Clinton administration. At that time, the Republican-controlled Senate refused to consider nominees for the last 4 years of the Clinton administration, while the Chief Judge of the Fifth Circuit declared a circuit-wide emergency. Today, there are no vacancies on the Fifth Circuit.

I have said for 8 years that if the President is willing to work with us and consult in the constitutionally mandated process of advice and consent, we can make significant progress. When he does so, as he has recently with respect to Virginia and now Michigan, I have commended him. I do so again today.

It has taken years. It has taken effort. It has taken the steadfastness of Senators LEVIN and STABENOW. Today we can all take heart that we have broken through a decade's old impasse. Others have tried but been unsuccessful. I know that Senator HATCH tried and Senator SPECTER tried. We are succeeding. We are succeeding because we

have not been distracted by politically driven fights but stayed focus on making real progress. Even now, while others insist on fussing and fighting, I am working to continue to make progress where we can.

We have already cut the circuit court vacancies more than in half. Today circuit court vacancies stand at 12, the lowest number of such judicial vacancies in more than a decade, indeed since the Republican effort to stall President Clinton's nominees and increase circuit court vacancies. By the end of President Clinton's administration, the Republican majority in the Senate had expanded those vacancies from 12 to 26. When I began the consideration of President Bush's nominees in the summer of 2001, circuit court vacancies stood at 32 and overall vacancies topped 110. Yet we get no credit or even acknowledgement from the Republican side of the aisle for all our efforts and accomplishments in cutting those vacancies. In fact, we are being penalized for doing a good job early and not following their pattern of building up massive vacancies before allowing nominations to proceed.

While I continue to process nominations in the last year of this President's term, we have already lowered the vacancies in the Second Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate, some numbering as high as five. Both the Second Circuit and the Fifth Circuit now are without a single vacancy after last week's confirmation of Judge Catharina Haynes. Circuits with no vacancies also include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. That is five circuits without a single vacancy due to our efforts. Indeed, the only circuit that has more vacancies than it did at the end of the Clinton administration is the First Circuit, which has gone from no vacancies to one. The other three circuits, the Third, the Fourth and the Seventh have the same number of vacancies today that they had at the end of the Clinton administration. When we take action on the Agee nomination from the Fourth Circuit, even that circuit will be in an improved posture.

I am trying to make significant progress. I have made sure that we did not act as Republicans did during the Clinton administration when they pocket filibustered more than 60 judicial nominations and voted lock step against the confirmation of Ronnie White. I am also mindful that their bad behavior not simply be forgotten, and thereby rewarded. They have yet to acknowledge responsibility and accept any accountability for their actions. We have not engaged in a tit-for-tat. Rather, by cutting the vacancies as we have, we have taken a giant step toward resolving these problems, just as we are now on course to resolve the longstanding impasse in the Sixth Circuit. We have acted more fairly. I hope to be able to complete the restoration of the confirmation process during the next President's administration. We will then have overcome years of partisan rancor.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of September 9, 2007, a gay man was walking home when he was attacked near the Georgetown University campus. According to the victim, two men at a college party began following him while yelling homophobic slurs. As the victim turned a corner, one of the men began punching him in the head, resulting in cuts and bruises to his face, and a broken thumb. The victim immediately reported the incident to the Georgetown campus police. The attack was investigated as a bias-related crime based on the victim's sexual orientation and the circumstances of the attack. However, the Washington, DC, Metropolitan Police Department has charged Philip Cooney, a 19-year-old Georgetown sophomore, with simple assault.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FOREIGN POLICY VISION

Mr. CARPER. Madam President, I wish to bring to the attention of my colleagues a speech that my good friend and fellow Delawarean JOE BIDEN delivered yesterday at Georgetown University. In his remarks, Senator BIDEN eloquently laid out a foreign policy vision for Democrats and outlined what is at stake for our country in the years ahead. I urge my colleagues to read Senator BIDEN's speech, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

When people say ''this is the most important election in my lifetime,'' they're right.

So much is at stake. The physical security of our children. The retirement security of our parents. The economic and health security of our families. And, above all else, the national security of our country, which is a President's first responsibility.

I start from a simple premise: we cannot afford another four years of Republican stewardship of our nation's security.

After eight years of the Bush Administration, our country is less secure and more isolated than it has been at any time in recent history. This administration has dug America into a very deep hole—with very few friends to help us climb out.

It doesn't have to be this way. The next President will have an awesome responsibility—but also the greatest opportunity since FDR—to change the direction of our country* * * and the world.

It starts with a much clearer understanding of how the world has changed over the past two decades. As Yeats wrote in ''Easter 1916,'' our world has ''changed utterly, a terrible beauty has been born.''

The emergence of China and India as major economic powers. The resurgence of Russia floating on a sea of oil. A unifying Europe. The spread of dangerous weapons and lethal diseases. The shortage of secure sources of energy, water and even food. The impact of climate change. Rising wealth and persistent poverty. A technological revolution that sends people, ideas and money hurtling around the planet at ever faster speeds. The challenge to nation states from ethnic and sectarian strife. The struggle between modernity and extremism.

That's a short list of the forces shaping the 21st century. No one country can control these forces, but more than any other country, we have an ability to affect them—if we use the totality of our strength.

Our military might and economic resources are necessary but not sufficient to lead us into this new century. It is our ideas and ideals that will allow us to exert the kind of leadership that persuades others to follow and to deal effectively with these forces of change.

Over the next few months, I'll speak in detail about how Democrats will exert that kind of leadership.

For today, I want to concentrate on this administration. It has squandered our ability to shape this new world. It has put virtually all of these issues on the back burner, failing to devote the intellectual capital and constant effort they require. It has destroyed faith in America's judgment. And it has devalued America's moral leadership in the world.

Instead, this administration has focused to the point of obsession on the so-called ''war on terrorism'' and produced a one-size-fits-all doctrine of military preemption and regime change ill suited to the challenges we face.

It has made fear the main driver of our foreign policy. It has turned a deadly serious but manageable threat—a small number of radical groups that hate America—into a ten-foot tall existential monster that dictates nearly every move we make.

Even if you look at the world through this administration's distorted lens, you see a failed policy. This failure flows from a dangerous combination of ideology and incompetence and a profound confusion about whom we're fighting.

It starts with the very language the President has tried to impose: ''the global war on

terror.'' That is simply wrong. Terrorism is a means, not an end, and very different groups and countries are using it toward very different goals. If we can't even identify the enemy or describe the war we're fighting, it's difficult to see how we will win.

The most urgent threat is the intersection of the world's most radical groups—like Al Qaeda—with the world's most lethal weapons.

But we also must confront groups that use terror not to target us directly, but to advance their own nationalistic causes. We must deal with outlaw states that support them and otherwise flout the rules. We must face a civil war in Iraq, a renewed war for Afghanistan, and an ideological war for the future of Pakistan. We must help resolve a historic conflict between Arabs and Israelis.

And we must contend with Iran, especially its efforts to acquire the capacity to build a nuclear weapon.

This administration spent five years fixated on changing the Iranian regime. No one likes the regime, but think about the logic: renounce the bomb—and when you do, we're still going to take you down. The result is that Iran accelerated its efforts to produce fissile material and is closer now to the bomb than when Bush took office.

Instead of regime change, we should focus on conduct change. We should make it very clear to Iran what it risks in terms of isolation if it continues to pursue a dangerous nuclear program but also what it stands to gain if it does the right thing.

That will require keeping our allies in Europe, as well as Russia and China, on the same page as we ratchet up pressure. But it also means doing much more to reach out to Iran—including through direct talks—to exploit cracks within the ruling elite and between Iran's rulers and its people, who are struggling economically and stifled politically. The Iranian people need to know that their government, not the United States, is choosing confrontation over cooperation.

Saber rattling is the most self-defeating policy imaginable. It forces Iranians who despise the regime to rally behind their leaders and spurs instability in the Middle East, which adds to the price of oil, with the proceeds going right into Tehran's pockets. The worst nightmare for a regime that thrives on isolation and tension is an America ready, willing and able to engage. It's amazing how little faith this administration has in the power of America's ideas and ideals.

All these fronts throughout the Middle East and South Asia are connected. But this administration has wrongly conflated them under one label, and argued that success on one front ensures victory on the others. It has lumped together, as a single threat, extremist groups and states more at odds with each other than with us. It has picked the wrong fights at the wrong time, failing to finish a war of necessity in Afghanistan before starting a war of choice in Iraq.

The result is that, to quote the findings of the most recent National Intelligence Estimate on the Terrorist Threat: ''Al Qaeda is better positioned to strike the West . . . [it has] regenerated . . . and remains determined to attack us at home.''

Of course, we must destroy Al Qaeda.

But instead of rolling back the threat it poses, this administration's approach has helped produce a global breakout of extremism, which now threatens more people in more places than it did before 9–11.

So even on its own terms, the national security strategy of this administration has been a failure. We cannot afford four more years.

Last month, a man I greatly admire and consider a friend, Senator John McCain, set out his vision for our foreign policy.

To his credit, John repudiates some of the Bush Administration's approach to the world. He recognizes that the power of our example is as important as the example of our power . . . that allies we respect, not disdain, can advance our interests. He is especially eloquent about his abhorrence for war—as JOHN is uniquely placed to be.

But John McCain remains wedded to the Bush Administration's myopic view of a world defined by terrorism. He would continue to allow a tiny minority to set the agenda for the overwhelming majority.

It is time for a total change in Washington's world view. That will require more than a great soldier. It will require a wise leader.

Nowhere is this truer than in Iraq. The war dominates our national life. It stands like a boulder in the road between us and the credibility we need to lead in the world and the flexibility we require to meet our challenges at home.

When it comes to Iraq, there is no daylight between John McCain and George W. Bush. They are joined at the hip.

When it comes to Iraq, there will be no change with a McCain administration . . . and so there is a real and profound choice for Americans in November.

Like President Bush, Senator McCain likes to talk about the dire consequences of drawing down our forces in Iraq. He argues that Iraq is the meeting point for two of the greatest threats to America: Al Qaeda and Iran. It's an argument laden with irony. After all, who opened Iraq's door to Al Qaeda and Iran? The Bush Administration.

''Al Qaeda in Iraq'' is a Bush-fulfilling prophecy: it wasn't there before the war, but it is there now. As to Iran, its influence in Iraq went from zero to sixty when we toppled Saddam's Sunni regime and gave Shi'ite religious parties inspired and nurtured by Iran a path to power.

No matter how we got to this point, President Bush and Senator McCain argue that if we start to leave, it will further empower Al Qaeda and Iran.

I believe they are exactly wrong. And so do a large number of very prominent retired military and national security experts who testified before the Foreign Relations Committee this month.

Would drawing down really strengthen ''Al Qaeda in Iraq'' and give it a launching pad to attack America? Or would it help eliminate what little indigenous Iraqi support ''Al Qaeda in Iraq'' retains?

Most Sunni Arabs have turned on ''Al Qaeda in Iraq,'' alienated by their tactics and ideology. ''Al Qaeda in Iraq'' is down to about 2,000 Iraqis and a small number of foreigners whose almost exclusive focus is Iraq. When we draw down, the most likely result is that Iraqis of all confessions will stamp out its remnants—and we can retain a residual force in or near Iraq to help them finish the job.

Last week, I asked our ambassador to Iraq, Ryan Crocker, to tell us where al Qaeda poses a greater threat to America's security: in Iraq, or in Afghanistan and Pakistan. He said: Afghanistan and Pakistan.

So what about Al Qaeda in Pakistan and Afghanistan—the people who actually attacked us on 9–11? If we draw down, would they be emboldened?

Or, to paraphrase the National Intelligence Estimate on Terrorism, would they lose one of their most effective recruiting tools—the notion that we're in Iraq to stay, with permanent military bases and control over the oil? And would they finally risk the full measure of America's might?

Senator MCCAIN has taken a lot of heat for saying he would not mind if American troops stay in Iraq for 100 years. The truth is, he was trying to make an analogy to our long term presence in peaceful post-war Germany, post-armistice Korea and post-Dayton Bosnia.

But Germany, Korea or Bosnia after the peace are nothing like Iraq today—with thousands of bombs, hundreds of American injured and dozens of American killed every month—and there is little prospect Iraq will look like them anytime soon.

Worse, saying you're happy to stay in Iraq for 100 years fuels exactly the kind of dangerous conspiracy theories about America's intentions throughout the Arab and Muslim worlds that we should be working to dispel.

What about Iran? Would drawing down increase its already huge influence in Iraq? Or would it shift the burden of helping to stabilize Iraq from us to them and make our forces a much more credible deterrent to Iran's wider misbehavior?

The idea that we could or even should wipe out every vestige of Iran's influence in Iraq is a fantasy. Even with 160,000 American troops in Iraq, our ally in Baghdad greets Iran's leader with kisses. Like it or not, Iran is a major regional power and it shares a long border—and a long history—with Iraq.

Right now, Iran loves the status quo, with 140,000 Americans troops bogged down and bleeding, caught in a cross fire of intra Shi'a rivalry and Sunni-Shi'a civil war.

The challenge for us is not eliminating all Iranian influence in Iraq, but forcing Iran to confront the specter of a disintegrating Iraq or all-out war between different Shi'a factions.

By drawing down, we can take away Iran's ability to wage a proxy war against our troops and force Tehran to concentrate on avoiding turmoil inside Iraq's borders and instability beyond them.

Finally, would our responsible draw down accelerate sectarian chaos?

Or would it cause Iraq's leaders and Iraq's Sunni Arab neighbors to finally act responsibly? To date, both have used our large presence as a crutch or an excuse for inaction. When that stops, they will have to start to fill the vacuum or put their interests at much greater risk.

We should debate the consequences of drawing down in Iraq. But more importantly, we should talk about what both President Bush and Senator MCCAIN refuse to acknowledge: the increasingly intolerable costs of staying.

The risks of drawing down are debatable. The costs of staying with 140,000 troops are knowable—and they get steeper every day: the continued loss of the lives and limbs of our soldiers; the emotional and economic strain on our troops and their families due to repeated, extended tours, as Army Chief of Staff General George Casey recently told Congress; the drain on our Treasury— $12 billion every month; the impact on the readiness of our armed forces—tying down so many troops that, as Vice Chief of Staff of the Army Richard Cody said, we don't have any left over to deal with a new emergency; and the inability to send enough soldiers to the border between Afghanistan and Pakistan, where Al Qaeda has regrouped and is plotting new attacks.

When I visited Afghanistan in February, General McNeil, who commands the international force, told me that with two extra combat brigades—about 10,000 soldiers—he could turn around the security situation in the south, where the Taliban is on the move. But he can't get them because of Iraq.

Even when we do pull troops out of Iraq, the Chairman of the Joint Chiefs, Admiral Mullen, says he would want to send them home for a year to rest and retrain before sending them to Afghanistan.

The longer we stay in Iraq, the more we put off the day when we fully join the fight

against the real Al Qaeda threat and finally defeat those who attacked America 7 years ago.

It is long past time to clearly define our interests in Iraq. It is not in our interest to intervene in an internal power struggle among Shi'a factions. It is not in our interest to back one side or the other, or get caught in the cross fire of a Sunni-Shi'a civil war. It is in our interest to start to leave Iraq without leaving chaos behind.

Even if we could keep 140,000 troops in Iraq, they will not be the deciding factor in preventing chaos. Instead, we need to focus all our remaining energy and initiative on achieving what virtually everyone agrees is the key to stability in Iraq: a political power sharing agreement among its warring factions. I remain convinced that the only path to such a settlement is through a decentralized, federal Iraq that brings resources and responsibility down to the local and regional levels.

We need a diplomatic surge to get the world's major powers, Iraq's neighbors and Iraqis themselves invested in a sustainable political settlement.

Fifteen months into the surge that President Bush ordered and Senator MCCAIN embraced, we've gone from drowning to treading water. We are no closer to the President's stated goal of an Iraq that can defend itself, govern itself and sustain itself in peace. We're still spending $3 billion every week and losing 30 to 40 American lives every month.

We can't keep treading water without exhausting ourselves and doing great damage to our other vital interests around the world. That's exactly what both the President and Senator MCCAIN are asking us to do.

They can't tell us when, or even if, Iraqis will come together politically, which was the purpose of the surge in the first place. They can't tell us when, or even if, we will draw down below pre-surge levels. They can't tell us when, or even if, Iraq will be able to stand on its own two feet. They can't tell us when, or even if, this war will end.

Most Americans want this war to end. They want us to come together around a plan to leave Iraq without leaving chaos behind.

They're not defeatists. They're patriots who understand the national interest—and the great things Americans can achieve if we responsibly end a war that we should not have started.

I believe it is fully within our power to do that. Then, with our credibility restored, our alliances repaired and our freedom renewed, we will once again lead the world. We will once again address the hopes, not play to the fears, of our fellow Americans.

That is my hope for next November—and for the country we all love.

May God bless America and protect our troops.

TAX REFORM

Mr. VOINOVICH. Madam President, the time for a honest, national discussion of fundamental tax reform is long overdue. Each year, April 15 looms on the calendar as a day of reckoning for American taxpayers facing a laborious and needlessly stressful process. Since enacting the Tax Reform Act of 1986—legislation intended to simplify the filing process for taxpayers—more than 15,000 provisions have been added to the Internal Revenue Code.

The irony of our complex Tax Code is that in order to take advantage of all the benefits and deductions for which they qualify, Americans have to spend a significant amount of money to pay someone or something to do their taxes for them—thus decreasing the value of their return. According to the President's Advisory Panel on Federal Tax Reform, only 13 percent of taxpayers are able to file without the help of either a tax preparer or computer software.

The Tax Foundation estimates that in 2005, individuals, businesses, and nonprofits spent an estimated 6 billion hours complying with the Federal income tax code, with an estimated compliance cost of more than $265 billion. This amounts to imposing a 22-cent tax compliance surcharge for every dollar the income tax system collects.

Tinkering with the current Tax Code won't get the job done. Tinkering is what got us into this mess in the first place. We must enact fundamental tax reform—a complete overhaul of the system that would make the Tax Code simple, fair, transparent, and conducive to economic growth and private savings.

Tax reform is not just a matter of simply saving taxpayers time and effort. This is about saving taxpayers real money. Comprehensive tax reform could save Americans the $265 billion in compliance costs. Now, that would be a real tax reduction that wouldn't cost the Treasury one dime.

A new tax system is also vitally important to job creation and economic growth. In addition to simplification for average families, we must address one of the biggest problems with the current code: it rewards moving production activity—and the good-paying jobs that accompany such activity—overseas. It taxes domestically produced goods heavily and taxes foreign-made goods lightly. We have the second highest corporate tax rate in the developed world, but we are near the bottom in corporate tax collections as a share of the economy. Such a system sounds absolutely perverse, but that is what we have in the United States.

Some of my colleagues will suggest that we can just increase marginal rates to raise the revenue we need. But in a competitive global economy, I can't understand why we would choose such a self-defeating approach. Higher marginal rates on an already-broken tax system would only discourage economic ingenuity and reduce U.S. competitiveness. Recent economic research concludes that in a global economy workers bear the brunt of higher corporate tax rates, through lower wages and fewer jobs.

The bottom line is Congress needs to take tax reform seriously. I am actively evaluating proposals that would simplify the Tax Code, save taxpayers billions of dollars, expand the economy, and most importantly, protect American jobs. I have already discussed the need for such legislation with many of my colleagues, and I know there is bipartisan support in the Chamber for comprehensive and timely action.

We can start the process by enacting legislation to create a bipartisan commission to propose tax and entitlement reform legislation that Congress must vote on under fast-track procedures, such as my SAFE Commission Act or the Bipartisan Task Force for Responsible Fiscal Action that has been proposed by Senate Budget Committee chairman KENT CONRAD and ranking Republican JUDD GREGG. With or without such a commission, Congress and the next President must move forward on comprehensive tax reform that simplifies the code and creates jobs in the United States.

SUPREME COURT CONFIRMATION PROCESS

Mr. KENNEDY. Madam President, an editorial in Monday's New York Times called attention to a new academic study on the Supreme Court confirmation process. The study, ''An Empirical Analysis of the Confirmation Hearings of the Justices of the Rehnquist Natural Court,'' was conducted by Professors Jason Czarnezki of the Marquette Law School, William Ford of the John Marshall Law School, and Lori Ringhand of the University of Kentucky College of Law, and it was published in the Spring 2007 issue of Constitutional Commentary. The study compares the statements made by nine Supreme Court nominees—Justices Rehnquist, Stevens, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, and Breyer—at their confirmation hearings with their subsequent rulings on the Court to determine whether their statements as nominees on stare decisis, originalism, legislative history, and the rights of criminal defendants were consistent with their rulings as Justices.

The authors found that a large gap often exists between what nominees told the Senate Judiciary Committee and how they later ruled from the bench. For example, in their confirmation hearings, Justices Scalia and Thomas indicated a stronger commitment to stare decisis than most of their colleagues did, yet on the Court they were the Justices most likely to vote to overturn precedents. On none of the subjects was the correlation very strong between the testimony by the nominees at the Senate hearings and their rulings on the Court. The authors conclude that Senators have a better chance at obtaining useful information in confirmation hearings if they ''focus their questions on specific issue areas rather than 'big picture' issues involving interpretative methods.''

As the authors state, their results are far from definitive and are meant only to start a conversation. The evidence is certainly suggestive, however, and is consistent with what legal scholars have been saying for many years. Supreme Court nominees reveal very little substantive information at their

confirmation hearings. As a result, it is difficult for the Senate and the American public to understand how these nominees will approach their role on the Court.

This trend was obvious in the confirmation hearings of Chief Justice John Roberts and Associate Justice Samuel Alito. Throughout their hearings, they offered only general platitudes, with little indication of how they would rule on the bench. They refused to answer specific questions or to say how they would have voted in past cases, on the ground that doing so might compromise their duty to decide every case with an open mind.

Legal scholars are increasingly in agreement that political convenience, not principle, has motivated much of this stonewalling. Since Supreme Court nominees all have years of legal experience and, if confirmed, have lifetime appointments to the Court, they can be candid about their views on many issues, including previously decided cases, without doing any damage to the judicial system or to the rights of future litigants.

Since Supreme Court confirmation hearings have become increasingly lacking in significant content, it is no surprise that researchers find weak correlations between what nominees say at the hearings and what they do on the Court, and that academic and popular support for a more serious confirmation process continues to grow. Of course, no Senator should try to undermine judicial independence by asking nominees to make ''commitments'' to rule a particular way in a future case, but all Senators should insist that nominees participate in a serious conversation about the pressing legal issues of our time. Hopefully, Senators on both sides of the aisle can agree that, at a minimum, nominees should give full and forthright responses when asked about their views on specific legal questions. It does not compromise the integrity or impartiality of the judiciary to require nominees to tell the Senate what they honestly think about such questions. Their failure to do so has real costs for our democracy.

Madam President, I believe that this article will be of interest to all of us in the Senate in exercising our constitutional responsibility of advice and consent on judicial nominees, especially nominees to the Supreme Court, and I ask unanimous consent that the New York Times editorial and the article's abstract be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 14, 2008]

HOW TO JUDGE A WOULD-BE JUSTICE

It is hard to imagine a more solemn responsibility than confirming the nomination of a Supreme Court justice. And we have worried, especially in recent years, that nominees are far too carefully packaged and coached on how to duck all of the hard questions.

A new study supports our fears: Supreme Court nominees present themselves one way at confirmation hearings but act differently on the court. That makes it difficult for senators to cast informed votes or for the public to play a meaningful role in the process.

The study—with the unwieldy title ''An Empirical Analysis of the Confirmation Hearings of the Justices of the Rehnquist Natural Court''—published in Constitutional Commentary, looked at how nine long-serving justices answered Senate questions, and how they then voted on the court. While it does not say that any nominee was intentionally misleading, it still found a wide gap.

Justices Antonin Scalia and Clarence Thomas, for example, told the Senate that they had strong respect for Supreme Court precedents. On the court they were the justices most likely to vote to overturn those precedents. Justice David Souter deferred more to precedent than his Senate testimony suggested he would.

The authors examined one substantive area of the law: criminal defendants' rights. There what the nominees—both conservatives and liberals—told the Senate about their support for defendants' rights was reasonably well reflected in how they voted.

The study suggests that senators would be better off asking ''very probing, specific questions,'' says Lori Ringhand, associate professor of law at the University of Kentucky and one of the paper's three authors.

As we see it, the study also delivers a larger lesson: Senators should examine a nominee's entire legal career and look for clear evidence that he or she is committed to fairness, equal justice and an unstinting view of constitutional rights.

The findings have particular resonance now because the next president could nominate three or more justices, shaping the law for decades to come. The Senate needs to upgrade the confirmation process so it can perform its vital advice-and-consent role more effectively.

[From Social Science Research Network]

AN EMPIRICAL ANALYSIS OF THE CONFIRMATION HEARINGS OF THE JUSTICES OF THE REHNQUIST NATURAL COURT

(By Jason J. Czarnezki, Marquette University; William K. Ford, John Marshall Law School; and Lori A. Ringhand, University of Kentucky)

Despite the high degree of interest generated by Supreme Court confirmation hearings, surprisingly little work has been done comparing the statements made by nominees at their confirmation hearings with their voting behavior once on the Supreme Court. This paper begins to explore this potentially rich area by examining confirmation statements made by nominees regarding three different methods of constitutional interpretation: stare decisis, originalism and the use of legislative history. We also look at nominees' statements about one specific area of law: protection of the rights of criminal defendants. We then compare the nominees' statements to decisions made by the Justices once confirmed. Our results indicate that confirmation hearings statements about a nominee's preferred interpretive methodologies provide very little information about future judicial behavior. Inquiries into specific issue areas—such as the rights of criminal defendants—may be slightly more informative. We emphasize, however, that this study is a preliminary look at this issue. As such, we hope this piece stimulates discussion regarding how to best use the wealth of information provided by confirmation hearings to facilitate a better understanding of the role those hearings do—or could—play in shaping the jurisprudence of the Supreme Court.

TRIBUTE TO MICHAEL A. HANNA

Mr. SPECTER. Madam President, I have sought recognition today to speak about Michael A. Hanna, who passed away on April 2, 2008.

Mr. Hanna was born July 1, 1952, in Oakland, MD to former county Democratic chairman and district attorney Michael A. Hanna and Eliza Jane Gibson Hanna of Monongahela. He spent time working on Capitol Hill and had the distinction of serving as the youngest U.S. House of Representatives page in the history of the program. He also served as a personal assistant to former Speaker of the House John W. McCormick.

An author and producer, Mr. Hanna graduated from Washington & Jefferson College and attended Duquesne Law School. Although perhaps best known for the animated series ''Rockin' at the Rim'' and authoring the book ''Cuba: Fire Island,'' his professional experience extended a good deal further. He served as a special envoy to the country of Haiti and traveled extensively in various professional capacities throughout Europe and the Middle East.

Mr. Hanna is survived by his mother and brother, Mark Hanna, as well as Mark's wife Ashley and their son Michael. On their behalf, I would like to recognize and honor Michael A. Hanna's life and work.

HEALTH CARE

Mr. WYDEN. Madam President, Dr. Ezekiel Emanuel and Dr. Victor Fuchs, physicians and distinguished scholars, have recently written a particularly important article that I wish to bring to the attention of the Senate.

