United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, MAY 7, 2008 *No. 75*

House of Representatives

The House met at 10 a.m.

Pastor Joe Hishmeh, Fellowship Bible Church, Topeka, Kansas, offered the following prayer:

Almighty Father in heaven:

What a joy and privilege it is to seek You through prayer. All across this great land of the United States of America, we are in need of Your guidance, Your direction, wisdom, and grace. Heal us from our sins, restore us to Yourself and be glorified in our lives.

We entrust our citizens, our troops, public servants, and leaders to You this day. You have established this distinguished assembly of leaders to represent our citizens, and we simply ask You to use each of them to make a positive difference today.

We recognize Your powerful hand of guidance, Your heart of love for people, Your mind of wisdom and righteousness. May they offer a help and a hand, a hope and a future through the decisions that are made in this place.

I ask this in the name of Jesus. Amen.

THE JOURNAL

The SPEAKER. 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.

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT 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.

MESSAGE FROM THE SENATE

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

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.

WELCOMING PASTOR JOE HISHMEH

The SPEAKER. Without objection, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 1 minute.

There was no objection.

Mrs. BOYDA from Kansas. Thank you, Madam Speaker.

When Pastor Joe Hishmeh first came to Topeka from Chattanooga by way of Dallas, the Topeka Fellowship Bible Church's congregation consisted roughly of about 100 people. Six years later, that same church now has over 1,300 loyal members.

Pastor Hishmeh, a husband and a father of three great boys, has initiated a number of programs which greatly benefit our community of Topeka. One of those programs is called ''Sharefest.'' Originally, there were three churches performing much-needed upkeep on two of our local schools. This year, the program has grown to eight different churches, including over 500 volunteers, painting and landscaping our Topeka schools.

Through ''Sharefest,'' Pastor Joe has shown his congregation the joy of giving without expecting anything in return, very, very, very biblical in the principles of our Lord and Savior, Jesus Christ. Through ''Sharefest,'' in almost no time at all he has created a ripple effect of goodness and charity in the community of Topeka and beyond.

Pastor Joe Hishmeh, thank you for bringing that ripple effect all the way to Congress.

ANNOUNCEMENT BY THE SPEAKER

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

END THE WAR IN IRAQ

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

Mr. KUCINICH. Madam Speaker, $183.7 billion war-funding request in light of more than 4,000 U.S. troops who have died, tens of thousands injured, a million dead or more innocent Iraqis, a cost of $2 to $3 trillion. We're borrowing money from China