These two gentlemen have a long and impressive track record on the issue of reforming our Nation's broken health system, and their recent article in the Journal of American Medicine (JAMA), ''Who Really Pays for Health Care? The Myth of Shared Responsibility,'' is one that every Senator should reflect on.

Drs. Emanuel and Fuchs assert in their article that when millions of Americans say that financing health care is a ''shared responsibility'' between ''employers, government, and individuals'' they are incorrect. The authors say there is actually no such thing as ''shared responsibility''—health costs in America come out of the hides of individuals and households. Emanuel-Fuchs point out, for example, that money employers spend on health care for their workers would otherwise go to workers' salaries and that Government cannot secure funds at all without reaching into our wallets for tax payments or money we lend to them.

The work of these two scholars is particularly relevant because recent public opinion polls show significant numbers of Americans would be content ''to just keep the health care they have.'' This seems understandable. If

you are not a regular reader of JAMA, you are likely to miss Dr. Emanuel and Dr. Fuchs describe how your take-home pay is going to keep going down without health reform that makes health care more affordable.

If Americans are kept in the dark about how much of the money spent on employer-based health care produces little value, naturally, during these times of economic uncertainty, many will be glad to just keep the care they have got.

Senator BENNETT and I, along with six other Democrats and six other Republicans, believe it is time to modernize the employer-employee relationship in health care. If employers choose to offer health coverage in the future, and workers know how much money they are spending and can choose between the employer's health coverage and private sector alternatives, we are fine with that. Workers should, however, have the opportunity as Dr. Emanuel and Dr. Fuchs put it to ''consider alternatives''. Americans can get more value from the 2.3 trillion dollars being spent this year on their health care, and this article is an important part of the discussion as to how to bring that about.

Mr. President, I ask unanimous consent that the article by Drs. Emanuel and Fuchs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO REALLY PAYS FOR HEALTH CARE?

THE MYTH OF ''SHARED RESPONSIBILITY''

(By Ezekiel J. Emanuel, M.D., Ph.D. and Victor R. Fuchs, Ph.D.)

When asked who pays for health care in the United States, the usual answer is ''employers, government, and individuals.'' Most Americans believe that employers pay the bulk of workers' premiums and that governments pay for Medicare, Medicaid, the State Children's Health Insurance Program (SCHIP), and other programs.

However, this is incorrect. Employers do not bear the cost of employment-based insurance; workers and households pay for health insurance through lower wages and higher prices. Moreover, government has no source of funds other than taxes or borrowing to pay for health care.

Failure to understand that individuals and households actually foot the entire health care bill perpetuates the idea that people can get great health benefits paid for by someone else. It leads to perverse and counterproductive ideas regarding health care reform.

THE MYTH OF SHARED RESPONSIBILITY

Many sources contribute to the misperception that employers and government bear significant shares of health care costs. For example, a report of the Centers for Medicare & Medicaid Services states that ''the financial burden of health care costs resides with businesses, households, and governments that pay insurance premiums, out-of-pocket costs, or finance health care through dedicated taxes or general revenues.'' A New America Foundation report claims, ''There is growing bipartisan support for a health system based on shared responsibility—with the individual, employers, and government all doing their fair share.''

The notion of shared responsibility serves many interests. ''Responsibility'' is a popular catchword for those who believe everyone should pull their own weight, while ''sharing'' appeals to those who believe everyone should contribute to meeting common social goals. Politicians welcome the opportunity to boast that they are ''giving'' the people health benefits. Employers and union leaders alike want workers to believe that the employer is ''giving'' them health insurance. For example, Steve Burd, president and chief executive officer of Safeway, argued that decreasing health care costs is critical to his company's bottom line—as if costs come out of profits. A highly touted alliance between Wal-Mart and the Service Employees International Union for universal coverage pledged that ''businesses, governments, and individuals all [must] contribute to managing and financing a new American health care system.

The Massachusetts health care reform plan is constructed around ''shared responsibility.'' The rhetoric of health reform proposals offered by several presidential candidates helps propagate this idea. Hillary Clinton, for instance, claims that her American Health Choices plan ''is based on the principle of shared responsibility. This plan ensures that all who benefit from the system contribute to its financing and management.'' It then lists how insurance and drug companies, individuals, clinicians, employers, and government must each contribute to the provision of improved health care.

With prominent politicians, business leaders, and experts supporting shared responsibility, it is hardly surprising that most Americans believe that employers really bear most of the cost of health insurance.

THE HEALTH CARE COST-WAGE TRADE-OFF

Shared responsibility is a myth. While employers do provide health insurance for the majority of Americans, that does not mean that they are paying the cost. Wages, health insurance, and other fringe benefits are simply components of overall worker compensation. When employers provide health insurance to their workers, they may define the benefits, select the health plan to manage the benefits, and collect the funds to pay the health plan, but they do not bear the ultimate cost. Employers' contribution to the health insurance premium is really workers' compensation in another form.

This is not a point merely of economic theory but of historical fact. Consider changes in health insurance premiums, wages, and corporate profits over the past 30 years. Premiums have increased by about 300% after adjustment for inflation. Corporate profits per employee have flourished, with inflation-adjusted increases of 150% before taxes and 200% after taxes. By contrast, average hourly earnings of workers in private nonagricultural industries have been stagnant, actually decreasing by 4% after adjustment for inflation. Rather than coming out of corporate profits, the increasing cost of health care has resulted in relatively flat real wages for 30 years. That is the health care cost—wage trade-off.

Even over shorter periods, workers' average hourly earnings fluctuate with changes in health care expenditures (adjusted for inflation). During periods when the real annual increases in health care costs are significant, as between 1987 and 1992 and again between 2001 and 2004, inflation-adjusted hourly earnings are flat or even declining in real value. For a variety of reasons, the decline in wages may lag a few years behind health care cost increases. Insurance premiums increase after costs increase. Employers may be in binding multiyear wage contracts that restrict their ability to change wages immediately. Conversely, when increases in health care costs are moderate, as between 1994 and 1999, increases in productivity and other factors translate into higher wages rather than health care premiums.

The health care cost—wage trade-off is confirmed by many economic studies. State mandates for inclusion of certain health benefits in insurance packages resulted in essentially all the cost of the added services being borne by workers in terms of lower wages. Similarly, using the Consumer Expenditure Survey, Miller found that ''the amount of earnings a worker must give up for gaining health insurance is roughly equal to the amount an employer must pay for such coverage.'' Baicker and Chandra reported that a 10% increase in state health insurance premiums generated a 2.3% decline in wages, ''so that [workers] bear the full cost of the premium increase.'' Importantly, several studies show that when workers lose employer-provided health insurance, they actually receive pay increases equivalent to the insurance premium.

In a review of studies on the link between higher health care costs and wages, Gruber concluded, ''The results [of studies] that attempt to control for worker selection, firm selection, or (ideally) both have produced a fairly uniform result: the costs of health insurance are fully shifted to wages.''

THE COST—PUBLIC SERVICE TRADE-OFF

A large portion of health care coverage in the United States is provided by the government. But where does government's money for health care come from? Just as the ultimate cost of employer-provided health insurance falls to workers, the burden of government-provided health coverage falls on the average citizen. When government pays for increases in health care costs, it taxes current citizens, borrows from future taxpayers, or reduces other state services that benefit citizens: the health care cost—public service trade-off.

Health care costs are now the single largest part of state budgets, exceeding education. According to the National Governors Association, in 2006, health care expenditures accounted for an average of 32 percent of state budgets, while Medicaid alone accounted for 22 of spending. Between 2000 and 2004, health care expenditures increased substantially, more than 34 percent with Medicaid and SCHIP increasing more than 44 percent. These increases far exceeded the increase in state tax receipts. In response, some states raised taxes, others changed eligibility requirements for Medicaid and other programs, and still others reduced the fees and payments to physicians, hospitals, and other providers of health care services.

However, according to a Rockefeller Institute of Government study of how 10 representative states responded, probably the most common policy change was to cut other state programs, and ''the program area that was most affected by state budget difficulties in 2004 was public higher education. . . . On average, the sample states projected spending 4.5 percent less on higher education in FY 2004 than in FY 2003 and raised tuition and fees by almost 14 percent on average. In other words, the increasing cost of Medicaid and other government health care programs are a primary reason for the substantial increase in tuition and fees for state colleges and universities. Middle-class families finding it more difficult to pay for their children's college are unwittingly falling victim to increasing state health care costs. Not an easy—but a necessary—connection to make.

POLICY IMPLICATIONS

The widespread failure to acknowledge these effects of increasing health care costs on wages and on government services such as education has important policy implications. The myth of shared responsibility perpetuates the belief that workers are getting

something while paying little or nothing. This undercuts the public's willingness to tax itself for the benefits it wants.

This myth of shared responsibility makes any reform that removes employers from health care much more difficult to enact. If workers and their families continue to believe that they can get a substantial fringe benefit like health insurance at no cost to themselves, they are less likely to consider alternatives. Unless this myth is dispelled, the centerpiece of reform is likely to be an employer mandate. This is regrettable and perpetuates the widely recognized historical mistake of tying health care coverage to employment. Furthermore, an employer mandate is an economically inefficient mechanism to finance health care. Keeping employers in health care, with their varied interests and competencies, impedes major changes necessary for insurance portability, cost control, efficient insurance exchanges, value-based coverage, delivery system reform, and many other essential reforms. Employers should be removed from health care except for enacting wellness programs that directly help maintain productivity and reduce absenteeism. Politicians' rhetoric about shared responsibility reinforces rather than rejects this misconception and inhibits rather than facilitates true health care reform.

Not only does third-party payment attenuate the incentive to compare costs and value, but the notion that someone else is paying for the insurance further reduces the incentive for cost control. Getting Americans invested in cost control will require that they realize they pay the price, not just for the deductibles and co-payments, but for the full insurance premiums too.

Sustainable increases in wages require less explosive growth in health care costs. Only then will increases in productivity show up in higher wages and lower prices, giving a boost to real incomes. Similarly, the only way for states to provide more support for education, environment, and infrastructure is for health care costs to be restrained. Unless the growth in Medicaid and SCHIP are limited to—or close to—revenue increases, they will continue to siphon money that could be spent elsewhere.

CONCLUSION

Discussions of health care financing in the United States are distorted by the widely embraced myth of shared responsibility. The common claim that employers, government, and households all pay for health care is false. Employers do not share fiscal responsibility and employers do not pay for health care—they pass it on in the form of lower wages or higher prices. It is essential for Americans to understand that while it looks like they can have a free lunch—having someone else pay for their health insurance—they cannot. The money comes from their own pockets. Understanding this is essential for any sustainable health care reform.

ADDITIONAL STATEMENTS

CONGRATULATING MRS. HOLLY COLLINSWORTH

• Mr. BUNNING. Madam President, I wish to congratulate Mrs. Holly Collinsworth of Ft. Thomas, KY, for being named one of the Cincinnati Enquirer's Women of the Year for her dedication and service to our community. This outstanding award is given annually to 10 women in the northern Kentucky and Greater Cincinnati area for their hard work and commitment to making our communities a better place to live.

Mrs. Collinsworth, mother of four children, has begun a task never before imagined to help improve Fort Thomas schools. She is currently leading a fundraising campaign that has collected millions of dollars in private money to help renovate the 71-year-old Highlands High School, her alma mater. The school has not been refurbished since the 1960s. With her leadership, over $7.4 million in private donations, State matching funds and grants has been raised to help with the repairs.

Mrs. Collinsworth's contributions to the Commonwealth do not stop there. She and husband Cris Collinsworth, former Cincinnati Bengal and current NFL broadcaster, are among the founders of UGive, a nonprofit that matches area students fulfilling their school community service requirements with charities in need of volunteers. The UGive program was started this year and will be up and running by August.

Mrs. Collinsworth also serves on the board of the Cris Collinsworth ProScan Fund and cochairs its Pink Ribbon Luncheons which have raised more than $1 million for programs such as breast cancer education and mammograms for low-income uninsured women.

I thank Mrs. Collinsworth for her dedication and commitment to the community. She has made a tremendous impact on individuals across northern Kentucky and the Greater Cincinnati area. I appreciate all that she has done and will continue to do in the future. Mrs. Collinsworth is truly an inspiration to all Kentuckians.•

RECOGNIZING THE TOWN OF HEBRON

• Mr. DODD. Madam President, today I wish to recognize a significant milestone for one of the towns in my home State of Connecticut. This year, the town of Hebron is celebrating the 300th anniversary of its founding.

As recently as 1930, Hebron's population stood at only 879 people. Today, with an estimated population of 8,600 persons, Hebron continues to exemplify Connecticut's rich heritage. Throughout its history, it has been able to retain its small-town, rural charm that existed when it was first founded on May 26, 1708.

With its wide-open fields, mixture of colonial and contemporary architecture, and the annual Harvest Fair, Hebron provides an idyllic New England setting. Gay City State Park, the towns most widely known attraction, offers a glimpse into Connecticut's industrial roots with the opportunity to explore the ruins of an extinct mill town that existed until the time of the Civil War.

The residents of Hebron are rightfully proud of the town's rich cultural and agricultural heritage and have scheduled a year's worth of activities to celebrate this momentous occasion. I ask my colleagues to join with me in congratulating my many friends among the good people of Hebron as they gather this year to celebrate their town's three centuries of history.•

TRIBUTE TO BARBARA J. EASTERLING

• Mr. LAUTENBERG. Madam President, I pay tribute to Barbara J. Easterling for her tireless dedication to workers' rights. Barbara is a true leader, and her commitment to the Communication Workers of America, CWA, is more than worthy of recognition.

Barbara is the first woman ever to serve as CWA's secretary-treasurer—its second-highest office—and she has held the position for the past 16 years. She supervises the budget, finances, and strategic planning of the organization, and is responsible for the union's retiree program. The 700,000 men and women of the CWA have consistently reelected Barbara by acclamation, most recently in 2005.

In addition, Barbara has worked to advance the rights of women in the workplace. She serves on the board of the Union Network International, UNI, a 17-million member labor organization, and is president of the UNI World Women's Committee. For her accomplishments, Barbara has received the Women's Equity Action League Award, the International Women's Democracy Center Global Democracy Award, the Midwest Labor Press Association's Eugene V. Debs Award, and the Ellis Island American Legend Award.

While Barbara has displayed impressive achievements as secretary-treasurer of CWA, she has also found time to contribute to several other worthy organizations. She is cochair of the National Alliance to End Homelessness, a member of the Spinal Bifida Foundation and the Elizabeth Glaser Pediatric AIDS Foundation, and serves on the board of directors of the National Democratic Institute for International Affairs and the Faith and Politics Institute. Barbara has displayed a commendable ability to advance the goals of each of these organizations and increase their impact.

Throughout her long and distinguished career, Barbara has worked to shatter the glass ceiling at the local, national, and international level. I am proud that she was honored last month before a record gathering of union women at the Women in Leadership Development Conference in East Brunswick, NJ. Whether striving to advance the rights of workers, serving as an advocate for women, or volunteering her time on behalf of countless organizations, Barbara has been a strong and effective leader. Barbara embodies the best of the union spirit and I thank her for her service and commitment to the CWA and workers across the country.•

HONORING SIGCO, INC.

• Ms. SNOWE. Madam President, today I honor a small, privately owned manufacturing business from my home State of Maine with a remarkable dedication to serving the customer. SIGCO, Inc., of Westbrook is a glass and architectural metal fabricator and distributor that exemplifies Maine's stellar manufacturing leadership in this Nation.

As ranking member of the Senate Committee on Small Business and Entrepreneurship and cochair of the Senate Task Force on Manufacturing, I constantly see the vital impact that manufacturing has on the health of our Nation's economy. Small companies like SIGCO are absolutely crucial to our Nation's manufacturing sector competing in a global environment, as they account for roughly 99 percent of American manufacturers. This is why we must encourage and support the development of our Nation's small- and medium-sized manufacturers, and underscore the numerous accomplishments of SIGCO and similar firms.

Established in 1986, SIGCO inherited a proud tradition of craftwork from Soule Glass Industries, a firm that preceded SIGCO as the local leader in quality glass manufacturing and metal fabrication. SIGCO has demonstrated impressive growth in its operations throughout its history, and, in particular, over the past 4 years, by expanding from 55 employees to 85 and relocating to a newly opened 60,000 square-foot manufacturing facility. SIGCO produces and distributes architectural glass, frameless entrances, shower enclosures, aluminum entrances, acrylic, polycarbonate, and glazing supplies. The company also offers a 5-year warranty on all sealed insulating glass units. SIGCO's target clientele are contract glaziers, retail glass shops, and window manufacturers throughout New England who have come to trust SIGCO for its unrivaled craftsmanship and customer service.

SIGCO has demonstrated a consistency in both performance and financial strength, traits that have anchored the company in its achievement. Proof of SIGCO's accomplishments came when U.S. Glass magazine recognized the firm as one of the most influential companies in the glass and metal industry, followed up by the magazine naming company president David McElhinny as one of the trade's most influential people. Mr. McElhinny's leadership has contributed greatly to SIGCO's remarkable expansion, and his years of experience provide the company with a tremendously knowledgeable voice at the helm.

SIGCO is also known for its sophisticated production process. To promote efficiency, the company uses two industrial-type cutting lines in its plant. That said, SIGCO also offers individualized products upon customer requests. SIGCO notably uses an advanced edging process that creates clean, ground, or seamed edges for the appropriate type of glass. On top of the cutting and edging processes, SIGCO uses new, state-of-the-art equipment to drill holes and mill cutouts and notches. Additionally, SIGCO uses a convection tempering oven to perfect their heat-treated products. Among a select number of licensees of the DecoTherm process, which allows companies to decorate glass without screen printing or sandblasting, SIGCO can customize designs on glass products to provide quality and unique products to each customer. Finally, SIGCO is one of only five U.S. distributors of Tubelite storefronts and entrances.

As former British Prime Minister Benjamin Disraeli poignantly observed, ''The secret of success is constancy to purpose.'' SIGCO embodies Disraeli's definition of success by exhibiting a consistent dedication to its mission, as well as never sacrificing the excellence of its products as the company grows and expands. Proudly representing Maine's ongoing contribution to the manufacturing sector, SIGCO and its employees exemplify the hardwork and ingenuity for which Mainers are well-known. I wish David McElhinny and everyone at SIGCO the best, and look forward to their future endeavors.•

RECOGNIZING JIM ADAMS

• Mr. SUNUNU. Madam President, today I recognize Jim Adams, a Pittsfield, NH, resident who recently retired from a 35-year career with the United States Postal Service.

After bravely serving his country for 4 years in the United States Navy, Mr. Adams began his postal career as a Manchester mail carrier in 1973. During his 10 years in this position, Jim personified the Postal Service maxim, ''neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds,'' through many difficult New Hampshire winters, and unpredictable New England summers.

During this time, Jim took night classes and earned a degree in business management from New Hampshire College which, along with his dedicated work ethic, helped propel him through the ranks of the Postal Service.

After 3 years in the management ranks of local New Hampshire post offices, Jim spent time in both Syracuse, NY, and Washington, DC, learning the ins and outs of the Nation's second largest employer. In 1992, Jim was selected as the executive assistant to the Postmaster General, becoming the first person ever to rise all the way through the ranks from an entry level craft position to attain that post.

In 1997, Jim returned home to New Hampshire as the district manager for customer service and sales, and in 2003, when the New Hampshire and Vermont Districts merged, Jim assumed the responsibility for both States. During this time, he oversaw 7,000 employees as they worked to ensure more than 6 million pieces of mail arrived on time throughout both New Hampshire and Vermont each day. In fact, over the last 4 years of his tenure, 98 percent of the mail in his district was delivered on time; and during the past 6 years, New Hampshire has earned the highest customer service ratings in the Nation. All the while, Jim improved the district's safety record from worst in the Nation to tenth best.

For all of Jim's success, his shining professional moment will be his leadership during the anthrax crisis that plagued the Nation shortly after September 11, 2001. His personal involvement in handling the crisis helped calm the fears of postal workers and citizens alike, and he helped us all get through the fear and distress that went hand-in-hand with this highly volatile bioterrorist attack.

Over the course of his career, Jim had the opportunity to meet five Presidents and play a role in the development of several well recognized commemorative stamps, including the World War II, Elvis, and POW/MIA stamps. From a local boy delivering mail with 3-cent stamps in 1973, to a district manager overseeing a $500 million budget in 2008—I would say that is a career well done.

Jim's well rounded operations and managerial experience gave him a unique and comprehensive view of the organization, which he was able to put to work for the benefit of the millions of postal customers in his district.

I have known Jim and his wife Sandra for many years and am sure they are looking forward to many relaxing years together with their children and grandchildren. He has dedicated himself to public service staying true to the ideal of placing the needs of others before those of yourself. Now I join with so many others in extending warm wishes as they begin a well deserved retirement together.•

MESSAGES FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5813. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 71. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

At 1:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4056. An act to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty.

H.R. 5493. An act to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

H.R. 5570. An act to amend the Immigration and Nationality Act with respect to the special immigrant nonminister religious worker program, and for other purposes.

H.R. 5719. An act to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4056. An act to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty; to the Committee on the Judiciary.

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5719. An act to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5799. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota'' (Docket No. APHIS–2008–0037) received on April 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5800. A communication from the Director of Selective Service, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC–5801. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General William E. Mortensen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5802. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral William J. Fallon, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–5803. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (4) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5804. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the details of the Office's compensation plan for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5805. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5806. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (73 FR 14826) received on April 10, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MT-Propeller Entwicklung GmbH Propellers'' ((Docket No. 2004–NE–25)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((Docket No. 2007–NM–070)(RIN2120-AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW 4164, PW4168, and PW4168A Turbofan Engines'' ((Docket No. 2007—NE–04)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Intertechnique Zodiac Aircraft Systems, Oxygen Reserve Cylinders'' ((Docket No. 2007–SW–02)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robinson Helicopter Company Models R22, R22 Alpha, R22 Beta, R22 Mariner, R44 and R44 I Helicopters'' ((Docket No. 2007–SW–04)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW4164, PW4168, and PW4168A Turbofan Engines'' ((Docket No. 2007–NE–04)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DG Flugzeugbau GmbH Model DG–500MB Gliders'' ((Docket No. 2007–CE–065)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 680 Airplanes'' ((Docket No. 2007–NM–331)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes'' ((Docket No. 2006–NM–050)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((Docket No. 2007–NM–291)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes'' ((Docket No. 2007–NM–091)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes'' ((Docket No. 2007–NM–247)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB SF340A and Model SAAB 340B Airplanes'' ((Docket No. 2007–NM–238)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes'' ((Docket No. 2007–NM–237)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes'' ((Docket No. 2007–NM–243)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters'' ((Docket No. 2007–SW–76)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135ER, –135KE, –135KL, and –135LR Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((Docket No. 2007–NM–127)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 525, 525A, and 525B Airplanes'' ((Docket No. 2007–CE–068)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes; and Model 767–200 and –300 Series Airplanes; Equipped with Certain Goodrich Evaluation Systems'' ((Docket No. 2005–NM–139)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42–500 Airplanes'' ((Docket No. 2007–NM–277)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB 2000 Airplanes'' ((Docket No. 2007–NM–239)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited Model DHC–4 and DHC–4A Airplanes'' ((Docket No. 2007–NM–338)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited Model DHC–4 and DHC–4A Airplanes; and Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((Docket No. 2007–NM–338)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes'' ((Docket No. 2007–NM–143)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB211 Series Turbofan Engines'' ((Docket No. 2003–NE–12)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes'' ((Docket No. 2007–CE–088)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; Model DC–8–50, –60, –60F, –70, and –70F Series Airplanes; Model DC–9–10, –20, –30, –40, and –50 Series Airplanes; Model DC–9–81, DC–9–82, DC–9–83, and DC–9–87 Airplanes; and Model MD–88 Airplanes'' ((Docket No. 2006–NM–243)(RIN2120–AA64)) received on April 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5834. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the services provided during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–5835. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to Federal actions during flood control operations at Grand Lake, Oklahoma; to the Committee on Environment and Public Works.

EC–5836. A communication from the Chair, Good Neighbor Environmental Board, transmitting, pursuant to law, the Board's Annual Report; to the Committee on Environment and Public Works.

EC–5837. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to budgeting for the Park River at Grafton, North Dakota; to the Committee on Environment and Public Works.

EC–5838. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''National Coverage Determinations''; to the Committee on Finance.

EC–5839. A communication from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Entry of Softwood Lumber Products from Canada'' (RIN1505–AB73) received on April 15, 2008; to the Committee on Finance.

EC–5840. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to U.S. participation in the United Nations during fiscal year 2006; to the Committee on Foreign Relations.

EC–5841. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Premium Rates; Payment of Premiums; Variable-Rate Premium; Pension Protection Act of 2006'' (RIN1212–AB11) received on April 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5842. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Report for 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5843. A communication from the Deputy Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on April 10, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5844. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of Child and Family Services Agency's Congregate Care Contract Expenditures''; to the Committee on Homeland Security and Governmental Affairs.

EC–5845. A communication from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, the report of discontinuation of service in an acting role for the position of General Counsel, received on April 10, 2008; to the Select Committee on Intelligence.

EC–5846. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of Director of the National Counterterrorism Center, received on April 10, 2008; to the Select Committee on Intelligence.

EC–5847. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Director's Annual Report for fiscal year 2007; to the Committee on the Judiciary.

EC–5848. A communication from the Director of Regulations Management, Office of Information Protection and Risk Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Data Breaches'' (RIN2900–AM63) received on April 10, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 2087. A bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes (Rept. No. 110–326).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 999. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. ALEXANDER, Mr. HATCH, Mrs. DOLE, Mr. CORNYN, and Mr. SUNUNU):

S. 2868. A bill to amend title II of the Immigration and Nationality Act to replace the diversity visa lottery program with a program that issues visas to aliens with an advanced degree; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mrs. LINCOLN):

S. 2869. A bill to amend title 18 of the United States Code to clarify the scope of the child pornography laws and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S. 2870. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out quality assurance activities with respect to the administration of disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself, Mr. LEAHY, Mr. BAYH, Mr. KERRY, Mr. CRAPO, Ms. MIKULSKI, Mr. SALAZAR, Mr. CASEY, Mr. SMITH, Ms. KLOBUCHAR, and Mr. BROWN):

S. 2871. A bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code, to enhance the program of educational assistance under that chapter, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN (for himself and Ms. SNOWE):

S. 2872. A bill to amend titles II and XVI of the Social Security Act to provide for treatment of disability rates and certified as total by reason of unemployability by the Secretary of Veterans Affairs as disability for purposes of such titles, and for other purposes; to the Committee on Finance.

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2873. A bill to amend the Federal Water Pollution Control Act to establish a Corps of Engineers Board of Appeals for permits for certain water storage projects, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Mr. KENNEDY, Mr. SCHUMER, and Mrs. BOXER):

S. 2874. A bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes; to the Committee on Armed Services.

By Mr. TESTER (for himself and Mr. BARRASSO):

S. 2875. A bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Mr. COCHRAN, Mr. DODD, Mr. ALEXANDER, Mr. LEVIN, Mrs. LINCOLN, Mr. BROWN, Ms. LANDRIEU, Mr. KENNEDY, Mr. CASEY, Mrs. MURRAY, Mr. ROBERTS, and Mr. JOHNSON):

S. Res. 517. A resolution designating the week of April 13–19, 2008, as ''Week of the Young Child''; considered and agreed to.

By Mr. DODD:

S. Res. 518. A resolution designating the third week of April 2008 as ''National Shaken Baby Syndrome Awareness Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 358

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 561

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1117

At the request of Mr. BOND, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1313

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1313, a bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2347

At the request of Mr. REID, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2426

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2498

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2507

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2507, a bill to address the digital television transition in border states.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2614

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2743

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

S. 2758

At the request of Ms. MURKOWSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Hawaii (Mr. INOUYE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2829

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2829, a bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 2852

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2852, a bill to provide increased accessibility to information on Federal spending, and for other purposes.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2863

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2863, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures.

S.J. RES. 28

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 1

At the request of Mr. ALLARD, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol.

S. RES. 482

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 482, a resolution designating July 26, 2008, as ''National Day of the American Cowboy''.

AMENDMENT NO. 4527

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 4527 intended to be proposed to H.R. 1195, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER (for himself and Mr. BARRASSO):

S. 2875. A bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; to the Committee on Energy and Natural Resources.

Mr. TESTER. Mr. President, I rise today to talk about the Gray Wolf Livestock Loss Mitigation Act, which Senator BARRASSO and I are introducing today.

This program is a key step now that wolves will be delisted in Montana, Wyoming, and Idaho. The bill will help reduce livestock losses due to wolves and help our ranchers who bear the financial burden of losses due to wolves.

On March 28, the U.S. Fish and Wildlife Service removed the gray wolves in the northern Rockies from the endangered species list. Wolves have, over the last few years, experienced a remarkable recovery in the northern Rockies. They, in fact, have exceeded their population goals put in place when they were reintroduced.

I applaud the Fish and Wildlife Service for their decision to turn the management over to the States, such as Montana, because Montana is ready.

Each State in our region has developed its own management plan that will treat wolves like other wildlife and keep their numbers at approved levels.

Today, tourists come to Yellowstone to see wolves. They are a symbol of the wildness of our region. But wolves also need to eat, and they kill animals in the process—some wild, some domestic. In the case of the domestic livestock, such as cattle and sheep, that costs producers time and money and reduces profitability.

Our States are taking action by initiating new programs that will try to prevent wolf kills by improved fencing, grazing practices, using guard dogs, and other means. They will also be compensating producers for the losses due to wolves.

Yesterday, Montana's program began accepting claims. Since the Federal Government reintroduced wolves to the northern Rockies, it only makes sense for the Fish and Wildlife Service to assist States in managing wolves even after the delisting.

Today, Senator BARRASSO and I are introducing the Gray Wolf Livestock Loss Mitigation Act to provide the assistance States need in managing wolves in the future.

This program strikes the balance the public demands. It accepts the presence of wolves, but it also supports our livestock industry which is affected by that reintroduction of the wolves.

If wolves are a public asset deserving of reintroduction, the Federal Government ought to be a player at the table to mitigate their costs.

I encourage my colleagues to take a look at this issue—it is an important one—particularly those colleagues from the Great Lakes region and the Southwest who face similar problems.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 517—DESIGNATING THE WEEK OF APRIL 13–19, 2008, AS ''WEEK OF THE YOUNG CHILD''

Mr. SALAZAR (for himself, Mr. COCHRAN, Mr. DODD, Mr. ALEXANDER, Mr. LEVIN, Mrs. LINCOLN, Mr. BROWN, Ms. LANDRIEU, Mr. KENNEDY, Mr. CASEY, Mrs. MURRAY, Mr. ROBERTS, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served;

Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;

Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives assistance under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs;

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—

(1) the occurrence of students failing to complete secondary school; and

(2) future costs relating to special education and juvenile crime; and

Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 13–19, 2008, as ''Week of the Young Child'';

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

SENATE RESOLUTION 518—DESIGNATING THE THIRD WEEK OF APRIL 2008 AS ''NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK''

Mr. DODD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 518

Whereas the month of April has been designated ''National Child Abuse Prevention

Month'' as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System figures reveal that more than 900,000 children were victims of abuse and neglect in the United States in 2006, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas more than 4 children die as a result of abuse or neglect in the United States each day;

Whereas children younger than 1 year old accounted for approximately 44 percent of all child abuse and neglect fatalities in 2006, and children younger than 3 years old accounted for approximately 78 percent of all child abuse and neglect fatalities in 2006;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas 20 States have enacted statutes related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or are undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death of an infant and may result in extraordinary costs for medical care in only the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been killed or injured by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas the Senate previously designated the third week of April 2007 as ''National Shaken Baby Syndrome Awareness Week''; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2008 as ''National Shaken Baby Syndrome Awareness Week'';

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

Mr. DODD. Mr. President, I rise today to introduce legislation with my colleague, Senator ALEXANDER, to proclaim the third week of April as ''National Shaken Baby Syndrome Awareness Week.''

First recognized by our late colleague, Senator Paul Wellstone, Shaken Baby Syndrome Awareness Week is one step the Senate can take each year to raise public awareness of Shaken Baby Syndrome, represents one of the most devastating forms of child abuse in this country. This form of abuse not only results in severe injury and lifelong disability in some cases, it results in the deaths of hundreds of children each year.

In recognition of the need to eliminate child abuse and to raise awareness about the issue, the month of April has been designated ''National Child Abuse Prevention Month,'' an annual tradition that was initiated in 1979 by former President Jimmy Carter. As we focus more closely on the prevention of child abuse this month, awareness and prevention of Shaken Baby Syndrome should be an important component of these efforts.

The facts demonstrate the need for our efforts: Based on the most recent statistics available, about 1530 children died of abuse in 2006. While each of those deaths is a tragedy, it is estimated that 300 of those children were victims of an inflicted head injury. Nearly all of those children were under 5 years of age, and two-thirds had not reached their first birthday. The total annual cost of child abuse and neglect in the United States is estimated to be $103.8 billion a year.

However, there is good news: Programs that educate new parents about the danger of shaking and how they can protect their child have been shown to be remarkably effective. Eleven years ago, a pilot project to educate parents before they left the hospital began in Buffalo, New York. Since that time, the incidence of inflicted head injury is 50 percent lower in the Buffalo area. Today, New York and eight other States require hospitals to provide parents with education that gives them the knowledge to keep their children safe, and regional and local programs have begun in other States. Since Texas began in 1998, several states now require that licensed child care providers bee ortant trained about the causes, consequence and prevention of Shaken Baby Syndrome, important knowledge when more than 8 million children under age 5 are in child care during the work week. In Wisconsin, Illinois and New York, education programs are being designed for middle-school and high-school students: tomorrow's parents, tonight's babysitters.

While awareness of the vulnerability of young children to inflicted brain injuries is important, we are learning that effective education programs work best when they enlist the support of parents and other caregivers, and give them the knowledge and techniques they need to keep young children safe.

I, like many of my colleagues, am a parent. My children are still young and my parenting memories are perhaps more fresh than those of some other members. The overwhelming majority of my memories are ones I will cherish for a lifetime. But, I also recall exhaustion, anxiety and moments of frustration and anger. While national surveys show such moments are a normal part of being a parent, they are rarely spoken of.

Education and awareness can give every parent the opportunity to learn how to cope with frustrating moments, and to keep their children safe. Understanding this, last year I introduced the Shaken Baby Syndrome Awareness Act of 2007. This initiative provides for the creation of a public health campaign, including the development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of Shaken Baby Syndrome, and establishment of a cross-disciplinary advisory council to help coordinate national efforts. Through this legislation I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately eliminate Shaken Baby Syndrome.

With the support of the Centers for Disease Control, in 2008 Pennsylvania and North Carolina will begin statewide initiatives to support the efforts of hospitals to educate new parents. This builds on the program that began 11 years ago in Buffalo, New York and it builds on the efforts of doctors, nurses, educators, child care providers, prevention organizations and parent advocates across America who have been working to prevent Shaken Baby Syndrome and other inflicted abuse.

I would like to recognize those efforts, and the efforts of many others, including those formed by parents and relatives of children who have been killed or injured by shaking, who work to increase awareness of how parents can help protect their children from this devastating form of child abuse. Among those who are working toward the end of preventing the tragedy of child abuse and who are supportive of this resolution are: Association of University Centers on Disabilities, Brain Injury Association of America, Child Welfare League of America, Children's Healthcare is a Legal Duty, Children's Safety Network, Congress of Neurological Surgeons, Easter Seals, Hannah Rose Foundation, National Association of Child Care Resource & Referral Agencies, National Association of State Head Injury Administrators, National Center for Learning Disabilities,

National Child Abuse Coalition, National Exchange Club Foundation, Prevent Child Abuse America, Shaken Baby Prevention, Inc., Shaken Baby Syndrome Prevention Plus, The Arc of the United States, The Center for Child Protection and Family Support, The National Association of Children's Hospitals and Related Institutions, The National Shaken Baby Coalition, United Cerebral Palsy, Voices for America's Children, D.C. Children's Trust Fund, and National Family Partnership. I would like to thank Senators MENENDEZ, CASEY, BAYH, CLINTON, SCHUMER, HATCH, MURRAY for their support of this worthwhile initiative.

I urge the Senate to adopt this resolution designating the third week of April 2008 as ''National Shaken Baby Syndrome Awareness Week,'' and I urge members who take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month to take the opportunity to visit a local hospital, child care center or school, learn what they are doing to help parents protect their children from injury and recognize those efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4529. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

SA 4530. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4531. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4532. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4533. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4534. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4535. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4536. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4537. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4538. Mr. COBURN (for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra.

SA 4539. Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra.

SA 4540. Mr. COBURN proposed an amendment to amendment SA 4539 proposed by Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) to the amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra.

SA 4541. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4529. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—Section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) by amending the description for item 160 to read as follows: ''Nebraska Statewide Transit Bus, Bus Facilities and Related Equipment''; and

(2) by amending the description for item 586 to read as follows: ''Nebraska Department of Roads/Bus, Bus Facilities and Related Equipment Statewide''.

SA 4530. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 3 and 4 and insert the following:

(386) in item number 4497 by inserting '', including lighting, landscaping, and pedestrian enhancements from 18th Street to 20th Street and 29th Street to 30th Street'' after ''Cuming Street Transportation improvement project in Omaha'';

(387) in project number 4506 by inserting '', including Burt Street lighting, landscaping, and pedestrian enhancements (including burial of certain overhead utilities) from 30th Street to 20th Street'' after ''Cuming Street Transportation Improvement Project in Omaha''; and

(388) in item number 370 by striking the

On page 86, strike lines 11 and 12 and insert the following:

campus in New Rochelle'';

(25) in item number 276 by inserting '', including narrowing of 24th Street from Cuming Street to Cass Street and adjacent lighting, landscaping, and pedestrian safety enhancements'' after ''in Omaha''; and

(26) in item number 462 by striking the project

SA 4531. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—

(1) IN GENERAL.—Section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(A) by amending the description for item 232 to read as follows: ''WMATA alternatives analysis, environmental assessment, preliminary engineering, design, and construction related to the transfer of WMATA buses from the Alexandria, Virginia Royal Street Bus Garage to an alternate WMATA facility''; and

(B) by amending the description for item 494 to read as follows: ''WMATA alternatives analysis, environmental assessment, preliminary engineering, design, and construction related to the transfer of WMATA buses from the Alexandria, Virginia Royal Street Bus Garage to an alternate WMATA facility''.

(2) AUTHORIZATION.—Amounts for the projects referred to in paragraph (1), as amended, shall remain available through fiscal year 2010.

SA 4532. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:

paving'';

(3) in item number 72—

(A) in the column under the heading ''Project description'', by striking ''Widen I–64 Bland Boulevard interchange'' and inserting ''Middle Ground Boulevard Extension Project''; and

(B) in the column under the heading ''(Dollars in millions)'', by striking ''25.8375'' and inserting ''28.8375'';

(4) by striking item number 1769; and

(5) in item number 614 by inserting ''and for

SA 4533. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike line 3 and all that follows through line 8, and insert the following:

(386) in item number 370 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South''; and

(387) in item number 2406 by striking ''in Fort Worth'' and inserting '', or Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth''.

SA 4534. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy

for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENFORCEMENT OF FEDERAL LAWS WITH RESPECT TO TRANSPORTATION OF HOUSEHOLD GOODS.

Chapter 147 of title 49, United States Code, is amended by striking sections 14710 and 14711 and inserting the following:

''§ 14710. Enforcement of Federal laws with respect to transportation of household goods

''(a) STATE ENFORCEMENT AUTHORITY.—Except as provided under subsection (f), if the attorney general or enforcement official of a State has reason to believe that the interests of the residents of that State have been, or are being, threatened or adversely affected by a violation of any consumer protection provision under this title that apply to individual shippers (as determined by the Secretary) and are related to the delivery and transportation of household goods by a household goods motor carrier subject to jurisdiction under subchapter I of chapter 135 of this title, or regulations or orders issued by the Secretary or the Board under such provisions, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to obtain injunctive relief as provided under this section.

''(b) NOTICE TO SECRETARY OR BOARD.—

''(1) IN GENERAL.—Except as provided under paragraph (2), not later than 60 days before initiating a civil action under subsection (a), the State shall submit, to the Secretary or the Board, written notice of such action that includes a copy of the complaint to be filed to initiate such action.

''(2) EXCEPTION.—If it is not feasible for the State to provide notice to the Secretary or the Board before the deadline under paragraph (1), the State shall provide such notice immediately upon instituting such civil action.

''(c) INTERVENTION.—Upon receiving the notice required under subsection (b), the Secretary or the Board—

''(1) may intervene in such civil action; and

''(2) upon intervening—

''(A) shall be heard on all matters arising in such civil action;

''(B) shall, upon motion, be substituted for the State in such civil action; and

''(C) may file petitions for appeal of a decision in such civil action.

''(d) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

''(1) the venue shall be a judicial district in which—

''(A) the carrier, foreign motor carrier, or broker operates;

''(B) the carrier, foreign motor carrier, or broker was authorized to provide transportation at the time the complaint arose; or

''(C) the defendant in the civil action is found;

''(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

''(3) a person who participated with the carrier or broker in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(e) FEDERAL PRIMARY RIGHT OF ENFORCEMENT.—If the Secretary or Board institutes a civil action or an administrative action under subsection (a), or under any other Act, regulation, or order for which the Secretary or the Board has enforcement authority, no State attorney general, or other official or agency of a State, may bring an action under this section while such action is pending against any defendant named in the complaint of the Secretary or Board for any violation alleged in the complaint.

''(f) REASONABLE COSTS AND ATTORNEY FEES.—If a State prevails in any civil action under subsection (a) for a violation of section 13707, the State can recover reasonable costs and attorneys fees from the carrier or broker.

''(g) STATE COMPLIANCE ORDERS.—

''(1) IN GENERAL.—If an individual shipper fails to relinquish possession of household goods in violation of section 13707, a State may issue an order requiring the shipper to comply with such section.

''(2) ISSUANCE.—Any order issued under this subsection shall—

''(A) be delivered by personal service;

''(B) state with reasonable specificity—

''(i) the requirements of section 13707;

''(ii) the nature of the violation of such section; and

''(iii) the penalties available for such violation (as described by section 14915); and

''(C) shall specify a date by which the shipper shall comply with the order.

''(3) SAVINGS PROVISION.—Action taken by a State under this subsection shall not affect or limit the authority of the State under subsection (a).

''(h) NOTICE TO CARRIER OR BROKER.—

''(1) FAILURE TO RELINQUISH POSSESSION OF HOUSEHOLD GOODS.—

''(A) IN GENERAL.—Except as provided under subparagraph (C), if a civil action brought under subsection (a) is for a violation of section 13707, the State shall provide notice of the alleged violation to the carrier or broker as soon as the alleged violation becomes known to the State.

''(B) CONTENTS.—Notice provided under subparagraph (A)—

''(i) shall require that the carrier or broker cure any violation within 24 hours of receipt of the notice;

''(ii) may be made in writing or by telephone; and

''(iii) if provided by telephone, shall—

''(I) be actual notice; and

''(II) be followed by subsequent written notification not later than 48 hours after the initial notice.

''(C) COMPLIANCE ORDER.—The State is not required to provide notice under this paragraph if the State issues a compliance order under subsection (g).

''(2) OTHER VIOLATIONS.—

''(A) IN GENERAL.—If a civil action brought under subsection (a) is not for a violation of section 13707, the State shall provide written notice to the carrier or broker of any civil action under subsection (a) not later than 30 days before initiating such action.

''(B) CONTENTS.—Notice provided under subparagraph (A) shall—

''(i) include a copy of the complaint to be filed to initiate such civil action; and

''(ii) provide the carrier or broker with an opportunity to cure the reported violation by mutual agreement between the State and the carrier or broker.

''(3) CIVIL ACTION AUTHORIZED.—Regardless of whether a carrier or broker cures a violation about which it has received notification from a State under this subsection, the State may file a civil action against the carrier or broker under subsection (a) if the State has complied with the notification requirement under subsection (b).

''(i) CONSTRUCTION.—Nothing in this section may be construed to—

''(1) prevent the attorney general or enforcement official of a State from exercising the powers conferred on such officials by the laws of such State;

''(2) convey a right to initiate or maintain a class action lawsuit in the enforcement of a Federal law or regulation or order; or

''(3) prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of such State.''.

SA 4535. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 24 and 25, strike ''in Clifton''.

SA 4536. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

In section 105(a), after paragraph (10), insert the following:

(11) in item number 334 by striking ''at intersection of Clinton Street and Keith Avenue'';

SA 4537. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike lines 8 through 11 and insert the following:

(250) in item number 3909 by striking the project description and inserting ''S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 90'';

SA 4538. Mr. COBURN (for himself, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. MCCAIN, Mr. OBAMA, Mrs. CLINTON, and Mrs. MCCASKILL) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for ''Widening and Improvements for I–75 in Collier and Lee County''.

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for ''Coconut Rd. interchange I–75/Lee County''.

(3) A December 3, 2007, article in the Naples Daily News noted, ''Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.' ''.

(4) Page 824 of Riddick's Senate Procedure notes that ''Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.''.

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the ''Coconut Rd. interchange I–75/Lee County'' calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 1, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

SA 4539. Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109-59 to ascertain if a violation of Federal criminal law has occurred.

SA 4540. Mr. COBURN proposed an amendment to amendment SA 4539 proposed by Mrs. BOXER (for herself, Mrs. CLINTON, Mr. OBAMA, and Mr. NELSON of Florida) to the amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. COCONUT ROAD INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) According to item number 462 of the table contained in section 1934 of the Conference Report on H.R. 3 (109th Congress), which was passed by the Senate and the House of Representatives on July 29, 2005, $10,000,000 was allocated for ''Widening and Improvements for I–75 in Collier and Lee County''.

(2) According to item number 462 of such table in the enrolled version of H.R. 3 (109th Congress), which was signed into law by the President on August 10, 2005, $10,000,000 was allocated for ''Coconut Rd. interchange I–75/Lee County''.

(3) A December 3, 2007, article in the Naples Daily News noted, ''Mysteriously, after Congress voted on the bill but before the president signed it into law, language in the earmark was changed to read: 'Coconut Rd. interchange I–75/Lee County.' ''.

(4) Page 824 of Riddick's Senate Procedure notes that ''Concurrent resolutions are used to correct errors in bills when enrolled, or to correct errors by authorizing the re-enrollment of a specified bill with the designated changes to be made.''.

(5) The only concurrent resolution that Congress passed regarding the enrollment of H.R. 3 (H. Con. Res. 226) does not refer to the change made to item 462 of section 1934.

(6) The secret, unauthorized redirection of $10,000,000 to the ''Coconut Rd. interchange I–75/Lee County'' calls into question the integrity of the Constitution and the legislative process.

(7) A full and open investigation into this improper change to congressionally-passed legislation is necessary to restore the integrity of the legislative process.

(b) PRESERVATION OF DOCUMENTATION RELATING TO THE ENROLLMENT OF H.R. 3.—Officers and employees of the Senate and the House of Representatives shall take whatever actions may be necessary to preserve all records, documents, e-mails, and phone records relating to the enrollment of H.R. 3 in the 109th Congress, including all documents relating to changes made to item 462 of the table contained in section 1934 of such Act, to allocate funding for the Coconut Road interchange in Lee County, Florida.

(c) SPECIAL COMMITTEE ON ENROLLMENT IRREGULARITIES.—

(1) ESTABLISHMENT.—There is established a select committee of Congress to be known as the Special Committee on Enrollment Irregularities (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee are to—

(A) investigate the improper insertion of substantive new matter into the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) after the Act passed the Senate and the House of Representatives on July 29, 2005; and

(B) determine when, how, why, and by whom such improper revisions were made;

(3) MEMBERSHIP.—The Committee shall be comprised of 8 members, of which—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(4) AUTHORITY.—The Committee, consistent with the applicable rules of the Senate or the House of Representatives, may—

(A) hold such hearings, take such testimony, and receive such documents as the Committee determines necessary to carry out the purposes described in paragraph (2); and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Committee determines necessary.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than August 2, 2008, the Committee shall prepare an interim report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(B) FINAL REPORT.—Not later than October 1, 2008, the Committee shall prepare a final report that details the Committee's findings and make such report available to the public in searchable form on the Internet.

(6) USE OF INFORMATION.—The Committee may share all findings, documents, and information gathered in an investigation under this subsection with—

(A) the Select Committee on Ethics of the Senate;

(B) the Committee on Standards of Official Conduct of the House of Representatives; and

(C) appropriate law enforcement authorities.

SA 4541. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 18, strike ''160'' and insert ''169''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 16, 2008, at 10 a.m., to conduct a committee hearing entitled ''Turmoil in U.S. Credit Markets: Examining Proposals to Mitigate Foreclosures and Restore Liquidity to the Mortgage Markets.''

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 16, 2008, at 2 p.m., to conduct a subcommittee hearing entitled ''Affordable Housing Opportunities: Reforming the Housing Voucher Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 16, 2008, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''The Impact of the Credit Crunch on Small Business,'' on Wednesday, April 16, 2008, beginning at 2:30 p.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President. I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, April 16, 2008 from 3 p.m.–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century'' on Wednesday, April 16, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 16, 2008, at 2:30 p.m., in open session to receive testimony from military beneficiary organizations regarding the quality of life of active, reserve, and retired military personnel and their family members in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Wednesday April 16, 2008 at 10 a.m. in Room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Surface Transportation and the Global Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT

On Thursday, April 10, 2008, the Senate passed H.R. 3221, as amended, as follows:

H.R. 3221

Resolved, That the bill from the House of Representatives (H.R. 3221) entitled ''An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreclosure Prevention Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 101. Short title.

Subtitle A—Building American Homeownership

Sec. 111. Short title.
Sec. 112. Maximum principal loan obligation.
Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 114. Mortgage insurance premiums.
Sec. 115. Rehabilitation loans.
Sec. 116. Discretionary action.
Sec. 117. Insurance of condominiums.
Sec. 118. Mutual Mortgage Insurance Fund.
Sec. 119. Hawaiian home lands and Indian reservations.
Sec. 120. Conforming and technical amendments.
Sec. 121. Insurance of mortgages.
Sec. 122. Home equity conversion mortgages.
Sec. 123. Energy efficient mortgages program.
Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 125. Homeownership preservation.
Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 127. Post-purchase housing counseling eligibility improvements.
Sec. 128. Pre-purchase homeownership counseling demonstration.
Sec. 129. Fraud prevention.
Sec. 130. Limitation on mortgage insurance premium increases.
Sec. 131. Savings provision.
Sec. 132. Implementation.
Sec. 133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 141. Short title.
Sec. 142. Purposes.
Sec. 143. Exception to limitation on financial institution portfolio.
Sec. 144. Insurance benefits.
Sec. 145. Maximum loan limits.
Sec. 146. Insurance premiums.
Sec. 147. Technical corrections.
Sec. 148. Revision of underwriting criteria.
Sec. 149. Prohibition against kickbacks and unearned fees.
Sec. 150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 302. Nationwide distribution of resources.
Sec. 303. Limitation on use of funds with respect to eminent domain.
Sec. 304. Limitation on distribution of funds.
Sec. 305. Counseling intermediaries.

TITLE IV—HOUSING COUNSELING RESOURCES

Sec. 401. Housing counseling resources.
Sec. 402. Credit counseling.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.
Sec. 503. Community Development Investment Authority for depository institutions.

Sec. 504. Federal Home loan bank refinancing authority for certain residential mortgage loans.

TITLE VI—TAX-RELATED PROVISIONS

Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
Sec. 603. Credit for certain home purchases.
Sec. 604. Additional standard deduction for real property taxes for nonitemizers.
Sec. 605. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.
Sec. 606. Use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions.
Sec. 607. Waiver of deadline on construction of GO Zone property eligible for bonus depreciation.
Sec. 608. Temporary tax relief for Kiowa County, Kansas and surrounding area.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

Sec. 801. Short title; amendment of 1986 Code.

Subtitle A—Taxable REIT Subsidiaries

Sec. 811. Conforming taxable REIT subsidiary asset test.

Subtitle B—Dealer Sales

Sec. 821. Holding period under safe harbor.
Sec. 822. Determining value of sales under safe harbor.

Subtitle C—Health Care REITs

Sec. 831. Conformity for health care facilities.

Subtitle D—Effective Dates and Sunset

Sec. 841. Effective dates and sunset.

TITLE IX—VETERANS HOUSING MATTERS

Sec. 901. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 902. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 903. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 904. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 905. Increase in specially adapted housing benefits for disabled veterans.
Sec. 906. Report on specially adapted housing for disabled individuals.
Sec. 907. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 908. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 909. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.

TITLE X—CLEAN ENERGY TAX STIMULUS

Sec. 1001. Short title; etc.

Subtitle A—Extension of Clean Energy Production Incentives

Sec. 1011. Extension and modification of renewable energy production tax credit.
Sec. 1012. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 1013. Extension and modification of residential energy efficient property credit.
Sec. 1014. Extension and modification of credit for clean renewable energy bonds.
Sec. 1015. Extension of special rule to implement FERC restructuring policy.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

Sec. 1021. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 1022. Extension and modification of tax credit for energy efficient new homes.
Sec. 1023. Extension and modification of energy efficient commercial buildings deduction.
Sec. 1024. Modification and extension of energy efficient appliance credit for appliances produced after 2007.

TITLE XI—SENSE OF THE SENATE

Sec. 1101. Sense of the Senate.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the ''FHA Modernization Act of 2008''.

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Building American Homeownership Act of 2008''.

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

''(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

''(B) not to exceed 100 percent of the appraised value of the property.''; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''section 3103A(d) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

''(9) CASH INVESTMENT REQUIREMENT.—

''(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

''(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

''(i) such lien shall be subordinate to the mortgage; and

''(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

''(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

''(i) The seller or any other person or entity that financially benefits from the transaction.

''(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).''.

SEC. 114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or of the General Insurance Fund'' and all that follows through ''section 234(c),,''; and

(2) in subparagraph (A)—

(A) by striking ''2.25 percent'' and inserting ''3 percent''; and

(B) by striking ''2.0 percent'' and inserting ''2.75 percent''.

SEC. 115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking ''and'' before ''(2)''; and

(B) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before ''a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified

counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation'';

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.''; and

(10) by adding at the end the following new subsection:

''(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

''(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

''(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

''(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

''(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

''(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

''(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

''(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

''(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

''(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

''(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

''(A) the costs to the mortgagor; and

''(B) the impact of such fees on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.''.

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the ''program'').

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

''(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

''(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

''(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act.''; and

(2) by adding at the end the following:

''(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.''.

SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) a significant reduction in the income of the household due to divorce or death; or

''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

''(I) an unexpected or significant increase in medical expenses;

''(II) a divorce;

''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

''(IV) a large property-tax increase; or'';

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.''.

SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an ''eligible homebuyer'' means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting ''the Federal Housing Administration'' before ''the Farm Credit Administration''; and

(2) by striking ''commitment, or loan'' and inserting ''commitment, loan, or insurance agreement or application for insurance or a guarantee''.

SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

Subtitle B—Manufactured Housing Loan Modernization

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': Provided, That with'' and inserting ''. With''.

SEC. 144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is

amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

''SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

''(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

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

''(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

''(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

''(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.''.

SEC. 150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home

which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

''(A) expires not less than 3 years after the origination date of the obligation;

''(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

''(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.''.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking ''90 days'' and inserting ''9 months''.

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking ''90 days'' and inserting ''9 months''.

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking ''in excess of 6 percent'' the second place it appears and all that follows and inserting ''in excess of 6 percent—

''(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

''(B) during the period of military service, in the case of any other obligation or liability.''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

''(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.''.

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary'').

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon; and

(D) demolish blighted structures.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase ''For an additional amount'') under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110–161.

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''before the credit is extended, or'';

(4) by inserting '', which shall be at least 7 business days before consummation of the transaction'' after ''written application'';

(5) by striking '', whichever is earlier''; and

(6) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

''(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

''(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

''(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

''(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

''(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

''(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

''(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

''(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

''(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''not less than $400 or greater than $4,000''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting ''or section 128(b)(2)(C)(ii),'' after ''128(a),''; and

(B) by inserting ''or section 128(b)(2)(C)(ii)'' before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

SEC. 504. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.''.

TITLE VI—TAX-RELATED PROVISIONS

SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—

(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:

''(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—

''(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

''(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—

''(I) subparagraph (A)(i) shall be applied by substituting '4' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and

''(III) subparagraph (F) shall not apply.''.

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

''(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

''(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.''.

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting ''amount of such'' before ''deduction described in clause (ii)(I)''.

(3) EFFECTIVE DATES.—

(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.

(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(b) ELECTION AMONG STIMULUS INCENTIVES.—

(1) IN GENERAL.—

(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—

(i) in paragraph (1), by inserting ''placed in service by an eligible taxpayer'' after ''any qualified property'', and

(ii) by adding at the end the following new paragraph:

''(4) ELIGIBLE TAXPAYER.—

''(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

''(i) This subsection and section 179(b)(7).

''(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.

''(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).

''(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.

(2) ELECTION FOR INCREASED EXPENSING.—

(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:

''(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—

''(A) the dollar limitation under paragraph (1) shall be $250,000,

''(B) the dollar limitation under paragraph (2) shall be $800,000, and

''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.

SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

''(i) $10,000,000,000 multiplied by a fraction—

''(I) the numerator of which is the population of such State, and

''(II) the denominator of which is the total population of all States, or

''(ii) the amount determined under subparagraph (B).

''(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a State (other than a possession), $90,300,606, and

''(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

''(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

''(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

''(C) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

''(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

''(ii) to issue any bond after calendar year 2010.

''(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.''.

(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking ''shall not include'' and all that follows and inserting ''shall not include—

''(I) any qualified 501(c)(3) bond (as defined in section 145), or

''(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.

Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking ''QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

''(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after the date of the enactment of this section, and

''(B) before the date that is 12 months after such date.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

''(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

''(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

''(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—

''(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

''(ii) which—

''(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

''(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.

''(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

''(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

''(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

''(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

''(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

''(f) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

''(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.

(3) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(4) Section 25D(c)(2) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(5) Section 26(a)(1) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(6) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(7) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(8) Section 1400C(d)(2) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 25E''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.

SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) REAL PROPERTY TAX DEDUCTION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).

''(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.''.

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

SEC. 605. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

''(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

''(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

''(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

''(i) the limitation under section 38(c), and

''(ii) the limitation under section 53(c).

''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

''(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

''(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

''(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

''(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

''(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

''(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

''(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

''(I) $40,000,000, or

''(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

''(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

''(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

''(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

''(I) from taxable years beginning before January 1, 2006, and

''(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

''(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

''(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

''(F) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

''(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

SEC. 606. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 608. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),

(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''REIT Investment Diversification and Empowerment Act of 2008''.

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

Subtitle A—Taxable REIT Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking ''20 percent'' and inserting ''25 percent''.

Subtitle B—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

Subtitle C—Health Care REITs

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

''(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person

shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

Subtitle D—Effective Dates and Sunset

SEC. 841 EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

TITLE IX—VETERANS HOUSING MATTERS

SEC. 901. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 902. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

''§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans'' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

''§2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A of such title is amended to read as follows:

''§2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 903. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 904. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 905. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''; and

(3) by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 906. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 902(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 907. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 902(a) of this Act), who reside with family members on a permanent basis.

SEC. 908. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting ''or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts'' before ''may not be considered''.

SEC. 909. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

''(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.''.

TITLE X—CLEAN ENERGY TAX STIMULUS

SEC. 1001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''Clean Energy Tax Stimulus Act of 2008''.

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

Subtitle A—Extension of Clean Energy Production Incentives

SEC. 1011. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.''.

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking ''January 1, 2010'' and inserting ''the date of the enactment of paragraph (11)''.

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: ''A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).''.

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''combustion''.

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 1012. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B) of subsection (c)'' and inserting ''subsection (c)(2)(B)''.

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1013. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking '', (2),'' in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 1014. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting '', and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000'' after ''$1,200,000,000'' in paragraph (1),

(2) by striking ''$750,000,000 of the'' in paragraph (2) and inserting ''$750,000,000 of the $1,200,000,000'', and

(3) by striking ''bodies'' in paragraph (2) and inserting ''bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)''.

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

''(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).'', and

(2) by inserting ''; PUBLIC POWER PROVIDER'' before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

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

SEC. 1015. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

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

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking ''December 31, 2007'' and inserting ''the date which is 2 years after the date of such transaction''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. 1021. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.''.

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ''2006'' and inserting ''2008''.

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.''.

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

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

SEC. 1022. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

''(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

''(ii) used by such eligible contractor as a residence during the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 1023. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking ''$1.80'' and inserting ''$2.25''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking ''$.60'' and inserting ''$0.75'', and

(B) by striking ''$1.80'' and inserting ''$2.25''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1024. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE XI—SENSE OF THE SENATE

SEC. 1101. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

Amend the title so as to read: ''An Act to provide needed housing reform and for other purposes.''.

WEEK OF THE YOUNG CHILD

Mrs. BOXER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 517 submitted earlier today by Senator SALAZAR.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 517) designating the week of April 13–19, 2008, as ''Week of the Young Child.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Madam President, I rise today to recognize the ''Week of the Young Child.'' With 20 million children under the age of 5 in this country, these children are our country's future, and we must support and invest in our future. Providing children with access to quality early education programs will help to ensure that all children are not only ready for school, but ready to succeed and reach their full potential.

In Connecticut, early care and education centers were established to provide quality early education to children of low- and moderate-income families. These centers, which are in communities all over the State, would not exist without a combination of State and Federal funds. Connecticut's centers are accredited by the National Association for the Education of Young Children and seek to support and promote the cognitive, physical, social, and emotional development of children.

The Children's Center of New Milford, CT, is one of these funded early care and education centers. The center offers quality care on a sliding-fee scale to approximately 80 families. In addition to providing educational and social opportunities, the center also provides 80 percent of a child's daily nutritional needs including breakfast, a hot lunch, and an afternoon snack.

Many of the parents helped by the center provide the workforce for small and large companies. They are employed by fast food stores, department stores, grocery stores, local restaurants, and nursing homes. Without the funded centers, these parents would not be able to afford childcare, and their children would not be able to benefit from the various educational, social, and emotional supports the centers provide.

One Connecticut parent wrote to me about how a quality pre-K program has changed her child's life saying: ''My three year old loves books. My three year old interacts well with others. My three year old knows how to express himself without anger. My three year old will grow up to be a good citizen. My three year old is a product of good parenting and a quality pre-K program. As a single working parent, I rely on a pre-K program to fill the gaps when I am unavailable to nurture and teach my child.''

I also heard from an elementary school Spanish teacher who discussed the benefits he has seen when children who come from non-English speaking families attend quality pre-K programs saying: ''The ability to learn with peers and children who do speak English at home helps these children so that they are not further behind their peers when they start kindergarten.''

Funding quality early education programs such as these is essential to support the children, parents, communities, and future of our Nation. I thank Senators SALAZAR and COCHRAN for their leadership with regard to the resolution designating the ''Week of the Young Child'' and proudly support them in their valuable efforts.

Mrs. BOXER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 517) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 517

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served;

Whereas only about one-half of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so;

Whereas less than 5 percent of all eligible babies and toddlers in the United States receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives assistance under section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs;

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs reduce—

(1) the occurrence of students failing to complete secondary school; and

(2) future costs relating to special education and juvenile crime; and

Whereas economist and Nobel Laureate, James Heckman, and Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, have stated that investment in childhood education is of critical importance to the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 13-19, 2008, as ''Week of the Young Child'';

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

ORDERS FOR THURSDAY, APRIL 17, 2007

Mrs. BOXER. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12:45 p.m. tomorrow, Thursday, April 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate then resume consideration of H.R. 1195, the highway technical corrections bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. BOXER. For the information of all Senators, we are working on an agreement to have votes in relation to amendments tomorrow. Those votes could be as early as 1:45 p.m.

As a reminder, today cloture was filed on the Boxer substitute No. 4146 and H.R. 1195. Under the rule, the filing deadline for first-degree amendments is 1 p.m. tomorrow, Thursday, April 17.

ADJOURNMENT UNTIL 12:45 P.M. TOMORROW

Mrs. BOXER. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, April 17, 2008, at 12:45 p.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in order to recognize the achievements of Cleveland's Council on American-Islamic Relations (CAIR) Chapter on the occasion of their sixth annual banquet. For the past 6 years, CAIR has played an instrumental role in bridging the divides between Greater Cleveland's diverse communities.

The Council on American-Islamic Relations is a nation wide nonprofit organization whose mission is to ''enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding''. The CAIR staff of Ohio has worked tirelessly to ensure that this vision becomes a reality and I thank every member of the organization for their commitment to improving the lives of the citizens of the Cleveland area.

Together with the organizers of CAIR's sixth annual banquet, titled ''Let the Conversation Begin,'' I also stand in recognition of the distinguished speakers; Dr. Christopher Pyle of Mt. Holyoke College and Imam Johari Abdul Malik of the Dar Al-Hijrah Islamic Center. Dr. Christopher Pyle is currently a Professor of Politics at Mt. Holyoke College and an award winning investigative journalist, scholar, teacher and historian. Imam Johari Abdul Malik is the head of Muslim Chaplains in Higher Education, Government Relations Chair for the Muslim Alliance in North America and President of the Muslim Society of Washington, Inc. I commend their efforts and work in speaking out on important issues and promoting social justice.

Madam Speaker and colleagues, please join me in recognizing the Council on American-Islamic Relations for their truly outstanding achievements. The work of CAIR is vital in an ever changing, diversifying and growing community. May their efforts to promote dialogue and create a more inclusive world endure for years to come.

A PROCLAMATION HONORING MARJORIE SELLERS ON HER 75TH YEAR OF TEACHING DANCE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Marjorie Sellers has been teaching dance for 75 years with enthusiasm and joy; and

Whereas, this milestone is the result of dedication and love which began in 1924; and

Whereas, an occasion such as this illustrates that hard work and commitment truly represents an honest path to success as evidenced by Marjorie's receipt of several major dance awards including the 1998 Member of the Year for Dance Masters America; and

Whereas, Majorie's love of dance has fostered the education and careers of thousands of students, some of which have shared their talents as professional dancers under her guidance; and

Whereas, we wish Majorie many more years of joy in sharing her talents and love with us; therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Majorie Sellers, for her dedication to teaching dance for 75 years.

CALL UNITED STATES TO ASSIST WITH THE HAITIAN FOOD CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to bring to the attention of this Congress a matter of utmost importance—the current civil unrest in Haiti over rising food prices, and the inability of ordinary Haitians to afford to feed themselves and their families. Haiti is an impoverished nation and this current crisis will only push Haiti further into despair.

I am urging our great Nation to provide emergency food aid to Haiti. Food costs have risen on average 40 percent over last year's cost. The cost of staples such as rice, beans, fruit and milk has increased by 50 percent. The majority of Haitians live on approximately $2 a day. These extraordinary circumstances have caused wide spread rioting throughout Haiti and have even resulted in death. People should not have to die in pursuit of food to feed their families.

As a donor nation, the United States should have answered the World Food Program's (WFP) call for donor support earlier. The WFP appeal is for $96 million, and only 13 percent of the request has been provided. Our great Nation should be embarrassed for allowing our Caribbean neighbor to suffer this fate. I want to urge this Congress and the President to quickly answer the call of the WFP and provide critical food assistance to Haiti in its time of great need.

EMERGENCY ASSISTANCE FOR SECURE ELECTIONS ACT OF 2008

SPEECH OF

HON. STEPHANIE TUBBS-JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Emergency Assistance for Secure Elections Act because I believe it is essential that we ensure every American's basic right to vote and to have that vote counted.

Currently, 15 states still use paperless voting machines which have been proven to be unreliable and vulnerable to hacking. In the past two election cycles, voting machines have malfunctioned and votes have been lost forever. Computer scientists across the country have shown how easy it is to hack these voting systems.

This bill will address these problems by providing the states with financial backing from the Federal Government in order to convert from electronic voting systems to paper ballot voting systems in time for the November 2008 elections. The bill also provides emergency paper ballots if the jurisdiction uses a direct recording electronic voting system which happens to fail.

Today, 9 percent of the U.S. population records their votes electronically. These numbers vary greatly from State to State. Twelve percent of Ohio votes are recorded electronically; 80 percent of Kentucky voters use electronic ballots. Without an adequate confirmation method. mechanical deficiencies could have a drastic impact on close elections. This problem must not go unnoticed, and must be addressed.

Considering the tremendous election discrepancies that we have seen take place in this country in 2000 and 2004, we know that we are still dealing with a flawed system. I believe that the passage of this legislation is paramount to ensuring that people throughout this country are not disenfranchised when they attempt to exercise their right to vote.

The right to vote is a right every citizen of this country deserves. As Members of Congress, we all have an obligation to make sure all of our constituents' votes are counted through the most fair and accurate means available. The right to vote should not be reserved for just some of our constituents, but for all of our constituents. It is for this reason that I introduced the Count Every Vote Act of 2007 which seeks to provide an all-encompassing solution to a broad range of voting irregularities that occurred during the 2004 presidential election. It is for the same reason that I urge my colleagues to support the passage of H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008.

PERSONAL EXPLANATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 16, 2008

Mr. LoBIONDO. Madam Speaker, I was not present in the House chamber for votes on April 14, 2008, as well as for part of the day on April 15, 2008, as I was visiting American servicemen and women in Afghanistan. If I were present for votes on these days. I would

have voted ''yea'' on rollcall No. 183, ''yea'' on rollcall No. 184, ''yea'' on rollcall No. 185, ''nay'' on rollcall No. 186, ''nay'' on rollcall No. 187, and ''yea'' on rollcall No. 188.

PERSONAL EXPLANATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GOHMERT. Madam Speaker, on Tuesday, April 15, 2008, I was in Tyler attending the funeral of the longest serving county judge in Smith County history: Judge Larry Craig of Tyler, Texas. Had I been present for the vote on the Motion to Recommit to H.R. 5719 regarding sanctuary cities, I would have voted ''aye.''

WELCOMING SOUTH KOREAN PRESIDENT LEE TO WASHINGTON

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. FOSSELLA. Madam Speaker, this week the President of the Republic of Korea, Lee Myung-Bak, arrives in Washington on his first official visit to the United States since his inauguration on February 25. Indeed, this is President Lee's first major overseas trip, underscoring the importance of the long-standing U.S.-Korea alliance.

The partnership between the United States and the Republic of Korea is multilayered; it has political, diplomatic, strategic, cultural, and economic components. It is historic: the friendship between the U.S. and South Korea is more than 125 years old. It is also familial: over the past century, hundreds of thousands of people emigrated from South Korea to settle in the United States, with the result that today comprises a vibrant and dynamic Korean American community with nearly 2 million constituents.

It has been my privilege to serve as cofounder and cochair of the Congressional Korea Caucus, and in that capacity I have had many opportunities to learn about the Republic of Korea and U.S.-Korea relations. I recently stood side by side with South Korean Ambassador Lee Tae-sik at an event in my district commemorating the Korean war. I have met with numerous Korean war veterans—including many who live in Staten Island and Brooklyn—who served our Nation nobly and who lost comrades on the battlefield or who came home wounded with irreversible scars of that conflict. We will never forget their sacrifice and how their service paved the way for South Korea's enduring freedom today.

Madam Speaker, South Korean soldiers have fought alongside Americans not only in their own homeland but in Vietnam, Afghanistan, and Iraq. In fact, South Korea sent the third largest contingent of armed forces to Iraq among all the countries that have participated in that conflict and has pledged over $460 billion in reconstruction efforts.

The Republic of Korea has often been described as an ''economic miracle.'' A little more than 50 years ago, South Korea was an impoverished nation perceived as having few prospects for survival, much less potential for affluence or influence. Today, it has the world's 11th largest economy and is the 7th largest trading partner of the United States.

It is no wonder, therefore, that last year negotiators for the United States and the Republic of Korea concluded a free trade agreement that now awaits approval by this Congress and the South Korean National Assembly before it is implemented.

The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the U.S.-Korea Free Trade Agreement would increase the Gross Domestic Product, GDP, of the United States by over $10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

With growing uncertainty about the health of our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The proposed U.S.-Korea Free Trade Agreement stands to further increase U.S. exports to Korea and will generate new jobs for Americans. This agreement will be a win-win-win situation—a win for workers, a win for businesses, and a win for consumers.

The visit of President Lee Myung-Bak to Washington offers an unprecedented opportunity to discuss the important issues that our two countries face, jointly and separately. It gives us a chance to celebrate a long and productive friendship. It provides us with a reason to welcome an ally to our country and our Nation's Capitol.

Madam Speaker, I hope our colleagues will join me in offering our best wishes to President Lee on the occasion of his first official visit to the United States.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. CAPUANO. Madam Speaker, on Monday, April 14, 2008 for the entire legislative day and Tuesday, April 15, 2008, for part of the day, I was unable to be in attendance and missed several rollcall votes due to CODEL to Afghanistan and Pakistan that I was leading. I wish to state for the record how I would have voted had I been present: rollcall No. 183—''yes''; rollcall No. 184—''yes''; rollcall No. 185—''yes''; rollcall No. 186—''yes''; rollcall No. 187—''yes''; and rollcall No. 188—''yes.''

IN RECOGNITION OF CHARLES J. MITCHUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Charles J. Mitchum, for 30 years of outstanding public service at the Social Security Administration.

On March 26, 2008, Mr. Mitchum achieved the milestone of 30 years of exceptional service for the Social Security Administration (SSA). His leadership, care, and hard work over the past 30 years has been responsible for the great service residents of the northeastern Ohio community have come to expect from their local SSA offices. Mr. Mitchum began his career at the SSA offices in Ohio as a Contact Representative in the TeleService Center, connecting with constituents via telephone. He diligently worked his way up, holding positions as a Claims Representative, Operations Supervisor, Supplemental Security Income Program Specialist, Executive Assistant to the Regional Commissioner, Team Leader, Assistant District Manager and District Manager prior to being appointed as Area Director in 2004.

As Area Director for 29 northeastern Ohio Social Security Administration field offices, Mr. Mitchum ensures that the residents of northeast Ohio receive timely and courteous service. He also works closely with congressional offices to improve service to SSA beneficiaries. Mr. Mitchum's unwavering commitment to public service and ability to connect with SSA beneficiaries has been recognized in many Commissioner and Regional Commissioner Citations.

Madam Speaker and colleagues, please join me in recognizing Charles J. Mitchum for 30 years of exceptional public service and for continually striving to make a positive difference in the lives of SSA beneficiaries.

A PROCLAMATION HONORING METEOR SEALING SYSTEMS FOR THEIR PERFORMANCE IN THE U.S. DEPARTMENT OF ENERGY'S SAVE ENERGY NOW PROGRAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Meteor Sealing Systems has been a top performer in the U.S. Department of Energy's Save Energy Now Program; and

Whereas, Meteor Sealing Systems committed itself to creating a world class, energy efficient company; and

Whereas, since 2006, Meteor Sealing Systems has contributed to the conservation of over five metric tons of carbon emission; be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate Meteor Sealing Systems on its performance in the U.S. Department of Energy's Save Energy Now Program. With great appreciation and respect, we recognize the tremendous impact this facility has had in the community and the admirable example they have set.

PAYING TRIBUTE TO JOHNNY MANZANET

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise to ask my colleagues to take this time to remember

the life of Puerto Rican boxing champ and a long-time community activist Johnny Manzanet.

Manzanet was a man whose life embodied the reverie of the American Dream, a man of distinction whose accomplishments were a testament to his great Puerto Rican heritage.

Born in the small fishing town of Salinas, Puerto Rico, Manzanet rose up to become a world class middleweight boxing champion and dedicated public servant. In 1968, he was called upon to lead the Olympic Team of the United States in Mexico's Summer Games of the XIX Olympiad. He was then called to serve once more, when Governor Nelson Rockefeller appointed him as the New York State Boxing Commissioner in 1970.

In the ensuing decades, Johnny continued to remain involved with the boxing world, training and developing young talent in every era. All-in-all, the list of those who learned from him include some of the sport's best, from Mike Tyson to the first Hispanic cruiserweight champion, Jose ''Chegüí'' Torres, to even Cassius Clay, the young upstart who would go on to become the great Muhammad Ali.

Yet no matter where he was or what he was doing, Johnny always managed to devote his time to the betterment of the Puerto Rican community. He contributed his time and talents to countless civic and charitable endeavors and has always given of himself unstintingly. Places like the Community Corporation of Loisaida and the Puerto Rican Community Development Project were the recipients of Manzanet's fierce advocacy and protection. He continued to serve in his final years, as a community representative under Bronx Borough Presidents Fernando Ferrer and Adolfo Carrion, Jr.

Sadly, Manzanet passed away on January 22, 2008, a benevolent amalgamation of intellect, steadfastness, and vigor. Though he will be greatly missed, his family, his friends, and his community will never forget his lifetime of sacrifice and dedication to others. They and we should never forget that in and out of the ring, Johnny Manzanet had the heart of a champion.

COMMEMORATING THE ANNIVERSARY OF THE FAIR HOUSING ACT (H. RES. 1095)

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to commemorate the 40th anniversary of the Fair Housing Act, H. Res. 1095. Signed into law in April 1968, the landmark Fair Housing Act includes broad prohibitions on discriminatory activity in the sale and rental of housing. Undoubtedly, this law has created significant change and progress in our Nation. Yet, the law has had a disappointing impact in deterring continued housing discrimination.

Racial discrimination in the real estate market, rental market, and in financing continues at high rates. According to the National Law Center on Homelessness and Poverty, every year, more than 1.7 million fair housing violations are committed solely against African-Americans. An annual report by the U.S. Department of Housing and Urban Development indicates that of the 10,328 housing-related complaints handled by the agency in 2006, race and disability made up the largest percentiles. In an earlier HUD study, the agency found that among Blacks, Asians, and Pacific Islanders, one in every five customers encountered discrimination by rental agents. The harmful effects of these discriminatory housing practices have led to hyper segregated communities and schools across the country.

In my congressional district in Cleveland, Ohio, fair housing organizations such as the Housing Research & Advocacy Center report that the number of housing discrimination complaints have doubled in the last 5 years. Of those reported in my district, 38 percent involved disability, 34 percent alleged race discrimination, and 13 percent were based on familial status. These unlawful practices perpetuate communities where schools go without adequate resources and residents have access to fewer health care facilities and other essential services. Unfortunately, ongoing housing discrimination has created communities across this Nation that do not reflect the neighborhoods envisioned by Dr. Martin Luther King 40 years ago.

Housing discrimination has also played an integral role in our Nation's subprime loan and foreclosure crisis. A report by Cleveland's Housing Research & Advocacy Center found that, ''not only do African-Americans and Latinos have a harder time getting approved for a loan, but once they get a loan, they wind up with high-cost sub prime loans more often than whites, even when they have higher incomes.'' U.S. maps that highlight the high number of foreclosed homes in minority communities further demonstrate the critical importance of the protections provided by the Fair Housing Act. Our Nation's dignity and economic security depend on the enforcement of this important law.

I appreciate this opportunity to commemorate the 40th anniversary of the Fair Housing Act. I proudly join my colleagues and housing advocates across the country in advocating for increased efforts to achieve the ''beloved community'' incaptured in Dr. King's dream.

HONORING AND RECOGNIZING MEALS ON WHEELS ASSOCIATION OF AMERICA

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 2008

Mr. LoBIONDO. Mr. Speaker, I rise here today in support of a resolution honoring and recognizing the work of the Meals on Wheels Association of America, its member senior nutrition programs throughout the country, and their annual March for Meals campaigns.

This resolution recognizes the important work Meals on Wheels does in preventing senior hunger and improving the quality of life for hundreds of thousands of our Nation's seniors. It also encourages Members of Congress to support their local senior nutrition programs by delivering meals to homebound seniors in a community within their district or State.

The Meals on Wheels Association of America recently concluded its annual March for Meals campaign. March for Meals is a national campaign during the month of March to raise awareness of senior hunger and to encourage action on the part of local communities. The month of March was chosen because it was during this month the law was enacted that included senior meal programs in the Older Americans Act.

An important part of March for Meals is Mayors for Meals Day, where mayors and elected officials from across the Nation deliver meals for their local Meals on Wheels programs. On March 19, 2008, a new record was set when 1,084 U.S. mayors and elected officials joined together to deliver meals to seniors.

I have proudly participated in past Meals on Wheels Association of America's ''March for Meals'' events and witnessed first hand both the need for these important programs and the incredible dedication of their staff and volunteers. I encourage each of you to get involved with your local programs—whether you help prepare meals, deliver meals, or just join local seniors in enjoying their meals—your support can make a difference.

I also encourage you to join me in supporting this resolution which will give the Meals on Wheels Association of America and its member programs the honor and recognition they so richly deserve.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. ROTHMAN. Madam Speaker, on Thursday, April 16, I was unable to be present in the Capitol and missed rollcall votes Nos. 192 through 195. Had I been present, I would have voted in the following manner:

On rollcall votes Nos. 192 and 193, procedural votes on H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007, I would have voted ''aye.'' On rollcall votes Nos. 194 and 195, procedural votes on H.R. 5715, Ensuring Continued Access to Student Loans Act, I would have voted ''aye.''

HONORING DR. MA YING-JEOU UPON HIS ELECTION AS PRESIDENT OF TAIWAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Dr. Ma Ying-jeou upon his recent election to the Presidency of Taiwan.

On March 22, 2008, Taiwan elected a new President, Dr. Ma Ying-jeou, former mayor of Taipei. As a long term observer of Taiwan, I have noticed that this island country has taken great strides toward full democracy. The latest presidential election proved that democracy is thriving in Taiwan. Regarding Taiwan-U.S. relations, President-elect Ma has also indicated the need to strengthen our informal ties with each other. After 9/11, Taiwan was one of the first countries to give its support to us and has

been proactive in providing information and resources to us in combating global terrorism. In addition, Taiwan has been cooperative in reducing its trade surplus with us and promoting U.S. goods and services in its domestic market. In return, we must assure Taiwan that we will remain faithful to the letter and spirit of the Taiwan Relations Act.

Madam Speaker, Taiwan has come a long way from its authoritarian past and is today a beacon of democracy and freedom in the Far East. I wish to congratulate President-elect Ma and the Taiwanese people for their latest demonstration of democracy. A true democracy like Taiwan deserves friendship and support.

MORE COHERENT PLAN NEEDED FOR IRAQ WAR

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. UDALL of Colorado. Madam Speaker, as a committee member I had the opportunity last week to hear first-hand the testimony of General David Petraeus and Ambassador Ryan Crocker when they appeared before the Armed Services Committee to update us on the status of America's military and diplomatic involvement in Iraq.

There have been many comments on that testimony, but one of the best I have seen was a recent editorial in the Colorado Springs Gazette.

As the editorial noted, ''One of the more striking aspects of our unfortunate occupation of Iraq is an everchanging description of who 'the enemy' is. At first it was the Saddam Hussein regime, and once that toppled it was covert regime loyalists. After a long period of denying that an insurgency had developed, insurgents became the enemy. Then it became al-Qaida in Iraq, although foreign and al-Qaida forces never made up more than about 10 percent of those fighting the U.S. occupation. Now it is 'special teams,' presumably supported by Iran.''

In addition, the editorial commented on the speech to the Nation in which President Bush announced that although tours of duty would be reduced to 12 months, for the foreseeable future the number of troops deployed in Iraq would remain at the same level as before the ''surge'' and on the president's description of the desired outcome in Iraq.

The editorial's response was ''The president spoke in broad generalities of 'a free Iraq that can protect its people, support itself economically, and take charge of its own political affairs.' Beyond holding on and hoping, however, there was no sense of how to get there from here.''

Madam Speaker, I think that sums it up very well. And, as one who opposed the Bush Administration's rush to war in Iraq, I also must concur with the editorial's statement that ''The length, cost and indecisiveness of this war should make Americans more skeptical the next time a political leader suggests war, against a country halfway around the world, without a clear objective.''

For the benefit of our colleagues, here is the full text of the Gazette's editorial.

[From the Gazette, Apr. 13, 2008]

IRAQ: NO MORE HOLD AND PRAY

President Bush's speech Thursday, combined with the congressional appearances this week by Gen. David Petraeus and U.S. Ambassador to Iraq Ryan Crocker, suggest strongly that the U.S. strategy in Iraq until the end of this year is ''hold on and pray.''

Even the welcome news that Army combat tours will be reduced from 15 months to 12 months, no doubt welcome news to the top military chiefs who have expressed concerns publicly and privately about the military being ''hollowed out'' by the endless combat in Iraq and Afghanistan, has a whiff of unseriousness about the mission to it. Granted, as outgoing Army Chief of Staff Gen. Richard Cody told the House Armed Services Committee on Tuesday, the Army is ''out of balance'' because of the war. But if the president had a coherent strategy for turning the corner in Iraq, he might well have been willing to tolerate that for a while.

The president spoke in broad generalities of ''a free Iraq that can protect its people, support itself economically, and take charge of its own political affairs.'' Beyond holding on and hoping, however, there was no sense of how to get there from here.

One of the more striking aspects of our unfortunate occupation of Iraq is an everchanging description of who ''the enemy'' is. At first it was the Saddam Hussein regime, and once that toppled it was covert regime loyalists. After a long period of denying that an insurgency had developed, insurgents became the enemy. Then it became al-Qaida in Iraq, although foreign and al-Qaida forces never made up more than about 10 percent of those fighting the U.S. occupation. Now it is ''special teams,'' presumably supported by Iran.

It's clear now: The longer we remain in Iraq the more enemies we make. Imagine if the Chinese army were occupying California. Opposition to that occupation would come from new quarters every week.

Perhaps the most encouraging development from this week's hearings is the growing number of Republican lawmakers beginning to question administration policy. ''The people of the United States have paid an awful price,'' said Rep. DANA ROHRABACHER, R-Calif., noting that the Iraqi government had budget surpluses. ''It's time for the Iraqis to pay that price for their own protection.''

Republican Sen. Susan Collins of Maine, Reps. Tom Tancredo of Colorado, John McHugh of New York, Randy Forbes of Virginia, Jeff Flake of Arizona, Steve Chabot of Ohio and even Dan Burton of Indiana all expressed impatience with the pace at which the Iraqi government is assuming responsibility.

Republicans may simply be distancing themselves from an unpopular president as they face reelection bids in November. Whatever the reasons, it is encouraging to see them express the skepticism most Americans feel.

The length, cost and indecisiveness of this war should make Americans more skeptical the next time a political leader suggests war, against a country halfway around the world, without a clear objective.

IN RECOGNITION OF DANIEL WITKOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today to recognize Daniel Witkowski, of Garfield Heights, Ohio, for 51 years of dedication and hard work for the Department of Public Utilities in Cleveland.

Mr. Witkowski began working at the age of nineteen in June of 1956 as a water serviceman aid. Mr. Witkowski diligently worked his way through the company rank. During his time at the Department of Public Utilities, he played an instrumental part in completing the Futuristic Trunk Main Study. This study measured flow rates and crating maps for the division trunk main system which is still in use today. In 2003, he was promoted to assistant superintendent of distribution in the engineering section. He was recently honored by Cleveland Mayor Frank Jackson as one of 70 employees that has worked at least 25 years in the department.

Mr. Witkowski, now 70 years old, oversees seven crews and remains active by doing daily operations for the division. For over 40 years, his knowledge and expertise has been vital to the services of the Department of Public Utilities.

Madam Speaker and colleagues, please join me in recognizing Daniel Witkowski for 51 years of public service to the city of Cleveland.

A PROCLAMATION HONORING 40TH ANNIVERSARY OF THE REXAM PRESCRIPTION MANUFACTURING FACILITY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Rexam Prescription celebrates the 40th anniversary with great joy; and

Whereas, Rexam Prescription has grown from a small manufacturing facility in 1968 through hard work and dedication; and

Whereas, the Rexam Prescription has become a world class facility as a testament to the committed Ohioians who work there; be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate Rexam Prescription on its 40th Anniversary. With great appreciation and respect, we recognize the tremendous impact this facility has had in the community and in the lives of those people you have touched.

WELCOMING THE POPE'S VISIT AND HOPING IT WILL FURTHER THE PROGRESSIVE AGENDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to warmly and reverently welcome Pope Joseph Alois Ratzinger to the United States—

making his stay at our esteemed capital, the District of Columbia, as well as my home State of New York. This country boasts a strong Catholic tradition, home to the third-largest Catholic population in the world at approximately 66 million followers, and has generated a fount of enthusiasm at this, his first visit to American soil as Pope. The 265th reigning Pope will hold mass at the Nationals and Yankee stadiums, meet with the President at the White House, address the United Nations, and pray at the Ground Zero site in lower Manhattan. May he enjoy a safe and spiritually fulfilling trip.

It is my wish that this Pope's commitment to progressive causes—prime among them the proliferation of peace and socioeconomic justice—ignites that noteworthy agenda in this country. He has called for peaceful resolutions to global conflicts, publicly expressing his conscientious opposition to the war in Iraq, and has bravely noted that all are entitled to at least the bare necessities of life: A roof overhead, food for nourishment, access to medicines. These are basic human rights and entitlements that ought to be made sacrosanct in our society.

MR. JIM STEMMLER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today, with my colleague Congressman JOE DONNELLY, to recognize the many accomplishments of Mr. Jim Stemmler. I have known Jim for many years, and he is one of the most involved citizens I have ever known, especially when it comes to his service to the IronWorkers Local 395. Jim has been a member of the IronWorkers Local 395 for an astounding 35 years, and his contributions to the organization are immeasurable. Although Jim has been a constant fixture within the organization, he will be retiring from the Local 395 at year's end. For his efforts and many contributions to the union, Jim will be honored at a retirement celebration on Saturday, April 19, 2008, at the Radisson Hotel in Merrillville, Indiana.

Jim Stemmler was born in Hegwisch, Illinois, on December 30, 1947. He lived there until he joined the Army, in which he served during the Vietnam conflict. Following his return from Vietnam in 1973, he began his apprenticeship and became a member of the IronWorkers Local 395. Jim's service as an elected member of the union began with the position of Trustee. His dedication to the union and its members continued as he was elected Recording Secretary, and later as he served as president of the IronWorkers Local 395. With Jim's commitment to serve, it is only fitting that Jim was elected the first-ever business manager of Local 395.

Aside from his elected service to the Local 395, Jim also served on several Local 395 boards, including the joint apprenticeship committee and the health and welfare board. The respect and trust of the union's members for Jim is apparent in his appointment as the chairman of the board of trustees for Mid-America Pension Plan and to the supplemental monthly annuity fund board. Jim is also currently the President of the LaPorte, Starke, and Pulaski Building and Construction Trades Council and holds several politically appointed positions throughout the State of Indiana.

When not engaged with the union, Jim spends his spare time with those closest to him, his family. A loving husband, father, and grandfather, Jim's commitment to the union and its members is surpassed only by his dedication to his family. Jim and his wife, Sandy, have shared many wonderful years together.

Madam Speaker, Jim Stemmler has given his time and efforts selflessly to the members of the IronWorkers Local 395 for the past 35 years. As a friend to Congressman DONNELLY and myself, his fellow members, and the larger community, I commend his work throughout northern Indiana. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

HONORING MOTHER LUCY SLADE LEE ON HER 106TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mother Lucy Slade Lee, who celebrated her 106th birthday with family and friends last Saturday at New Gethsemane Baptist Church in Crown Heights where she has been an usher for many years.

Mother Lee, whose official birthday was on April 9, was born in 1902 in New Bern, North Carolina, to the late Elijah and Mahalia Slade, and is succeeded by generations of Slade children. She continued to work well into what many consider retirement age, as an usher and a caretaker to the elderly.

Mother Lee and her family moved into a home on Fleet Street in Brooklyn in 1922, and recalls fondly a time in Brooklyn when there was no electric lighting in home or on the streets; when subway fare was a mere nickel and the Daily News 2 cents; when New York City streets were lined with stables where horses were kept; and when you used your windowsill as a refrigerator. Although these times were not easy, Mother Lee's faith inspired her to devote much of her time to New Gethsemane Baptist Church, where she began serving as an usher in 1966.

For inspiration on how to become better people, we must look to those amongst us who have mastered life's difficult challenges. With Mother Lee's longevity, she has established herself as an outstanding role model for the rest of us.

HONORING REDMOND HIGH SCHOOL—WINNING THE PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. INSLEE. Madam Speaker, it's with great pleasure that I congratulate students from Redmond High School in my home state of Washington for winning a prestigious national honor, the President's Environmental Youth Award.

These outstanding students took it upon themselves to create and develop the ''Cool School'' campaign with the goal of reducing carbon emissions by 1,000 pounds per classroom. Their efforts went well beyond the initial goal and reduced their school's carbon footprint by 72 tons and saved the school $7,500 in its electric bill last year alone.

Led by science teacher Mike Towns, who is an inspiration to those committed to leading a zero-carbon lifestyle, these students exemplify the effort and ingenuity needed to launch a U.S. clean-energy revolution. I have no doubt that these bright minds will continue to be environmental leaders.

It's among the greatest honors as a member of the House of Representatives to meet and work with youth who are involved in their communities and deeply committed to making our world a better place. Our future depends on these young people who are making a real impact in the fight against climate change.

I commend the students and staff of Redmond High School for their efforts and look forward to working with them in the years ahead to beat global warming.

HONORING THE TEACHING CAREER OF MRS. ARLENE CORY OF PENN CHRISTIAN ACADEMY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor the 37 years of inspiring and motivational teaching of Mrs. Arlene Cory of Penn Christian Academy located in East Norriton Township, Montgomery County, Pennsylvania. Mrs. Cory will be honored with a well-deserved retirement dinner on April 29, 2008, at Presidential Caterers in the township.

Ms. Cory began her career at Penn Christian Academy in 1971 and she is now teaching a second generation of students. Alumni who have learned of Mrs. Cory's coming departure have expressed regret that she will not be their children's teacher one day. She is loved, admired and respected by many. Her friends will tell you that this is due to her kind heart and her willingness to always lend a helping hand.

In 1985, along with her long-time co-worker Linda Kuntz, Ms. Cory was dubbed a ''teacher extraordinaire''. I'm sure the thousands of children whose lives she has touched over the years could not agree more.

Madam Speaker, I ask that my colleagues join me today in thanking Mrs. Arlene Cory for her exemplary service to the children of Penn Christian Academy. May her teaching career be an inspiration to us all.

A PROCLAMATION HONORING JEANETTE VANBUSKIRK ON RECEIVING THE COLUMBUS WOMAN OF THE YEAR AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Jeanette VanBuskirk has acted as a role model for her friends, family, community, and church; and

Whereas, Jeanette VanBuskirk has shown hard work and dedication as the Children's Ministry Director at Triumphant Church; and

Whereas, Jeanette VanBuskirk's compassion has provided opportunities and support for hundreds of women and children each year through summer camps and retreats; and

Whereas, Jeanette VanBuskirk has unselfishly given her time and money in support of those less fortunate; be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Jeanette VanBuskirk for her service, dedication, and receipt of the Columbus Woman of the Year Award.

BACKING FULL VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA ON THIS, THE DAY ITS RESIDENTS PAY TAXES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RANGEL. Madam Speaker, I rise today—the day that hundreds of thousands of DC residents pay federal income taxes while denied today (and every other day) the full vote to decry disenfranchisement in our capital city. This country was founded on the notion that, at the very least, by contributing to the purse, a citizen and his district ought to be afforded an electoral voice. 'No taxation without representation!' they shouted then, and they (rightfully) still shout today. For too long, the District of Columbia has been robbed its voting seat in Congress. For too long, voices have been silenced and democracy has been severely hemorrhaged.

Granting Washington, DC a vote in Congress is of historical import. That's because the city is home to one of the largest percentages of African American residents nationwide. Alongside our many triumphs as a democracy were certain failures in our not-so-distant past that we must never forget or recommit. We once legally, routinely, and unabashedly kept the vote from our African American brothers and sisters, and it would be a powerful symbol if a region as diverse as this one were not similarly kept from exercising its right to be heard. Anything short of that represents an unnerving setback in civil rights, one that indisputably has a racially disparate effect, if not intent.

The District is in need. It has gradually given way to an unfortunate schism, where this country's well-to-do and politically powerful live and work side by side with communities, namely of color, plagued by overwhelming poverty, rundown schools, and unsafe streets. If any area is most deserving of partaking in the national conversation regarding the challenges this country faces, from the slumping economy to the campaign for affordable health care, it is this one. The needs of the District, however, are not endemic to itself—as the representative city for our democracy, its needs are of salience to us all. It is in our national interest that those needs be met with proper and full, electoral representation.

We are now at a place and point of decision with legislation to create a vote for the District having passed this House. We now urgently need that the Senate act to pass this legislation and affirm the intention of this Congress to right this historic wrong.

CONGRATULATING DR. JERRY W. ROY, RECIPIENT OF THE 2008 SILVER EAGLE AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Dr. Jerry W. Roy on receiving the Annual Silver Eagle Award. The award will be presented to Dr. Roy by the Longhorn Council, Boy Scouts of America, on April 29, 2008.

The Annual Silver Eagle Award is presented to individuals who exhibit excellence in their selected field and have embodied the Boy Scout Oath and Law in their personal and professional lives. Each year the honoree is someone who has shown dedication to improving their community, an important aspect of the morals and values of scouting.

Dr. Roy has served as the Superintendent of Schools for Lewisville Independent School District since June 2001. Prior to joining Lewisville ISD, Jerry served Goose Creek CISD in an array of positions ranging from teacher and coach to Superintendent over the course of 28 years.

Dr. Roy received his bachelor's and his master's degrees from Eastern New Mexico University and his doctorate from Baylor University. Among his many achievements, Jerry was named a Select Distinguished Alumnus by Baylor University in 1996 and is a recipient of the Texas Superintendent of the Year Award by the Texas Association of School Administrators.

Madam Speaker, today it is my honor to recognize the achievements of Dr. Jerry W. Roy. He has demonstrated a level of commitment and accomplishment that is truly extraordinary, and deserves our sincere appreciation and respect. It is a privilege to represent Dr. Roy in the 26th District of Texas. I look forward to observing the positive impact he will continue to have on our children's educations, both now and in the future.

PAYING TRIBUTE TO SISTER ANN SAKAC

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. HINCHEY. Madam Speaker, I rise today to honor Sister Ann Sakac, president of Mount Saint Mary College, in Newburgh, New York, as she prepares to retire on June 30 after 31 years as president, and nearly 40 years of service to this excellent college and to the Hudson Valley region of New York State.

Over the past four decades, Sister Ann has nurtured and enhanced the educational environment of Newburgh and the Hudson Valley. The Mount Saint Mary College board of trustees appointed her as the fourth president of the college in March 1977; she had been named acting president the previous August. When she became president, enrollment stood at 877; today some 2,600 men and women attend and benefit from the college.

Sister Ann is a member of the Dominican Sisters of Hope, formerly the Dominican Sisters of Newburgh, who founded the college in 1959. She came to the Mount Saint Mary College in 1969 to teach English. She also served as assistant dean of students.

During her presidency, the college has added programs in accounting, business management and administration, computer science and communication arts as well as graduate programs in education, nursing, and business. The Mount has incorporated technology into the classroom, its library and the operation of the college. Under her leadership, the college has engaged in an extensive building and renovation program for new academic, residential and recreational space, including a new Mathematics, Science and Technology Center, the William and Elaine Kaplan Recreation Center, the renovation of Guzman Hall and Founders Chapel, the construction of a mid-rise student residence and the renovation of the College Courts residence halls. Mount Saint Mary College has invested more than $75 million in its campus since 2002 and seen its annual operating budget expand from $3.5 million in 1977 to $54 million today.

Sister Ann has also made a tremendous impact off campus. Many organizations have absorbed her wisdom and expertise for their boards. She served as president of the Associated Colleges of the Mid-Hudson Region and is former chair of Pattern for Progress, Inc. She was a trustee of St. Luke's Cornwall Hospital from 1981–1999 and served on the board of trustees of the Commission of Independent Colleges and Universities. She has received many awards, including an honorary degree of Doctor of Humanities from Providence College in 2003. The New York State Senate named her a Woman of Distinction in 2006.

Madam Speaker, I am delighted to honor and thank Sister Ann for her distinguished career as president of Mount Saint Mary College and for her service to higher education and the community. I congratulate and salute Sister Ann, who has become synonymous with the identity of Mount Saint Mary College, on her dedication to teaching and her commitment to improving the lives of so many individuals.

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. WALDEN of Oregon. Madam Speaker, on April 10, 2008, I was not present to cast a recorded vote on Rollcall No. 182, an amendment offered by Representative JEFF FLAKE to

H.R. 2537, the Beach Protection Act. As you know, in advance of debate on the Flake Amendment, House leadership announced that further consideration of H.R. 2537 would be postponed until the week of April 14th, 2008. Had I been present to vote on the Flake Amendment, I would have voted ''aye.''

I was scheduled to be in Medford, Oregon, for a series of events that began at 8 a.m. on Friday, April 11, 2008, including two economic stimulus tax clinics with senior citizens and a presentation at Jewett Elementary School. This schedule of events required that I travel from Washington, DC, to Medford on the evening of April 10, 2008, prior to the time that the House voted on the Flake Amendment.

RECOGNIZING THE SERVICE OF SUPERIOR COURT JUDGE ALAN KALKIN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 21 years of service of Superior Court Judge Alan Kalkin on the occasion of his recent retirement from the Superior Court of Los Angeles County.

Prior to his service on the bench, Judge Kalkin graduated from William and Mary College and the University of Richmond Law School in Virginia. After practicing briefly, he and his wife moved to southern California, where he served as a prosecutor in the city of Burbank for 11½ years.

Judge Kalkin was appointed to the Los Angeles County Municipal Court in 1987 by Governor George Deukmejian. In 2000, he was elevated to the Los Angeles Superior Court after the approved consolidation of the Los Angeles Municipal and Superior Courts.

The communities of Los Angeles County have benefited tremendously from his years of service as a judge and a prosecutor, where he earned a superb reputation as a fair, thoughtful, and ethical lawyer and jurist.

The Congress of the United States joins in thanking Judge Kalkin for his many years of valuable service.

A PROCLAMATION HONORING BUCKEYE HILLS-HOCKING VALLEY REGIONAL DEVELOPMENT DISTRICT FOR 40 YEARS OF SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Buckeye Hills-Hocking Valley Regional Development District has been enhancing the lives of Southeast Ohio residents for 40 years; and

Whereas, the nine rural counties of Athens, Hocking, Meigs, Monroe, Noble, Perry and Washington came together in 1968 to create a centralized planning effort for the entire region; and

Whereas, the Buckeye Hills-Hocking Valley Regional Development District serves over 255,000 residents by planning public works projects and social services that benefit the entire region; therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend Buckeye Hills-Hocking Valley Regional Development District on their contributions and service to the people of Southeast Ohio. Congratulations to Buckeye Hills-Hocking Valley Regional Development District for 40 years of committed service.

50TH ANNIVERSARY OF THE SAN ANTONIO COLLEGE FOLK DANCE FESTIVAL

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GONZALEZ. Madam Speaker, as a San Antonio native, I'm personally familiar with the role our city's culture and diversity plays in the lives of our citizens, We proudly celebrate our heritage throughout the year and recognize the importance of our culture through various events and activities, The annual San Antonio College Folk Dance Festival is no exception,

This year's festival will celebrate its 50th year of providing entertainment and education to patrons. The festival provides a multitude of different enriching activities, ranging from craft shows to culture sessions and, of course, dance lessons with live music, The festival is not solely for adults either, as it caters to people of all ages with many exhibits specifically tailored for children.

Most importantly, the San Antonio College Folk Dance Festival benefits the San Antonio College's student scholarship fund. The festival's proceeds contribute to this fund which extends higher education opportunities to many students across our community, San Antonio College's generosity with this scholarship program, and for hosting the San Antonio College Folk Dance Festival, provides a great public service for our community through the students they help and the citizens they entertain.

I am honored and privileged to represent this great community and this institution that serves the people of San Antonio, and it is with great pleasure that I recognize their success during the last 50 years.

TRIBUTE TO DICK VITALE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PASCRELL. Madam Speaker, I rise today to congratulate Dick Vitale for being inducted with the 2008 class to the Naismith Memorial Basketball Hall of Fame. In his long career as a teacher, coach, and commentator, Mr. Vitale has become known around the world for his unrelenting and unyielding passion for the game of college basketball.

Dick Vitale was born in Passaic, New Jersey, where his parents taught him to give ''110 percent all of the time,'' a lesson that has stayed with him throughout his life. After graduating from Seton Hall University, Vitale took a job at Mark Twain Elementary School in Garfield, NJ, where he began his coaching career. After several years he returned to his alma mater, East Rutherford High School, and coached the basketball team to two state championships over the next 6 years.

In 1970, Dick Vitale burst onto the college basketball scene when he was brought on as an assistant coach for the Rutgers University Scarlet Knights basketball team. He was soon hired as the head coach of the University of Detroit, and led the Titans to a 78 and 30 record and a trip to the NCAA Tournament in 1977. His success at the college level caught the eye of another team in Detroit, and he was hired to coach the NBA' s Pistons in 1978. Although his professional coaching career wasn't as successful as he hoped, what was supposed to be a temporary job while waiting for another coaching opportunity ended up leading Mr. Vitale to his true calling. He signed up with the then fledgling ESPN network as a basketball analyst and the rest, they say, is history ''baby!''

Since calling the first college basketball game in ESPN's history in 1979, Dick Vitale has been courtside for more than 1,000 contests. His pithy comments seem to keep even the most lackluster games interesting and colorful. Love him or hate him, Mr. Vitale's trademark catchphrases and endless enthusiasm have become a part of college basketball history. As he approaches his 30th year with ESPN, his election to the Basketball Hall of Fame as a contributor to the sport is well deserved.

I extend my most sincere congratulations to Mr. Vitale, and I thank him for the personality and passion he has brought to the game of college basketball.

THE NATIONAL CRITTENTON FOUNDATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. BLUMENAUER. Madam Speaker, it is an honor for me to recognize the National Florence Crittenton Foundation on its 125th year anniversary. As the first charitable organization created under a congressional charter, the Crittenton Foundation continues to perform good works for communities across the country.

The city of Portland, Oregon, was just over 40 years old when the Portland Crittenton Refuge Home was founded there in 1893, resulting from a donation made by the organization's founder. Charles Crittenton. Today, the headquarters of the National Crittenton Foundation is still located in the heart of Portland.

The work of the Crittenton foundation in reaching out to welcome and care for girls and young women seeking support during their unplanned pregnancy is well known. However many are less familiar with the extensive work of the national network of affiliated Crittenton agencies and how they have shaped the way social services are offered and the mentality of self-empowering the girls and young women they serve.

The unique relationship between the National Crittenton Foundation and the family of affiliated agencies continues to be based on

the beliefs of co-founders Charles Crittenton and Dr. Kate Waller Barrett. They believed that the best way to address compelling social issues in the United States was through a network of independent, local agencies supported by a national body. This belief grew into a national movement encompassing, at one point, 76 agencies in 5 countries, and continues to guide thc organization today.

There are now over 23 Crittenton agencies across the country, which have provided valuable support and services to 5 million vulnerable girls, young women, and their families. Their success has come from over a century of providing forward-thinking and innovative services grounded in research, compassion, and a belief that change comes through empowerment. Crittenton programs address complex social issues, including teen pregnancy, mental health, substance abuse, and interpersonal violence, and they do so in ways that are gender and culturally specific.

Most importantly, Crittenton services build upon the individuality, resiliency and strength of this country's young women.

Please join me in wishing another successful 125 years to the National Crittenton Foundation and its family of agencies across the country.

A PROCLAMATION HONORING OHIO VALLEY REGIONAL DEVELOPMENT COMMISSION FOR 40 YEARS OF SERVICE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ohio Valley Regional Development Commission has been enhancing the lives of Southern Ohio residents for 40 years; and

Whereas, the twelve rural counties of Adams, Brown, Clermont, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto and Vinton came together in 1968 to create a centralized planning effort for the entire region; and

Whereas, the Ohio Valley Regional Development Commission serves these twelve counties by planning public works projects and social services that benefit the entire region; therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend Ohio Valley Regional Development Commission on their contributions and service to the people of Southern Ohio. Congratulations to the Ohio Valley Regional Development Commission for 40 years of committed service.

TRIBUTE ON THE OCCASION OF THE 40TH ANNIVERSARY OF THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Ms. KAPTUR. Madam Speaker, I rise today, pleased to recognize a milestone anniversary for the Toledo Metropolitan Area Council of Governments, TMACOG, in northwestern Ohio and southeast Michigan. TMACOG celebrates its 40th anniversary this month.

When in the early 1960s Federal funds began to go to local governments directly, local leaders from communities in northwest Ohio and southeast Michigan had been meeting informally as the Area Cooperation Committee and building a regional organization. In 1968 the group formally adopted bylaws and elected leadership as TMACOG. Andy Devine, who was then a member of Toledo City Council, was elected to be the first chair. The newly formed executive committee held its first meeting in the council chambers in the city of Oregon, Ohio. In celebration of TMACOG's 40th year, the April 16, 2008, meeting of the TMACOG executive committee will also be held in the city of Oregon.

TMACOG's areas of concentration are transportation planning, environmental planning, and commuter services. Looking to the future, member concerns also include alternative energy and energy conservation measures, economic development, and more interest in freight transportation and logistics.

TMACOG's vision statement, adopted in 2002, states that ''TMACOG will be the governmental partner of choice to coordinate regional assets, opportunities, and challenges.'' Over the course of four decades, local leaders have looked to the organization to lead the region forward. While we celebrate TMACOG's achievements the past 40 years. we join with the organization to promote a bright future of opportunity and growth.

ON THE ANNIVERSARY OF THE VIRGINIA TECH TRAGEDY

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. BOUCHER. Madam Speaker, I have the privilege of representing Virginia's Ninth Congressional District, of which Virginia Tech is a part.

One year ago, a tragedy of a scale and senselessness that defied explanation befell the university, and it came to a campus that is known across the Nation for its friendliness, peacefulness and close association among students and faculty.

In the year that has passed, an incredible spirit of cohesion and determination and a generous outpouring of support from across the Nation have benefited the campus, and much healing has occurred.

The university's proud traditions and its reputation as an exemplary institution of teaching, learning and research have carried on, and the resilience of students, faculty and the community has assured for Virginia Tech a strong recovery.

Today as we remember the enormous loss of young lives full of promise and mature lives of major contribution from a violent and inexplicable act, we also remember the poise and dignity with which the university's faculty and administration responded in a time of uncertainty;

The courage of the Virginia Tech, Montgomery County and Blacksburg first responders in a time of emergency;

The heroism of those who risked personal safety to prevent further loss of life;

The generosity of those who offered their support and financial contributions to the victims and their families in their time of greatest need;

And the remarkable spirit of the Virginia Tech community and resilience of our region when faced with great tragedy.

Today, as we remember an act of great violence, we also remember Virginia Tech's strong resurgence, and we look forward and are committed to its even greater future.

FIRST ANNIVERSARY OF THE TRAGIC LOSS OF LIFE AT VIRGINIA TECH

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GOODE. Madam Speaker, I rise today to honor the memory of the victims of the Virginia Tech shooting incident, which occurred one year ago today. On April 16, 2007, a great tragedy shocked and saddened the world, claiming the lives of 32 innocent members of the Virginia Tech community and injuring many others. I continue to pray for the families and friends of the victims as they cope with the pain this heartbreaking incident brought upon them. At the same time, I am moved and touched by how the world united over the past year to support the Virginia Tech community as it navigates the difficult recovery process.

In the days that followed the tragedy, citizens across America and around the world watched as the Virginia Tech community pulled together to demonstrate the power of ''Hokie Spirit.'' The Nation also provided an outpouring of support, caring, and compassion for the students and families affected by this event. With the world's assistance, the Virginia Tech community exhibited its resilience, collective strength, and courage in the days, weeks, and months following the tragedy. Virginia Tech Professor Peggy Meszaros described this process by stating, ''The reverberations around our campus, and the community, and the state and the nation, if not the world, this Hokie spirit, this belief that we will support one another, that we will survive this tragedy that we will, if we can, even become stronger—that's been a real unifying theme in all of this.''

Moving forward, we should remember the victims for how they lived: as loving, caring scholars and citizens who wanted to make the world a better place. Today, the victims' families and friends carry on this legacy on behalf of those who lost their lives. For example, last year Virginia Tech created V.T.-Engage, a volunteer program for persons in the university community to perform public service in honor of the victims of the tragedy. The program volunteers have already completed more than 200,000 hours of service this year, paying tribute to the memory of those lives lost.

I ask Congress to honor and remember the victims of this tragedy and continue to show support for those affected by it. May God continue to bless the families and friends who lost loved ones and the entire Virginia Tech community on this day of solemn remembrance.

A PROCLAMATION HONORING STARLIGHT SCHOOL FOR THEIR SUPPORT OF THE TUSCARAWAS COUNTY ROCKETS SPECIAL OLYMPICS BASKETBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Starlight School has displayed incredible dedication to creating well-rounded students; and

Whereas, the Starlight School has been supportive of their athletes; and

Whereas, the Starlight School has broadened the abilities and skills of their athletes in the sport of basketball; and

Whereas, the Starlight School has always promoted sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Starlight School on supporting the Tuscarawas County Rockets Special Olympics Basketball team in winning the Ohio Division IV State Basketball Championship. We recognize the tremendous amount of support they have given to their athletes.

TRIBUTE TO THE NATIONAL CRITTENTON FOUNDATION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. CLYBURN. Madam Speaker, I rise today to mark the 125th anniversary of The National Crittenton Foundation and its 23 member agencies. Among its distinguished agencies, is one that I particularly wish to honor, Florence Crittenton Programs of South Carolina.

South Carolina's Crittenton movement began when founder Charles Crittenton visited Charleston, South Carolina in 1897. Along with the pioneering female pediatrician, Dr. Kate Waller Barrett, Mr. Crittenton served as an early advocate of services for young, unmarried, and pregnant women.

Based in Charleston, Florence Crittenton Programs was the first historically-documented agency to respond to the needs of young women. Its establishment was spurred by local concern following the suicide of a young pregnant woman. In the early 1900s, the South Carolina movement consisted almost solely of volunteers who took these young women into their homes in order to keep mothers and children together.

In 1934, the first residential home to serve girls and young women was built in Charleston. Today, the building still serves as the core of the multifaceted agencies of the Florence Crittenton Programs of South Carolina.

Through its tireless work, Florence Crittenton helped to develop positive social change in the attitudes toward pregnant and parenting young women. The agency also focused on the specific social needs of the young women.

As such, in 1975, the agency hired master's level staff to develop a sophisticated clinical program to respond to the mental health needs of the young women.

In the 1980s, the agency's name was changed from the Florence Crittenton Home to Florence Crittenton Programs of South Carolina. The change reflected the growing development of multiple professional programs and r services such as day programs for local clients and community education in local county schools.

Additionally, a family development program was created to provide off-site housing for mothers and children. The family development program was also created to provide educational instruction to help young mothers cultivate nurturing relationships with their children.

Florence Crittenton Programs of South Carolina is truly a beacon of light and hope to young, unmaITied mothers. Its service to the community of South Carolina has offered tremendous help and given even greater guidance to the young women it serves.

Madam Speaker, this organization is located in my District and I am proud to represent them in this August body, and ask that you and my colleagues join me in commending them for 125 years of national leadership.

TRIBUTE TO BRIAN MACDONALD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay special recognition to someone who has dedicated his adult working life to a career of helping people in Oregon's Second Congressional District, my chief of staff, Brian MacDonald.

Brian is one of those rare individuals in this process who puts the needs of others ahead of his own. For new staffers and interns he is the ultimate coach, helping them grow into their jobs, undertake their responsibilities with proper attitude and professionalism and prepare for future opportunities. In short, he cares deeply about the people he works with and works tirelessly to help them be the best they can be.

And when it comes to helping Oregonians, I've never worked with anyone who is more dedicated and effective. Forget time zone differences between the east coast and the west coast. Forget what day of the week or weekend it is. When Oregonians call for help, Brian is there, Blackberry in hand, ready to respond.

All of us who have the great privilege of serving in the Congress know that we cannot do it alone. Given the enormous volume of incoming requests for assistance, the extraordinary list of complicated issues to understand and vote on, and the sheer confusion of the schedules we keep, it takes a talented team of thoughtful and capable staff to make it all work. Over the course of nearly 10 years as my Chief of Staff, Brian has distinguished himself as one of the best at pulling everyone together and juggling it all successfully.

But Brian MacDonald is more than just one of Capitol Hill's finest. He is a caring husband to his wonderful and talented wife Poppy, and a very proud papa to his son Gill and daughter Marley. Before Gill arrived in the world, I remember Brian remarking about how he didn't think the addition of a child would significantly affect his time commitment to his work on the Hill. In fact, he said that because he requires less sleep than most, he didn't foresee many changes at all. To which I suggested the hours he usually set aside for sleep might not be the same ones that his yet-to-be-born son would choose. As the parent of a soon-to-be 18 year-old son, I remembered the days of bottles, diapers and sleepless nights all too well. And, of course, we all know "the rest of the story." Now, in addition to having to juggle the daily flurry of activities in a Congressional office, Brian and his wife have two wonderful children to raise.

Madam Speaker, on April 19, 2008, Brian will reach a milestone in his life. He will turn 40. And as much as he would not want anyone to know or celebrate such an occasion, those of us who consider him a dear friend and colleague cannot let this significant—well, historic—mark pass without notice.

Therefore, I rise today to both wish him the very best on the occasion of his 40th birthday and to thank him for his friendship, his leadership, and his thoughtfulness. He is truly a trusted friend, a terrific chief of staff, and the living definition of what ''public service'' is all about.

THE 1ST ANNIVERSARY OF THE SHOOTINGS AT VIRGINIA TECH

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. GOODLATTE. Madam Speaker, an oasis. That is what so many of us are reminded of when we think of Virginia Tech. The Commonwealth of Virginia's land-grant university, it is located in a beautiful valley in southwest Virginia. Virginia Tech—home of the Hokies—is located just outside my congressional district, a short drive from the Roanoke metropolitan area. It is linked in so many ways to the Roanoke Valley and to the Commonwealth as a whole.

Those links were never more evident on this day a year ago—April 16, 2007. Whether direct—as a result of being a student, a faculty member, an administrator, an employee—or indirect—a family member, a contributor, a supporter, a friend—those links combined to form a chain a year ago today. That chain was formed almost instantaneously when shots rang out in a dormitory and an academic building. The chain formed from innumerable links in reaction to unspeakable horror, heroic response, shared grief, and what became an outpouring of worldwide support.

The day that led us to this one, 365 days later, broke like so many others on the campus in Blacksburg. Like any other university, Virginia Tech thrives on routine—dining hall lines and daily classes, instruction and research, service projects and athletic contests, friendships formed. None of those or a multitude of other routines have been the same since. For the first time in my nearly 16 years in Congress, I literally turned around halfway through my 4-hour drive to Washington. I knew that I couldn't continue that trip, with such events occurring a mere 40 miles away from my front door affecting my constituents, friends, and associates in Blacksburg.

But in the gathering that I attended the next day on campus, I saw a remarkable transformation. I saw a community touched by the deaths of 32 people—students and professors all—turned into a friendship community unlike anywhere else. And then the world began sharing its hopes that the Almighty would transmit healing to each and every person touched in some way by the heartbreak that had befallen Virginia Tech.

One cannot help but reach out to our fellow man at times such as those like April 16, 2007. The magnitude with which the globe embraced Virginia Tech in its ultimate time of need still amazes me. It does so because I see that embrace as visible evidence of the university's motto at work—''Ut Prosim''—''That I may serve.'' And we have seen that service in ways, shapes, and forms we could never have imagined being necessary on the Virginia Tech campus.

On that day and on each day since, we are reminded of the marvelous impact that comes from simply lending a hand. There are the first responders—the police officers and other emergency service officials who put their lives in harm's way in order to save the lives of those who did not fall, and bring an end to the chaos. There are the school officials—tested as if in a war zone, yet called back each day hence to preserve the integrity of a storied institution of higher learning. There are the thousands who gathered spontaneously on the Drillfield the evening of the shootings—one large force whose aim was to bring light to the deep darkness of the day just finished. There's the Hokie Spirit Memorial Fund—formed to serve as the clearinghouse for contributions, small and large, that began pouring in to help offset the untold costs associated with what beset the families of those who died and the university itself. There are the orange and maroon ribbons worn on our clothes, the visits by performers like Dave Matthews and athletic teams like the New York Yankees.

And so it has continued through the year since, almost unabated. The outpouring of support remains active. And so be it, for we should never forget the 32 lives taken. It is for them that we continue to grieve with and pray for their families and friends, that God may bring them comfort through the memories of the wonderful things their loved ones accomplished. It is for them that we are drawn to the memorial on the Drillfield, a part of the campus that will permanently serve as a destination for reflection. We remain steadfast in offering a kind ear to anyone who is touched in any way by the April 16, 2007 shootings at Virginia Tech and still requires reassurance. And we thank each person participating in today's remembrance events on campus, showing through their time and talents that they stand ready to help put the events behind us while maintaining recollections of lives lost.

We were all Hokies United a year ago. A year later, Virginia Tech has prevailed. It remains Virginia Tech. Today, let us pray to God for the men and women who passed into his embrace on April 16, 2007. Let us never forget the sacrifices, far and wide, made in service to the Virginia Tech community. And let us hope for healing, for it is through that healing that we can shape the lives of those yet to come who yearn to be able to proudly share in saying, ''We are Virginia Tech.''

A PROCLAMATION HONORING COACH LINDA HOBART FOR COACHING THE TUSCARAWAS COUNTY ROCKETS SPECIAL OLYMPICS BASKETBALL TEAM TO WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Coach Linda Hobart showed hard work and dedication to the sport of basketball; and

Whereas, Linda Hobart was a leader and mentor for the Tuscarawas County Rockets Special Olympics Basketball Team; and

Whereas, Coach Hobart has been a role model for sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Coach Linda Hobart for leading the Tuscarawas County Rockets Special Olympics Basketball Team to winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and leadership he has demonstrated during the 2007–2008 Basketball season.

ONE YEAR ANNIVERSARY OF THE VIRGINIA TECH SHOOTINGS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. MORAN of Virginia. Madam Speaker, 1 year ago today, 32 students and faculty at Virginia Tech lost their lives when a deranged gunman, Seung-Hui Cho, opened fire on campus, indiscriminately killing and maiming everyone in his path. One of the most deadly school shootings in American history, the tragedy stunned the Nation and shook the school to its core. I cannot imagine how the parents and families of the victims dealt with the heartbreaking news that their loved ones, who they thought were in a safe learning environment, had become the victims of gun violence. On this one year anniversary, my thoughts and prayers go out to the victims, their families, and the entire Virginia Tech community as they continue to cope with the aftermath of that tragic day.

But it is also important to honor the courage displayed by the entire Virginia Tech community during the days and weeks following the shooting. Students, faculty, parents, alumni, and Blacksburg residents all came together to help each other cope with the physical and psychological damage of the shooting. The resolve demonstrated by the Hokie community was one of the most poignant acts of solidarity that I have ever witnessed.

Shortly after the tragedy, many of those affected chose to participate in initiatives to fix the laws that facilitated the perpetration of this crime. First among them was the deficient manner in which mental health records were added to the national background check system. Given his mental health history, had Seung-Hui Cho's information been handled properly he would have been prevented from purchasing the weapons used in the shooting. Responding to pressure from these citizen advocates, Congress passed the NICS Improvements Act, a law providing funding to States to insure that mental health records are added efficiently to the national background check system.

This week, I had the pleasure of meeting yesterday with a survivor of the Virginia Tech massacre. Her name is Lily Habtu. Lily was shot in the jaw and arm during the violent melee. She described how the events of that day have forever changed her life. That trauma could have left Lily a shell of her former self, afraid to face a world that no longer made sense. Instead, Lily has become an activist, joining the Alexandria, VA-based organization called ProtestEasyGuns.com to stand up against the gun lobby so that others might never experience the pain she was forced to bear one year ago today. Right now, she is participating in a demonstration outside the Supreme Court, calling for commonsense legislation to close loopholes that make the purchase and possession of illegal firearms and the violence they perpetrate prevalent in our society.

I am given strength by people like Lily. Rather than retreat from the world, they have channeled their experiences into a positive, fighting to prevent future acts of violence. But the sad fact is that not enough elected officials are willing to take a strong stand on gun safety issues.

The problem is not confusion over what laws need to be implemented. Requiring universal background checks, closing the gun show loophole, preventing terror suspects from purchasing firearms, tightening laws against straw purchases, and banning weapons like the .50 caliber sniper rifle and the rapid-fire assault rifle are all positive steps that would reduce violent crime yet do not restrict the lawful ownership of firearms. The lack of action on these measures is not due to uncertainty over policy, but rather a lack of political courage.

We will never forget the lives cut short on April 16, 2007, and the families and friends of the victims who continue to suffer today. But our sympathy for these victims is hollow unless it is matched with a determination to prevent gun violence. It is imperative Congress honor the memory of the Virginia Tech victims. As a body, we need to stand up before another tragedy occurs, by passing strong, responsible gun safety regulations.

FEDERAL LAW ENFORCEMENT OFFICERS CONGRESSIONAL BADGE OF BRAVERY ACT OF 2008

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today in support of H.R. 4056 which provides Congress the ability to recognize and honor the dedicated men and women in Federal law enforcement who risk their lives and welfare daily while performing necessary and often hazardous duties.

There are thousands of Federal Law Enforcement Officers, FLEOs, including those that bravely serve in the Department of Homeland Security. Of these thousands, some are injured in the course of duty. I want to take this opportunity to express my appreciation to these individuals, especially given the difficult task they have of enforcing our laws and protecting our way of life.

In the Department of Homeland Security alone, countless FLEOs serve to protect the Nation from harm at our borders and ports of entry as well as our financial, cyber and transportation systems. On a daily basis, these individuals work diligently, often apprehending or detaining people suspected of criminal offenses, even if it means putting themselves in harm's way. Their work is absolutely necessary to the security and well-being of our country and it should be properly acknowledged.

While measures exist to award military personnel and State and local officers for their sacrifices, currently only 2 out of the more than 70 Federal agencies recognize their own valiant FLEOs. Therefore, it is imperative that Congress address and highlight the value of these distinguished men and women by establishing a Congressional Badge of Bravery. I urge all my colleagues to support this important legislation.

HONORING AND REMEMBERING THE VIRGINIA TECH COMMUNITY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. WITTMAN. Madam Speaker, today we remember and honor the students and faculty who lost their lives a year ago at Virginia Tech. The entire community has made a valiant effort to move forward while still honoring those who were lost and injured on that fateful day. As a proud alumnus of Virginia Tech this day has very personal meaning to my family and me. My thoughts and prayers are with the families of the victims and the entire Hokie family today.

A PROCLAMATION HONORING COACH DAN McCAULEY FOR COACHING THE TUSCARAWAS COUNTY ROCKETS SPECIAL OLYMPICS BASKETBALL TEAM TO WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

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IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

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THE DAILY 45: CHAVEZ CLARKE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States. Sadly enough, one of the victims on March 29 was eighteen-year-old Chavez Clarke. This Chicago student was gunned down after Saturday classes at Simeon Career Academy, where Clarke was attending in hopes of graduating this summer.

One teenage gunman brought a gun to school because he knew security would be light, police said. Clarke's classmates were outraged. On April 1—instead of playing April Fool's Day pranks—three hundred anti-violence activists and Chicago Public Schools students joined local leaders in their fight for gun control.

If we, as adults, parents, and legislators don't hear the cries of our children, then, WE are the fools. Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will Americans say ''enough is enough, stop the killing!''

VIRGINIA TECH ONE-YEAR ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize the 1-year anniversary of the tragic shooting at Virginia Tech University.

Madam Speaker, today, April 16, 2008, marks one of the darkest days in our Nation's history. A year ago today, 32 innocent lives were mercilessly cut short in their prime. A year ago today, families and friends lost their loved ones in a crime of unspeakable horror. A year ago today, we, the American people once again lost a piece of ourselves and our sense of security.

These poor people. Their poor families. These were real people that were killed. They were our sons and daughters. This was our American family that was impacted on April 16, 2007.

The shooting at Virginia Tech was the deadliest school shooting ever seen on our soil.

Far too many times we have stood here in this Chamber commemorating days like today. Days when we reflect on what evil can come to bear on good people and we make grand proclamations about how we will do everything we can to make sure that it will never happen again. Never again.

And here we are—again.

The cynics among us will no doubt throw their hands up in the air and claim that this is just the way things are. What can we do?

Can we ever stop these nightmares from happening in the first place, so we don't have to hear about another life needlessly lost? The answer is most likely an unsettling no.

The fact is that someday, somewhere, despite all of our best efforts, we will probably come together again sometime down the line and we will deliver similar speeches and we will once again feel the helpless confusion that we have become so uneasily and reluctantly accustomed to.

No, we can't say that there will never be another shooting of major proportions like the one at Virginia Tech, but we can say that we will do everything in our power to close any loophole we can find that would make it easier for another individual to commit such a heinous crime.

We have made strides in the right direction. In January, this Congress passed and the President signed into law the National Instant Criminal Background Check System Improvement Amendments Act.

This bill was a step in the right direction toward keeping guns out of the hands of the people who stand to do the most harm with them. In fact, based on his diagnosed mental illness, it is possible that the killer, Mr. Cho, might not have been able to acquire the weapons he used on his murderous rampage.

We can and will save lives as a result of the mechanisms put in place through the passage of this legislation. But in order for the Improvements to NICS to be truly effective, we must make sure that this Congress steps up to the plate and appropriately funds the legislation that we all supported. This measure is too important to play politics with, and I call on my colleagues to stand with me and do the right thing by fully funding the NICS Improvement Amendments Act.

But beyond keeping guns out of the wrong hands, we need to make sure that systems are in place that will keep our Nation's college campuses safe.

Last week I stood with the families of Virginia Tech victims and announced the introduction of the ''Virginia Tech Victims Campus Emergency Response Policy and Notification Act,'' H.R. 5735, also know as the VTV Act.

The bill amends the Jean Clery Act and requires schools to provide warnings within 30 minutes after campus or local law enforcement officials have determined there is an emergency or dangerous situation on campus.

Had Virginia Tech quickly warned students that there was a gunman on campus when first two murders were confirmed, many of the victims may have sought shelter or stayed put. Instead, people went about their normal day with no knowledge of the danger they were about to encounter.

No notifications were sent until 9:26 a.m., when the school emailed students that there was a shooting, and to watch for suspicious behavior. At 9:45 a.m., the second round of shootings occurred. But by that time, students had already gone to their classes.

Many believe if the students had been notified earlier, they might not have gone to class and some might not have been exposed to the shooter.

If the warnings required by the VTV Act were in place on April 16, 2007, lives might have been saved.

Joe Samaha, father of Virginia Tech victim Reema Samaha said last week that, ''If we do not learn the lesson, we will have lost our students for nothing.''

Let's honor the memories of those students and work to be proactive and do anything necessary to make sure that we can deliver fewer and fewer statements commemorating tragedies like Virginia Tech.

This body has the duty to pass laws that protect Americans, and we can do just that, by supporting sensible legislation like the VTV Act to make sure that we do everything we can to avoid more gun violence.

So let's mark today's unfortunate anniversary by upholding the memory of those lost at Virginia Tech last year and promise to do better, work harder, learn the lessons and not let them be lost for nothing.

PERSONAL EXPLANATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PALLONE. Madam Speaker, yesterday I was away from Washington attending to personal matters and missed several votes. I would have voted ''yes'' on H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008, ''no'' on the Motion to Recommit H.R. 5719, ''yes'' on H.R. 5719, the Taxpayer Assistance and Simplification Act of 2008, and ''yes'' on H.R. 5517, designating a post office in Humble, Texas.

WELCOMING POPE BENEDICT XVI TO THE UNITED STATES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SMITH of New Jersey. Madam Speaker, my wife Marie and I were among the thousands who joined President George W. Bush and Laura on the White House lawn today in welcoming Pope Benedict XVI to the United States.

It was among the most inspiring events of my 28 years in Congress.

Both men—extraordinary leaders for extraordinarily difficult times—spoke eloquently of the challenges, opportunities and duties of global citizenship. Both called us to work harder and more effectively for others, especially the disenfranchised, weak and vulnerable.

President Bush—speaking for us—said to the Pope:

''Here in America you'll find a nation of compassion. Americans believe that the measure of a free society is how we treat the weakest and most vulnerable among us. . . . Here in America you'll find a nation that welcomes the role of faith in the public square. . . . Here in America, you'll find a nation that is fully modern, yet guided by ancient and eternal truths. . . . Most of all, Holy Father, you will find in America people whose hearts are open to your message of hope. And America and the world need this message.''

Pope Benedict said ''I come as a friend. a preacher of the Gospel, and one with great respect for this vast pluralistic society . . .''

He said he hoped his presence would he ''a source of renewal and hope.'' He reminded us that ''Freedom is not only a gift, but also a summons to personal responsibility.'' And the Pope urged us to greater action:

''the need for global solidarity is as urgent as ever, if all people are to live in a way worthy of their dignity—as brothers and sisters dwelling in the same house and around that table which God's bounty has set for all his children. America has traditionally shown herself generous in meeting immediate human needs, fostering development and offering relief to the victims of natural catastrophes. I am confident that this concern for the greater human family will continue to find expression in support for the patient efforts of international diplomacy to resolve conflicts and promote progress. In this way, coming generations will be able to live in a world where truth, freedom and justice can flourish—a world where the God-given dignity and the rights of every man, women and child are cherished, protected and effectively advanced.

Madam Speaker, what follows are both the President and Pope's remarks in their entirety.

PRESIDENT BUSH WELCOMES HIS HOLINESS POPE BENEDICT XVI TO WHITE HOUSE

President Bush: Holy Father, Laura and I are privileged to have you here at the White House. We welcome you with the ancient words commended by Saint Augustine: ''Pax Tecum.'' Peace be with you.

You've chosen to visit America on your birthday. Well, birthdays are traditionally spent with close friends, so our entire nation is moved and honored that you've decided to share this special day with us. We wish you much health and happiness—today and for many years to come.

This is your first trip to the United States since you ascended to the Chair of Saint Peter. You will visit two of our greatest cities and meet countless Americans, including many who have traveled from across the country to see you and to share in the joy of this visit. Here in America you'll find a nation of prayer. Each day millions of our citizens approach our Maker on bended knee, seeking His grace and giving thanks for the many blessings He bestows upon us. Millions of Americans have been praying for your visit, and millions look forward to praying with you this week.

Here in America you'll find a nation of compassion. Americans believe that the measure of a free society is how we treat the weakest and most vulnerable among us. So each day citizens across America answer the universal call to feed the hungry and comfort the sick and care for the infirm. Each day across the world the United States is working to eradicate disease, alleviate poverty, promote peace and bring the light of hope to places still mired in the darkness of tyranny and despair.

Here in America you'll find a nation that welcomes the role of faith in the public square. When our Founders declared our nation's independence, they rested their case on an appeal to the ''laws of nature, and of nature's God.'' We believe in religious liberty. We also believe that a love for freedom and a common moral law are written into every human heart, and that these constitute the firm foundation on which any successful free society must be built.

Here in America. you'll find a nation that is fully modern, yet guided by ancient and eternal truths, The United States is the most innovative, creative and dynamic country on earth—it is also among the most religious. In our nation, faith and reason coexist in harmony. This is one of our country's greatest strengths, and one of the reasons that our land remains a beacon of hope and opportunity for millions across the world.

Most of all. Holy Father, you will find in America people whose hearts are open to your message of hope. And America and the world need this message. In a world where some invoke the name of God to justify acts of terror and murder and hate, we need your message that ''God is love.'' And embracing this love is the surest way to save men from ''falling prey to the teaching of fanaticism and terrorism.''

In a world where some treat life as something to be debased and discarded, we need your message that all human life is sacred, and that ''each of us is willed, each of us is loved'' and your message that ''each of us is willed, each of us is loved, and each of us is necessary.''

In a world where some no longer believe that we can distinguish between simple right and wrong, we need your message to reject this ''dictatorship of relativism,'' and embrace a culture of justice and truth.

In a world where some see freedom as simply the right to do as they wish, we need your message that true liberty requires us to live our freedom not just for ourselves, but ''in a spirit of mutual support.''

Holy Father, thank you for making this journey to America. Our nation welcomes you. We appreciate the example you set for the world, and we ask that you always keep us in your prayers.

Pope Benedict XVI: Mr. President, thank you for your gracious words of welcome on behalf of the people of the United States of America. I deeply appreciate your invitation to visit this great country. My visit coincides with an important moment in the life of the Catholic community in America: the celebration of the 200th anniversary of elevation of the country's first Diocese—Baltimore—to a metropolitan Archdiocese and the establishment of the Sees of New York, Boston, Philadelphia and Louisville.

Yet I am happy to be here as a guest of all Americans. I come as a friend, a preacher of the Gospel, and one with great respect for this vast pluralistic society. America's Catholics have made, and continue to make, an excellent contribution to the life of their country. As I begin my visit, I trust that my presence will be a source of renewal and hope for the Church in the United States, and strengthen the resolve of Catholics to contribute ever more responsibly to the life of this nation, of which they are proud to be citizens.

From the dawn of the Republic, America's quest for freedom has been guided by the conviction that the principles governing political and social life are intimately linked to a moral order based on the dominion of God the Creator. The framers of this nation's founding documents drew upon this conviction when they proclaimed the self-evident truth that all men are created equal and endowed with inalienable rights grounded in the laws of nature and of nature's God.

The course of American history demonstrates the difficulties, the struggles, and the great intellectual and moral resolve which were demanded to shape a society which faithfully embodied these noble principles. In that process, which forged the soul of the nation, religious beliefs were a constant inspiration and driving force, as for example in the struggle against slavery and in the civil rights movement. In our time, too, particularly in moments of crisis, Americans continue to find their strength in a commitment to this patrimony of shared ideas and aspirations.

In the next few days, I look forward to meeting not only with America's Catholic community, but with other Christian communities and representatives of the many religious traditions present in this country.

Historically, not only Catholics, but all believers have found here the freedom to worship God in accordance with the dictates of their conscience, while at the same time being accepted as part of a commonwealth in which each individual group can make its voice heard.

As the nation faces the increasingly complex political and ethical issues of our time, I am confident that the American people will find in their religious beliefs a precious source of insight and an inspiration to pursue reasoned, responsible and respectful dialogue in the effort to build a more human and free society.

Freedom is not only a gift, but also a summons to personal responsibility. Americans know this from experience—almost every town in this country has its monuments honoring those who sacrificed their lives in defense of freedom, both at home and abroad. The preservation of freedom calls for the cultivation of virtue, self-discipline, sacrifice for the common good, and a sense of responsibility towards the less fortunate. It also demands the courage to engage in civic life and to bring one's deepest beliefs and values to reasoned public debate.

In a word, freedom is ever new. It is a challenge held out to each generation, and it must constantly be won over for the cause of good. Few have understood this as clearly as the late Pope John Paul II. In reflecting on the spiritual victory of freedom over totalitarianism in his native Poland and in Eastern Europe, he reminded us that history shows time and again that ''in a world without truth, freedom loses its foundation,'' and a democracy without values can lose its very soul. Those prophetic words in some sense echo the conviction of President Washington, expressed in his Farewell Address, that religion and morality represent ''indispensable supports'' of political prosperity.

The Church, for her part, wishes to contribute to building a world ever more worthy of the human person, created in the image and likeness of God. She is convinced that faith sheds new light on all things, and that the Gospel reveals the noble vocation and sublime destiny of every man and woman. Faith also gives us the strength to respond to our high calling and to hope that inspires us to work for an ever more just and fraternal society. Democracy can only flourish, as your founding fathers realized, when political leaders and those whom they represent are guided by truth and bring the wisdom born of firm moral principle to decisions affecting the life and future of the nation.

For well over a century, the United States of America has played an important role in the international community. On Friday, God willing, I will have the honor of addressing the United Nations organization, where I hope to encourage the efforts underway to make that institution an ever more effective voice for the legitimate aspirations of all the world's peoples.

On this, the 60th anniversary of the Universal Declaration of Human Rights, the need for global solidarity is as urgent as ever, if all people are to live in a way worthy of their dignity—as brothers and sisters dwelling in the same house and around that table which God's bounty has set for all his children. America has traditionally shown herself generous in meeting immediate human needs, fostering development and offering relief to the victims of natural catastrophes. I am confident that this concern for the greater human family will continue to find expression in support for the patient efforts of international diplomacy to resolve conflicts and promote progress. In this way, coming generations will be able to live in a world where truth, freedom and justice can flourish—a world where the God-given dignity and the rights of every man, women and child are cherished, protected and effectively advanced.

Mr. President, dear friends, as I begin my visit to the United States, I express once more my gratitude for your invitation, my joy to be in your midst, and my fervent prayers that Almighty God will confirm this nation and its people in the ways of justice, prosperity and peace. God bless America.

RECOGNIZING NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. REICHERT. Madam Speaker, April 13–19 is National Public Safety Telecommunications Week—a week dedicated to public-safety telecommunicators who handle millions of calls every year with great efficiency. The selfless nature with which these public servants do their jobs is truly one of a kind. Since 1991, Congress has recognized their work. It gives me great pleasure to honor and personally say 'thank-you,' to the many men and women in my district and across Washington State that provide this valuable service to our communities each and every day.

As the former Sheriff of King County in Washington State, I worked alongside the men and women in our communications center, depending on them daily to provide me with the correct information in order to safely carry out my duties and keep our communities safe. I will never forget the great lengths the men and women at our communications center took to be sure I was okay after a head-on collision in 1991, and the care and compassion they showed me. After the collision, I was able to get out of my car and check on the others involved in the accident. I left my portable radio behind in the patrol car, not knowing that the men and women at the communications center were nearly in tears and beside themselves with worry, wondering if I was safe. It is a difficult and sometimes emotional duty they perform, not always knowing what's happening on the other end of the line because they can't see what's going on but can hear the cries for help and the commotion and confusion of the scene. I cannot adequately express how much it meant to me, knowing they cared so much about my well-being. The men and women at our communications centers are truly heroes to the law enforcement officers and citizens they serve.

A former Chief of Police in Colorado once wrote that dispatchers must possess, among other things, the humor of David Letterman, the endurance of the Energizer Bunny and the patience of Job. It is not often that such traits are found in one person. However, in my experience, to find such a person one need look no further than the telecommunications section of a local police, fire or Sheriff's office. These men and women work tirelessly with the heart of a servant; always ensuring the needs of the callers and the first responders they dispatch are met and placing their security above all else.

I encourage all my friends, colleagues, and neighbors to take a moment during this week to thank a telecommunications dispatcher—let them know their service is appreciated and encourage them to continue providing guidance and help to their fellow citizens when they're most in need.

HONORING THE VISIT OF POPE BENEDICT XVI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. EMANUEL. Madam Speaker, I rise today to honor the visit of the Holy Father, Pope Benedict the XVI, to the United States. In addition to commemorating this Pontiff's first visit to our Nation as the spiritual leader of the Roman Catholic Church, today also marks the 81st birthday for his Holiness. The theme for the Pope's U.S. visit is ''On Christian Hope,'' and on behalf of the more than 200,000 Catholic residents of the Fifth Congressional District of Illinois, I would like to welcome Pope Benedict the XVI to Washington, DC and the United States.

Pope Benedict the XVI was elected the 265th Pope in August of 2005. Since that time he has traveled to nations all over the world spreading the beliefs of hope, peace, and justice. Throughout his life the Holy Father has touched the hearts of millions. From his humble beginnings in Germany through his current role as leader of the Roman Catholic Church, his religious doctrine and his belief in faith, hope, and kindness have guided his commitment to the Church and people around the world. He has connected with Catholics and non-Catholics alike through his dedication for advancement of human rights for all people.

The Holy Father has been honored throughout the world as a leader on issues that affect people of all races, religions, and creeds. He is an advocate for the poor and the needy, the hungry and the old, the sick and the tired. The belief that all citizens of the world should have rights is not simply a religious belief, but a human belief and one that we as Americans should honor.

Roman Catholics make up over 20 percent of the United States population and over one-sixth of the worlds population. The Roman Catholic Church in the United States operates schools, universities, shelters, and hospitals to help and educate people of this great nation.

Madam Speaker, the Holy Father is a dedicated servant to the Church and his followers, and we are proud to welcome him on his first visit to America. I wish him continued success in his efforts for human rights and spiritual advancement, as well as a very happy birthday.

HONORING THE PUBLIC SERVICE AND RETIREMENT OF KEITH D. MCFARLAND, PH.D.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to honor a true public servant who has dedicated his entire life to higher education, Dr. Keith D. McFarland.

His teaching career began in 1966 while working on his doctoral degree, and since then, he has taught at both the undergraduate and graduate levels. Dr. McFarland has published books, reviews and numerous articles dealing with twentieth century military history, and has also made professional presentations dealing with his discipline and graduate studies.

In 1969, Dr. McFarland became an Assistant Professor of History at East Texas State University. This position would pave the way for him to become President of the institution, which in 1996 became part of The Texas A&M University System as Texas A&M University-Commerce.

During Dr. McFarland's tenure, he was able to take Texas A&M University-Commerce to new academic heights—twenty new programs were introduced at the bachelor's, master's and doctoral levels. With enrollment at its highest point in 25 years, the university remains one of Texas' top producers of teachers, principals, superintendents, school counselors and educational diagnosticians. The MBA program is considered the number three best buy in the Nation.

In the past 4 years, administrative costs have dropped from 11½ percent to 9½ percent, while external gifts and research funding has increased by over 200 percent.

Passionate about improving a deteriorating physical plant, Dr. McFarland pushed for the first new Campus Master Plan in 40 years. In 2001, he began the first campus construction project since 1977. This project lead to the demolition of forty-one defunct buildings, replacing them with modern and efficient classrooms and support facilities. Under construction today is the Sam Rayburn Student Center, named for one of my personal heroes.

Madam Speaker, I am proud to join the many graduates of Texas A&M University-Commerce, including my wife Mary Ellen, in congratulating Dr. McFarland upon his retirement. I can't think of a better testament to public service than educating tomorrow's leaders, and Dr. McFarland is to be commended for his commitment to the field of higher education. Please join me in honoring him on this prestigious occasion.

HONORING COMMANDER DANIEL K. BRIGGS FOR HIS CONTINUED SERVICE TO THE SONS OF AMVETS OF OHIO

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the distinguished service of Mr. Daniel K. Briggs to the Ohio Department of the Sons of AMVETS. A resident of Findlay, he will be recognized at a testimonial dinner this weekend for his outstanding work as Commander of the Ohio Department.

Born in Bucyrus, Ohio, Commander Briggs is a 1970 graduate of Bucyrus High School. His dedication to veterans' causes was evident from the start through his service to Bucyrus's Sons of the American Legion chapter.

Upon moving to Findlay in 1998, Commander Briggs continued this commitment to our nation's veterans, joining Findlay's Sons of AMVETS squadron. He has held many offices in Findlay's Squadron 21—and continues in the position of First Vice Commander of the Findlay squadron even as he leads the state organization.

During his time as First Vice Commander of Ohio, six new squadrons were established in the state and Ohio membership increased to more than 8,000 sons, grandsons, brothers, and husbands of veterans.

Commander Briggs is a longtime employee of the General Electric plant in Bucyrus. Combining his work with his passion to give back to veterans, he started a program to donate light bulbs to veterans' homes and other veterans' organizations in Ohio. So many have benefited from the thousands of light bulbs donated through this program and the money saved as a result.

Commander Briggs has received numerous honors from his peers in the organization, including the 2006 Lifetime Achievement Award and the Gil Garza Award: the highest award bestowed by the Sons of AMVETS. His commitment to fulfilling needs at the Ohio Veterans Home in Sandusky garnered him the Veterans Affairs Voluntary Services Leadership Award two years ago.

I am honored to join the chorus of well-wishers as the State of Ohio again recognizes his distinguished service to Ohio's veterans. He is a shining example of our mutual responsibility to serve those who devoted their lives to protecting the freedoms we enjoy.

SÖDERTÄLJE, SWEDEN ACCEPTS 5,000 IRAQI REFUGEES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission, I rise today to recognize the generosity of the people of Sodertalje, Sweden, who have opened their doors to more than 5,000 Iraqi refugees. This small city has a population of 83,000 and has accepted more Iraqi refugees than the United States and Canada combined.

On April 10, the Mayor of Södertälje. Mr. Anders Lago, testified at a Helsinki Commission hearing entitled, ''OSCE Partner States and Neighbors Overwhelmed by Iraqi Refugees: Band-aid Solutions to Implosion in the Middle East?'' In his testimony, Mayor Lago noted, ''The millions of refugees in the world must be a concern for us all, not just for those areas bordering on the breeding grounds of war, or for a small number of countries and cities such as Södertälje.'' In addition, he said, ''Despite the fact that we need immigrants, Södertälje has become a town that must now say—STOP, STOP, STOP. Do not misunderstand me. We will always help others when we can. We must act when the lives of our brothers and sisters are in danger. It is imperative that we have a humane refugee policy world wide. Our common agreement that all people are equal, no matter what color, religion or gender, must become a reality.''

Madam Speaker, the country of Sweden has accepted more than 30.000 Iraqi refugees since 2003. This is no doubt a commendable act of humanitarian kindness. I offer my heartfelt thanks and deep appreciation to the government of Sweden which is truly committed to assisting Iraqi refugees.

It must also be noted that, while Mayor Lago has opened the doors of his small city to so many Iraqi refugees, the strains on its infrastructure have been tremendous. Nonetheless, his generosity. and that of the people of Södertälje, put the United States to shame. The Mayor has clearly gone above and beyond the call of duty to help refugees from Iraq and he is nothing short of a ''humanitarian ambassador.''

Madam Speaker. I thank Mayor Anders Lago and the people of Södertälje, Sweden for their kindness and generosity, and I submit the Mayor's statement for inclusion in the CONGRESSIONAL RECORD.

TESTIMONY OF ANDERS LAGO—MAYOR OF SÖDERTÄLJE MUNICIPALITY AND CHAIRMAN OF THE EXECUTIVE COMMITTEE BEFORE HELSINKI COMMISSION, APRIL 10, 2008

Chairman Hastings, Members of the Congressional Commission, Distinguished Speakers and Guests, Ladies and Gentlemen,

First and foremost I would like to thank the Commission for your invitation. I appreciate the opportunity to speak to you about the difficult situation regarding the people now fleeing from Iraq.

Allow me to be totally frank. I am not the President, a Cabinet Minister, an Ambassador or even a Member of the Swedish Parliament. I am the Mayor of Södertälje, a small town with slightly more than eighty thousand inhabitants. I am here today as the representative from a small country on the northern edge of the European Union, but I can say with both pride and disappointment, that when it comes to refugees, I come from a great nation. The United States is the country in the western world that accepts the largest number of refugees. Directly thereafter comes Sweden, and according to census statistics, it is my hometown that receives most refugees in Sweden.

Many Iraqi refugees have sought shelter in Södertälje since the start of the war in Iraq. Almost all belong to the Christian minority. Sodertalje accepts approximately five percent of all the Iraqi refugees who come to Europe. To illustrate this even more dramatically, my little town alone, receives more Iraqi refugees than the United States and Canada together.

We did not start the war in Iraq, however we assume a huge responsibility for those people who are affected.

Last week I met with seven Iraqi pupils at a local school. Meena, a girl in fifth grade, had a tear in her eye when she said '' It is nice here in Sweden, but I miss my father.'' Her father is still in Iraq. Another little girl, Meryem, said with an edge to her voice, '' If the war continues, the doors must be open for the refugees.'' All the children I met have relatives left in Iraq. And those children live in homes tormented with fear.

When I asked these children what they wanted to be when they are older, they brightened up and competed with one another to tell me. Renza wanted to become an artist. Steve wanted to become a policeman. Meena said shyly that she wanted to be a doctor. These children, in spite of all they have been through, have not let circumstances diminish their ability to dream of the future.

In Södertälje we face three problems. Firstly our schools and preschools are full; of the town's eight thousand pupils, five hundred are enrolled in the special preparation

classes we have for newly arrived refugees. We can not hire teachers or build schools fast enough to give all these, often highly motivated pupils a good start in their new country.

Secondly there is a lack of living accommodation. A great many of the refugees lodge with relatives or friends. We know of cases of fifteen people sleeping on mattresses in a two room apartment.

And last but not least we have a shortage of job opportunities. A small town can not possibly produce jobs for a thousand refugees each year. Here the United States could really help Södertälje. American companies looking to set up businesses or expand in Europe, are most welcome to visit my home town. We need all the job opportunities we can get.

I am in awe of the refugees' ambition and will to make new lives for themselves. Many of those who come to our town are well educated and motivated to start a new life in a new country. We need immigrants if we are to manage the demographic challenges we face, as the number of aging citizens in the western world rises.

Despite the fact that we need immigrants, Södertälje has become a town that must now say—STOP, STOP, STOP! Do not misunderstand me. We will always help others when we can. We must act when the lives of our brothers and sisters—are in danger. It is imperative—that we have a humane refugee policy world wide. Our common agreement, that all people are equal, no matter what color religion or gender must become a reality.

The millions of refugees in the world must be a concern for us all, not just for those areas bordering on the breeding grounds of war, or for a small number of countries and cities such as Södertälje.

Södertälje works hard to spread the reception of refugees equally over the whole of Sweden, to all cities and towns. Internationally, we must find a model for an equal and more responsible reception of refugees. We must also have special support for the refugees on site in Iraq, in Jordan and in Syria. Most of all, we must put an end to this and other ongoing wars.

The children I met last week have cousins and friends who are left behind in Iraq. Those children are trying to lead a normal childhood in a land where uneasiness and fear are always present.

I am not a President; I am not an Ambassador; but I know that we must create a new future for the children fleeing from war.

And I know there is no time to lose.

Thank you for your attention.

COMMENDING BILL AND PEGGY ZACK FOR DEVOTION TO THE POCKET FLAGS PROJECT

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PEARCE. Madam Speaker, I rise today to recognize the patriotism and dedication of Bill and Peggy Zack. These two New Mexico residents have fully devoted their time and money to lifting the spirits of our troops deployed in Iraq.

Mr. and Mrs. Zack began the Pocket flag project in 2002 and have since sent out over 70,000 pocket flags. The pocket flags are small folded American flags that are enclosed with a message. On a small piece of paper reads ''A flag for your pocket so you can always carry a little piece of home. We are praying for you. Thank you for defending our freedom.'' A heartfelt message that is sure to lift the spirits of our service men and women. Pocket flags have been sent to the 647 Support Group at Fort Bliss, Texas and all National Guard and special units being deployed through Ft. Bliss. Additional receipts of these flags include the Mountain Brigade in Fort Drum, NY and the AYN of the Alabama National Guard. The list goes on.

It should also be noted that Bill and Peggy don't accept any donations to help them with materials and shipping expenses. In fact the cost of shipping all 70,000 pocket flags has summed up to about $10,000 and over 7,000 hours. The only reimbursement the Zacks will accept are the letters written by soldiers currently deployed. While the letters vary, most say how thankful they are for Bill and Peggy taking the time to send them a little piece of home.

It is inspiring to know that citizens like Bill and Peggy Zack are trying to do all they can to lift the morale of our troops. On behalf of all servicemen and women I would like to thank Bill and Peggy Zack for all their efforts to comfort the troops in the Middle East.

JULIA M. CARSON POST OFFICE BUILDING

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2008

Mr. McCOLLUM of Minnestoa. Mr. Speaker, I rise in support of H.R. 5489 which designates the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office.''

Congresswoman Davis was the second woman and first Republican woman in Virginia's congressional delegation. She came from humble beginnings and rose to become a successful business woman before being elected to the Virginia General Assembly in 1997.

I came to know Congresswoman Davis personally over the years since we first arrived to Congress together in 2001. She was a wonderful woman with whom I was honored to serve. We shared a strong commitment to ensuring that military families and veterans receive the care and compensation they deserve. I will always remember and admire Jo Ann for her strength during her courageous fights with breast cancer.

Madam Speaker, today I have the privilege in joining my colleagues in honoring this distinguished woman and good friend by designating the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office.''

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on April 14, 2008. Had I been present I would have voted ''yea'' on the following rollcall votes: rollcall 183, rollcall 184, and rollcall 185.

TRIBUTE TO THE 125TH BIRTHDAY OF GRAND JUNCTION, COLORADO

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor the occasion of Mesa County's 125th birthday. I would like to express my appreciation of this unique, diverse and vibrant county and all its citizens.

Since before the county was founded in the 1880's, the area's history has been remarkable. Dinosaurs that roamed this area left behind their tracks and bones to tantalize historians and geologists. The advent of the main line of the Denver and Rio Grande Railroads through this valley in 1887 brought the prospect of ''civilization.'' The foresight of the founding fathers to build a major irrigation system, still used today, has helped create some of the best fruit crops in the country. As a farmer, I appreciate the importance of agriculture and the tremendous value it imparts to a community.

Mesa County is also a national leader in many industries and fields. Mesa County residents helped develop the New Deal, worked on the Manhattan Project and served in Congress.

The area is also blessed with a variety of natural resources, including uranium, natural gas and oil shale. In the 1980's the shale-dependent economy crashed after the withdrawal of Exxon Mobile, but with its typical determination, Mesa County is now a thriving economic power. In 2008, Mesa County was named the 9th fastest growing area in the country, a tribute to the resiliency and strength of this county.

On the 125th birthday of Mesa County, we pay tribute to a special area that embodies the best of Colorado. Its blend of rural and urban life has enhanced the life of its citizens. The past and traditions of this special place on the Western Slope are worth celebrating. It is an honor and a privilege to represent Mesa County as it commemorates its 125th birthday.

VIRGINIA TECH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. DAVIS of Virginia. Madam Speaker, one year ago, the idyllic calm of campus life at Virginia Tech, and eveywhere in America, was shattered forever. We mark this somber occasion in solemn memory of those too soon taken from us, and in prayerful sympathy with their still-grieving families and friends. Part of our State's future was lost that day. Immeasurable potential abruptly and cruelly cut short. Remembering hurts, but forgetting would be unforgivable.

It falls to us to make some sense of unthinkable tragedy and do our best, in their honor, to build the world they could only envision

through bright, inquisitive eyes. At Virginia Tech, in Richmond, and throughout the Commonwealth, grief has given life to action, spurring positive steps to help and to heal. Campus security has been strengthened and sentinel systems to identify and confront potentially violent students have been made more sensitive, more vigilant. We do these things for them, and for the safety of the students who follow in their footsteps. And we work in their memory to mark our calendars from this day forward with memorials to youthful accomplishment and growth, not tragedy.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 2008

Mr. PASCRELL. Mr. Speaker, I rise to offer a personal explanation. On Tuesday, April 15, I was unavoidably detained on rollcall votes 186, 187 and 188 due to an official congressional delegation to Afghanistan and Pakistan. Had I been present, I would have voted ''yea'' on rollcall vote 186 (Motion on Ordering the Previous Question on the Rule for H.R. 5719), ''yea'' on rollcall vote 187 (H. Res. 1102—Rule providing for H.R. 5719—Taxpayer Assistance and Simplification Act of 2008) and ''yea'' on rollcall vote 188 (H.R. 5036—Emergency Assistance for Secure Elections Act of 2008).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 17, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine U.S. credit markets, focusing on the role of the credit rating agencies.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine the future of the Internet.
SR–253

10:30 a.m.
Foreign Relations
International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee
To hold hearings to examine international deforestation and climate change.
SD–419

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the National Surface Transportation Policy and Revenue Study Commission, focusing on a recent report on moving passengers and freight into the future.
SR–253

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 934 and H.R. 1374, bills to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, S. 2833, to provide for the management of certain public land in Owyhee County, Idaho, and S. 2834, to establish wilderness areas, promote conservation, and improve public land in Washington County, Utah.
SD–366

APRIL 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine an update on Department of Veterans Affairs and the Department of Defense cooperation and collaboration.
SR–418

10 a.m.
Judiciary
To hold hearings to examine National Security Letters, focusing on the need for greater accountability and oversight.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine phantom traffic.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission.
SD–342

3 p.m.
Energy and Natural Resources
To hold hearings to examine S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, S. 923 and H.R. 1528, bills to amend the National Trails System Act to designate the New England National Scenic Trail, S. 956, to establish the Land Between the Rivers National Heritage Area in the State of Illinois, S. 2073, to amend the National Trails System Act relating to the statute of limitations that applies to certain claims, S. 2513, to modify the boundary of the Minute Man National Historical Park, S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, S. 2804, to adjust the boundary of the Everglades National Park, H.R. 53, to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islandsto provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and H.R. 1483, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas.
SD–366

APRIL 24

9:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine addressing Iran's nuclear ambitions, focusing on policy options for the U.S. and its allies.
SD–342

10 a.m.
Judiciary
Business meeting to consider S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, and the nominations of Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota, and Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice.
SD–226

Appropriations
Military Construction and Veterans' Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for military construction.
SD–124

10:30 a.m.
Commerce, Science, and Transportation
Business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S. J.Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, and the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration.
SR–253

2 p.m.
Foreign Relations
To hold hearings to examine international debt, focusing on building relief initiatives.
SD–419

2:15 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 2680, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water

supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund.

SD–366

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine national nanotechnology, focusing on charting the course for reauthorization.

SR–253

APRIL 29

9:30 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

10:30 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine improving consumer protection in subprime home lending.

SR–253

2:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

4 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

APRIL 30

9 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine secret law and the threat to democratic and accountable government.

SD–226

9:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–232A

10 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

2:30 p.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

MAY 1

9:30 a.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

Energy and Natural Resources
To hold hearings to examine military build-up on Guam, focusing on the impact on civilian community, planning, and response.

SD–366

MAY 2

9:30 a.m.
Armed Services
Closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009.

SR–222

MAY 7

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending benefits legislation.

SR–418

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.

SR–418

CANCELLATIONS

APRIL 30

10 a.m.
Rules and Administration
To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.

SR–301

Daily Digest

Highlights

House Committees ordered reported 12 sundry measures, including the Emergency Extended Unemployment Compensation Act of 2008.

Senate

Chamber Action

Routine Proceedings, pages S3039–S3103

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 2868–2875, and S. Res. 517–518. **Pages S3079–80**

Measures Reported:

S. 2087, to amend certain laws relating to Native Americans to make technical corrections. (S. Rept. No. 110–326)

S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, with an amendment in the nature of a substitute. **Page S3079**

Measures Passed:

Week of the Young Child: Senate agreed to S. Res. 517, designating the week of April 13–19, 2008, as "Week of the Young Child". **Page S3103**

Measures Considered:

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users: Senate continued consideration of H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and taking action on the following amendments proposed thereto: **Pages S3046–67**

Rejected:

DeMint Motion to recommit the bill to the Committee on Environment and Public Works, with instructions to report back, with an amendment striking all new earmarks and spending increases for existing earmarks. (By 78 yeas to 18 nays (Vote No. 104), Senate tabled the motion). **Pages S3047–56**

Pending:

Boxer Amendment No. 4146, in the nature of a substitute. **Pages S3046–47**

Coburn Amendment No. 4538 (to Amendment No. 4146), to create a bipartisan, bicameral special committee to investigate the improper insertion of an earmark for Coconut Road into the conference report of the 2005 highway bill after both chambers of Congress had approved identical versions of the conference report. **Pages S3058–60**

Boxer Amendment No. 4539 (to the text of the committee substitute to be inserted), to call for a review by the Department of Justice of allegations of violations of Federal criminal law. **Pages S3060–61**

Coburn Amendment No. 4540 (to Amendment No. 4539), relative to the Coconut Road Investigation. **Pages S3061–67**

A motion was entered to close further debate on the Boxer Amendment No. 4146 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, April 18, 2008. **Page S3052**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, April 18, 2008. **Page S3052**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 12:45 p.m., on Thursday, April 17, 2008. **Page S3103**

Messages from the House: **Pages S3077–78**

Measures Referred: **Page S3078**

Executive Communications: **Pages S3078–79**

Additional Cosponsors: **Pages S3080–82**

Statements on Introduced Bills/Resolutions: **Pages S3082–84**

Additional Statements: **Pages S3076–77**

Amendments Submitted: **Pages S3084–87**

Authorities for Committees to Meet: **Page S3087**

Text of H.R. 3221, as Previously Passed: **Pages S3087–S3102**

Record Votes: One record vote was taken today. (Total—104) **Page S3056**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:32 p.m., until 12:45 p.m. on Thursday, April 17, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3103.)

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF DEFENSE MEDICAL PROGRAMS

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine Department of Defense medical programs, after receiving testimony from Lieutenant General Eric B. Schoomaker, Surgeon General, and Major General Gale S. Pollock, Chief, Army Nurse Corps, both of the United States Army, Vice Admiral Adam M. Robinson, USN, MC, Surgeon General, and Rear Admiral Christine M. Bruzek-Kohler, USN, NC, Director, Navy Nurse Corps, both of the United States Navy, and Lieutenant General James G. Roudebush, Surgeon General, and Major General Melissa A. Rank, Assistant Surgeon General, Nursing Services and Medical Force Development, both of the United States Air Force, all of the Department of Defense.

APPROPRIATIONS: SUPPLEMENTAL FUNDING REQUEST

Committee on Appropriations: Committee concluded a hearing to examine the supplemental request for war funding for fiscal year 2008, after receiving testimony from former Representative Jim Nussle, Director, Office of Management and Budget, Executive Office of the President.

APPROPRIATIONS: DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Energy, after receiving testimony from Thomas P. D'Agostino, Administrator, Thomas O. Hunter, President and Director, Sandia National Laboratories, both of the National Nuclear Security Administration, George H. Miller, Director, Lawrence Livermore National Laboratory, and Michael R. Anastasio, Director, Los Alamos National Laboratory, all of the Department of Energy.

APPROPRIATIONS: IRS

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Internal Revenue Service, after receiving testimony from Douglas Shulman, Commissioner, Nina E. Olson, National Taxpayer Advocate, both of the Internal Revenue Service, J. Russell George, Inspector General for Tax Administration, and Paul Cherecwich, Jr., Internal Revenue Service Oversight Board, all of the Department of the Treasury.

APPROPRIATIONS: FBI

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Federal Bureau of Investigation, after receiving testimony from Robert S. Mueller, III, Director, Federal Bureau of Investigation, Department of Justice.

DEFENSE AUTHORIZATION REQUEST

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine the defense authorization request for fiscal year 2009 relative to military beneficiary organizations regarding the quality of life of Active, Reserve, and retired military personnel and their members, and the future years defense program, after receiving testimony from Colonel Steven P. Strobridge, USAF (Ret.), Military Officers Association of America (MOAA), and Master Chief Joseph L. Barnes, USN (Ret.), Fleet Reserve Association (FRA), both of the Military Coalition, and Kathleen B. Moakler, National Military Family Association, and Master Sergeant Michael P. Cline, USA (Ret.), Enlisted Association of the National Guard of the United States, all of Alexandria, Virginia; and Meredith M. Beck, Wounded Warrior Project, Arlington, Virginia.

U.S. CREDIT MARKETS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine credit markets in the United States, focusing on proposals to mitigate foreclosures and restore liquidity to the mortgage markets, after receiving testimony from Brian D. Montgomery, Assistant Secretary of Housing, Federal Housing Commissioner, Department of Housing and Urban Development; Arthur J. Murton, Director, Division of Insurance and Research, Federal Deposit Insurance Corporation; and Scott M. Polakoff, Senior Deputy Director and Chief Operating Officer, Office of Thrift Supervision, Department of the Treasury.

AFFORDABLE HOUSING OPPORTUNITIES

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and

Community Development concluded a hearing to examine affordable housing opportunities, focusing on reforming the housing voucher program, including S. 2684, to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937, after receiving testimony from Shaun Donovan, New York City Department of Housing Preservation and Development, New York, New York; Barbara Sard, Center on Budget and Policy Priorities, Washington, D.C.; George Moses, National Low Income Housing Coalition, Pittsburgh, Pennsylvania; P. Curtis Hiebert, Keene Housing Authority, Keene, New Hampshire; and Jack Murray, National Affordable Housing Management Association, Silver Spring, Maryland, on behalf of the National Leased Housing Association.

SURFACE TRANSPORTATION AND THE GLOBAL ECONOMY

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded a hearing to examine surface transportation challenges and the global economy, after receiving testimony from Siva Yam, United States-China Chamber of Commerce, Chicago, Illinois; John Isbell, Nike, Inc., Beaverton, Oregon; Ray Kuntz, Watkins and Shepard Trucking, Helena, Montana, on behalf of the American Trucking Associations; and Edward Wytkind, Transportation Trades Department (TTD) AFI–CIO, Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Robert J. Callahan, of Virginia, to be Ambassador to the Republic of Nicaragua, Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Ecuador, Barbara J. Stephenson, of Florida, to be Ambassador to the Republic of Panama, Peter E. Cianchette, of Maine, to be Ambassador to the Republic of Costa Rica, who was introduced by Senators Collins and Snowe, Hugo Llorens, of Florida, to be Ambassador to the Republic of Honduras, who was introduced by Senator Martinez, Stephen George McFarland, of Texas, to be Ambassador to the Republic of Guatemala, all of the Department of State, and Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada, who was introduced by Senator Voinovich, after the nominees testified and answered questions in their own behalf.

CHILD PROTECTION

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine violence against and exploitation of youth in the 21st century, focusing on solutions for protecting children, including S. 1738, to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators, after receiving testimony from McGregor Scott, United States Attorney, Eastern District of California, Department of Justice; Flint Waters, Wyoming Office of the Attorney General, Division of Criminal Investigation, Cheyenne; Robert Moses, Delaware State Police, Dover; Randall I. Hillman, Alabama District Attorneys Association, Montgomery; Michelle K. Collins, National Center for Missing and Exploited Children, Alexandria, Virginia; and Grier Weeks, National Association to Protect Children, Asheville, North Carolina.

SMALL BUSINESS AND THE CREDIT CRUNCH

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the impact of the credit market on small businesses, including S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act, S. 2553, to modify certain fees applicable under the Small Business Act for 2008, to make an emergency appropriation for certain small business programs, and to amend the Internal Revenue Code of 1986 to provide increased expensing for 2008, to provide a 5-year carryback for certain net operating losses, and S. 2612, to provide economic stimulus for small business concerns, after receiving testimony from Frederic S. Mishkin, Member, Board of Governors of the Federal Reserve System; Steven C. Preston, Administrator, Small Business Administration; Daniel O'Connell, Massachusetts Secretary for the Executive Office of Housing and Economic Development, Boston; Mayor Carolyn A. Kirk, Gloucester, Massachusetts; Marilyn D. Landis, Basic Business Concepts, Inc., Pittsburgh, Pennsylvania, on behalf of the National Small Business Association; Robert Mitchell, Mitchell and Best Homebuilders, LLC, Rockville, Maryland, on behalf of National Association of Home Builders; Cynthia Blankenship, Bank of the West, Irving, Texas, on behalf of the Independent Community Bankers of America; and Samuel D. Bornstein, Kean University School of Business, Union, New Jersey.

CARING FOR SENIORS

Special Committee on Aging: Committee concluded a hearing to examine caring for the elderly, focusing on ways to support care providers, after receiving testimony from John W. Rowe, Columbia University

Mailman School of Public Health Department of Health Policy and Management, and Martha Stewart, Martha Stewart Living Omnimedia, both of New York, New York; Robyn I. Stone, Institute for the Future of Aging Services, Washington, D.C., on behalf of the American Association of Homes and Services for the Aging; Todd Semla, American Geriatrics Society, Evanston, Illinois; Mary McDermott, Wisconsin Home Care Commission, Verona; and Sally Bowman, Oregon State University College of Health and Human Sciences, Corvallis.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5813–5827; and 9 resolutions, H.J. Res. 80; H. Con. Res. 329; and H. Res. 1110–1116 were introduced. **Pages H2441–43**

Additional Cosponsors: **Pages H2443–44**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative DeGette to act as Speaker Pro Tempore for today. **Page H2357**

Chaplain: The prayer was offered by the guest Chaplain, Dr. Charles B. Simmons, Memorial Drive United Methodist Church, Houston, Texas. **Page H2357**

Suspension: The House agreed to suspend the rules and pass the following measure:

Amending Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008: H.R. 5813, to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008. **Pages H2361–62**

Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008: The House passed H.R. 2634, to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, by a recorded vote of 285 ayes to 132 noes, Roll No. 199. **Pages H2367–75, H2376–94**

Agreed to the Mario Diaz-Balart motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 291 yeas to 130 nays with 1 voting "present", Roll No. 198. Subsequently, Representative Frank (MA) reported the bill back to the House with the amendments and the amendments were agreed to. **Pages H2391–93**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Pages H2385–87**

Accepted:

Hastings (FL) amendment (No. 3 printed in H. Rept. 110–586) that adds a Sense of the Congress that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions; **Pages H2389–90**

Frank (MA) modified amendment (No. 1 printed in H. Rept. 110–586) that makes various technical corrections within the bill's "Findings" section, and adds under the eligibility criteria the requirement that a country must also be complying with minimum standards for eliminating human trafficking, must be cooperating with American efforts to stop illegal immigration to the United States, and be committed to free and fair elections (by a recorded vote of 424 ayes with none voting "no", Roll No. 196); and **Pages H2387–88, H2390**

Rohrabacher amendment (No. 2 printed in H. Rept. 110–586) that adds a provision to Section 1626, defining an "eligible low-income country" to include that the government shall have been chosen by, and permits, free elections (by a recorded vote of 382 ayes to 41 noes, with 2 voting "present", Roll No. 197). **Pages H2388–89, H2390–91**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H2394**

H. Res. 1103, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 220 yeas to 190 nays, Roll No. 193, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 196 nays, Roll No. 192.

Pages H2372–74

Ensuring Continued Access to Student Loans Act of 2008: The House began consideration of H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families. Further proceedings were postponed until Thursday, April 17th.

Pages H2362–67, H2374–76, H2394–99

Pursuant to the rule, the amendment printed in part A of H. Rept. 110–590 shall be considered as adopted in the House and in the Committee of the Whole and the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. **Page H2362**

Agreed to the George Miller (CA) motion that the Committee rise by a recorded vote of 395 ayes to 1 no, Roll No. 200. **Pages H2398–99**

H. Res. 1107, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 192 nays, Roll No. 195, after agreeing to order the previous question by a yea-and-nay vote of 218 yeas to 198 nays, Roll No. 194.

Pages H2374–75

Beach Protection Act of 2007: The House passed H.R. 2537, to amend the Federal Water Pollution Control Act relating to beach monitoring, by voice vote. Consideration of the measure began on Thursday, April 10th. **Pages H2399–H2411, H2412–24**

Accepted:

Eddie Bernice Johnson (TX) amendment (No. 2 printed in the Congressional Record of April 8, 2008) that makes technical and clarifying changes to the bill; **Pages H2412–14**

Bilbray amendment (No. 13 printed in the Congressional Record of April 9, 2008) that adds a new section relating to the use of molecular diagnostics for monitoring and assessing coastal recreation waters; **Pages H2414–16**

Kucinich amendment (No. 5 printed in the Congressional Record of April 9, 2008) that provides that in cases where a source of pathogenic contamination is identified, the State or local government shall make information on the existence of such source available to the public on the Internet within 24 hours of the identification of such source;

Pages H2416–19

Kirk modified amendment (No. 7 printed in the Congressional Record of April 9, 2008) that inserts a new section entitled ''Monitoring Protocol For Mercury''; **Pages H2419–20**

Richardson amendment (No. 11 printed in the Congressional Record of April 9, 2008) that adds a new section relating to the National List of Beaches; and **Pages H2420–21**

Inslee amendment (No. 12 printed in the Congressional Record of April 9, 2008) that requires the Administrator of the EPA to conduct a study on the long-term impact of climate change on pollution of coastal recreation waters. **Pages H2421–23**

Withdrawn:

McCarthy (NY) amendment (No. 3 printed in the Congressional Record of April 9, 2008) that was offered and subsequently withdrawn relating to the presence of pharmaceuticals and personal care products in coastal recreation waters. **Pages H2423–24**

Point of Order:

Fossella amendment (No. 4 printed in the Congressional Record of April 9, 2008) that sought to add a new title to the bill entitled ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' (agreed to sustain the ruling of the chair by a recorded vote of 216 ayes to 183 noes, Roll No. 201). **Pages H2399–H2411**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H2424**

H. Res. 1083, the rule providing for consideration of the bill, was agreed to on Thursday, April 10th.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, April 14th:

Expressing support for the designation of the month of April 2008, as National Child Abuse Prevention Month: H. Res. 1097, amended, to express support for the designation of the month of April 2008, as National Child Abuse Prevention Month to provide attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security, by a ⅔ yea-and-nay vote of 410 yeas with none voting ''nay'', Roll No. 202. **Page H2411**

Senate Message: Message received from the Senate today appears on page H2362.

Quorum Calls—Votes: Six yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H2373, H2374, H2374–75, H2375, H2390, H2390–91, H2392–93, H2393–94, H2398–99, H2410–11, H2411. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:19 p.m.

Committee Meetings

SEC

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on the SEC. Testimony was heard from Christopher Cox, Chairman, SEC.

SPECIAL OPERATIONS COMMAND

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agency Agencies held a hearing on Special Operations Command. Testimony was heard from ADM Eric T. Olson, USN, Commander, Special Operations Command, Department of Defense.

NATIONAL INDUSTRIAL SECURITY PROGRAM

Committee on Armed Services: Held a hearing on the National Industrial Security Program: Addressing the Implications of Globalization and Foreign Ownership for the Defense Industrial Base. Testimony was heard from the following officials of the Department of Defense; Troy Sullivan, Deputy Under Secretary, Counterintelligence and Security; Kathleen Watson, Director, Defense Security Service; and William Schneider, Chairman, Defense Science Board; and Ann Calvaresi-Barr, Director, Acquisition and Sourcing Management, GAO.

GROUND FORCE READINESS SHORTFALLS

Committee on Armed Services: Subcommittee on Air Land Forces and the Subcommittee on Readiness held a joint hearing on H. Res. 834, Regarding the readiness decline of the Army, Marine Corps, National Guard, and Reserves, and the implications for national security. Testimony was heard from public witnesses.

RETIREMENT PLAN DISCLOSURE RULES

Committee on Education and Labor: Ordered reported, as amended, H.R. 3185, 401(k) Fair Disclosure for Retirement Security Act of 2007.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

Committee on Energy and Commerce: Ordered reported, as amended, H.R. 5613, Protecting the Medicaid Safety Net Act of 2008.

REFORM INSURANCE REGULATIONS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Examining Proposals to Reform Insurance Regulation.'' Testimony was heard from David G. Nelson, Assistant Secretary, Financial Institutions, Department of the Treasury; and public witnesses.

FORECLOSURE PREVENTION AND SOUND MORTGAGE SERVICING ACT OF 2008

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on H.R. 5679, Foreclosure Prevention and Sound Mortgage Servicing Act of 2008. Testimony was heard from Laura A. Maggiano, Deputy Director, Office of Single Family Asset Management, Department of Housing and Urban Development; Judy Caden, Director, Loan Guaranty Service, Department of Veterans Affairs; and public witnesses.

WESTERN HEMISPHERE TRAVEL INITIATIVE

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled ''Moving Beyond the First Five Years: Ensuring Successful Implementation of the Western Hemisphere Travel Initiative.'' Testimony was heard from the following officials of the Department of Homeland Security: Kathleen Kraninger, Deputy Assistant Secretary, Policy Screening Coordination Office; and Robert Jacksta, Executive Director, Traveler Security and Facilitation, U.S. Customs and Border Protection; Derwood Staeben, Senior Advisor, Western Hemisphere Travel Initiative, Department of State; Liz Luce, Director, Department of Licensing, State of Washington; and public witnesses.

OVERSIGHT—NON-AGRICULTURAL FOREIGN WORKERS PROGRAM

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law held an oversight hearing on the H–2b Program. Testimony was heard from Representatives Stupak, Bishop of New York and Gilchrest; and public witnesses.

OVERSIGHT—DRIFTNET FISHING MORATORIUM; SHARK CONSERVATION ACT

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans held an oversight hearing on the implementation of the Illegal, Unregulated and Unreported fishing provisions of the High Seas Driftnet Fishing Moratorium Protection Act and a hearing on H.R. 5741 Shark Conservation Act of 2008. Testimony was heard from David A. Balton, Deputy Assistant Secretary, Oceans and Fisheries, Bureau of Oceans, Environment and Science, Department of State; Rebecca Lent, Director, Office of International Affairs, NOAA, Department of Commerce; CAPT Michael Giglio, USCG,. Chief,

Office of Law Enforcement, U.S. Coast Guard, Department of Homeland Security; and public witnesses.

OVERSIGHT—INDIAN WATER RIGHTS

Committee on Natural Resources: Subcommittee on Water and Power held an oversight hearing on Indian Water Rights Settlements. Testimony was heard from Michael Bogert, Chairman, Working Group on Indian Water Rights, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES; HEALTHCARE ASSOCIATED INFECTIONS

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 4791, amended, Federal Agency Data Protection Act; H.R. 5712, amended, Close the Contractor Fraud Loophole Act; H.R. 5781, Federal Employees Paid Parental Leave Act; H. Res. 49, Expressing the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day; H. Res. 127, Recognizing and celebrating the 50th anniversary of the entry of Alaska in the Union as the 49th State; H. Res. 1073, Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008; H. Res. 1091, amended, Honoring the life, achievements, and contributions of Charlton Heston and extending its deepest sympathies to the family of Charlton Heston for the loss of such a generous man, husband, and father; and H.R. 5477, To designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building.''

The Committee also held a hearing on Healthcare Associated Infections: A Preventable Epidemic. Testimony was heard from Cynthia Bascetta, Director, Health Care Issues, GAO; Don Wright, M.D., Principal Deputy Assistant Secretary, Health, Department of Health and Human Services; and public witnesses.

ELECTRONIC COMMUNICATIONS PRESERVATION ACT

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held a hearing on the Electronic Communications Preservation Act. Testimony was heard from Linda Koontz, Director, Information Management, GAO; the following officials of the National Archives and Records Administration: Paul M. Webster, Jr., Director, Modern Records Program; and Sharon K. Fawcett, Assistant Archivist for Presidential Libraries; and public witnesses.

BALLISTIC MISSILE DEFENSE OVERSIGHT

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs continued hearings on What Are the Prospects, What Are the Costs?: Oversight Missile Defense (Part 11). Testimony was heard from public witnesses.

NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT

Committee on Science and Technology: Held a hearing on the National Nanotechnology Initiative Amendments Act of 2008. Testimony was heard from Floyd E. Kvamme, Co-Chair, President's Council of Advisors on Science and Technology; and public witnesses.

SCIENCE AND TECHNOLOGY INNOVATION ACT

Committee on Science and Technology: Subcommittee on Technology and Innovation approved for full Committee action, as amended, H.R. 5789, Science and Technology Innovation Act of 2008.

SMALL BUSINESSES FEDERAL CONTRACT ACCESS

Committee on Small Business: Subcommittee on Contracting and Technology held a hearing on the obstacles that small businesses currently face in securing federal contracts. Testimony was heard from Fay E. Ott, Associate Administrator, Contracting, SBA; and public witnesses.

CLEAN WATER RESTORATION ACT

Committee on Transportation and Infrastructure: Held a hearing on the Clean Water Restoration Act of 2007. Testimony was heard from John Paul Woodley, Jr., Assistant Secretary of the Army, Civil Works, Department of the Army; Arlen Lancaster, Chief, Natural Resources Conservation Service, USDA; Benjamin H. Grumbles, Assistant Administrator, Water, EPA; John C. Cruden, Deputy Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Joan Card, Director, Water Quality Division, Department of Environmental Quality, Arizona; James M. Tierney, Assistant Commissioner, Water Resources, Department of Environmental Conservation, New York; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 4883, To amend the Servicemembers Civil Relief Act to provide for a limitation on the sale, foreclosure, or seizure of property owned by a servicmember during the one-year period following the servicemember's period of military service; H.R.

4884, Helping Our Veterans to Keep Their Homes Act of 2008; H.R. 4889, Guard and Reserves Are Fighting Too Act of 2008; H.R. 4539, Department of Veterans Affairs Loan Guaranty Cost Reduction Act of 2007; H.R. 3646, To direct the Secretary of Veterans' Affairs and the Secretary of Labor to conduct a joint study on the fields of employment for which the greatest need for employees exists in various geographic areas; H.R. 5664, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; H.R. 3798, National Guard Employment Protection Act of 2007; H.R. 3681, Veterans Benefits Awareness Act of 2007; H.R. 3393, Reservist Access to Justice Act of 2007; H.R. 3889, To amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; and H.R. 5684, Veterans Education Improvement Act of 2008. Testimony was heard from Representatives Filner, Buyer, Rodriguez, Stearns, Hayes, Davis of Alabama, Patrick J. Murphy of Pennsylvania and Yarmuth; Charles S. Ciccolella, Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; the following officials of the Department of Defense Thomas L. Bush, Principal Director, Manpower and Personnel; and Curtis L. Gilroy, Director, Accession Policy, Office of the Under Secretary, Personnel and Readiness; Keith Pedigo, Associate Deputy Under Secretary, Policy and Program Management, Department of Veterans Affairs; and representatives of veterans organizations.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Committee on Ways and Means: Ordered reported, as amended, H.R. 5749, Emergency Extended Unemployment Compensation Act of 2008.

BRIEFING—BUDGET HUMINT

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Fiscal Year 2009 Budget-HUMINT. The Committee was briefed by departmental witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counter-Intelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by GEN Michael Hayden, USAF, Director, CIA; and LTG Michael Maples, USA, Director, Defense Intelligence Agency, Department of Defense.

GREEN CAPITAL SEEDING INNOVATION AND THE FUTURE ECONOMY

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Green Capital: Seeding Innovation and the Future Economy." Testimony was heard from public witnesses.

Joint Meetings

FARM BILL EXTENSION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, but did not complete action thereon, and recessed subject to the call and will meet again on Thursday, April 17, 2008.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 17, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine the Federal Aviation Administration's (FAA) safety and modernization performance, 10 a.m., SD–138.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine the United States Bureau of Reclamation, focusing on issues associated with aging water resource infrastructure, 2 p.m., SD–366.

Committee on Finance: to hold hearings to examine the nominations of David Gustafson, of Virginia, Richard T. Morrison, of Virginia, to be a Judge of the United States Tax Court, and Elizabeth Crewson Paris, of the District of Columbia, all to be a Judge of the United States Tax Court, and Eric M. Thorson, of Virginia, to be Inspector General, and Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board, both of the Department of the Treasury, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine fusion centers, focusing on a recent progress report, 2 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine the National Indian Gaming Commission, 10:30 a.m., SD–562.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, Subcommittee on Military Personnel, hearing on Military Resale and Morale, Welfare, and Recreation (MWR) overview, 10 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on the Fiscal Year 2009 National Defense Authorization Budget

Request for Missile Defense Program, 1 p.m., 2212 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 5244, Credit Cardholders' Bill of Rights, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia and the Subcommittee on Terrorism, Nonproliferation, and Trade, joint hearing on Between Feckless and Reckless: U.S. Policy Options to Prevent a Nuclear Iran, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on the following bills: H.R. 5464, A Child is Missing Alert and Recovery Center Act; H.R. 2352, School Safety Enhancements Act of 2007; H.R. 1783, Elder Justice Act, and H.R. 5352, Elder Abuse Victims Act of 2008, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 5541, Federal Land Assistance, Management and Enhancement Act; H.R. 3522, to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes; S. 2457, To provide for extensions of leases of certain land by Mashantucket Pequot (Western Tribe); H.R. 1575, Burt Lake Band of Ottawa and Chippewa Indians Reafirmation Act; and H.R. 3490, Tuolumne Me-Wuk Land Transfer Act of 2007, 2 p.m., 1324 Longworth,

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing on After the Beef Recall: Exploring Greater Transparency in the Meat Industry, 1 p.m., 2154 Rayburn.

Committee on Small Business, hearing on Maintaining Public Lands for Hunting, Fishing, Ranching and Small Businesses, 9:30 a.m., and a markup of a measure Reauthorizing the Small Business Innovation Research and Small Business Technology Transfer programs, 1 p.m., 1539 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on First in a Series: Greening Washington and the National Capital Region, 10 a.m., 2167 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Armenia and the United States, focusing on Organization for Security and Cooperation in Europe (OSEC) negotiations on Nagorno-Karabakh and Armenia's qualifications for assistance from the Millennium Challenge Account, 2 p.m., B–318, Rayburn Building.

Conference: meeting of conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, Time to be announced, SH–216.

Next Meeting of the **SENATE**

12:45 p.m., Thursday, April 17

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 1195, Highway Technical Corrections.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

8:30 a.m., Thursday, April 17

House Chamber

Program for Thursday: Complete consideration of H.R. 5715—Ensuring Continued Access to Student Loans Act of 2008.

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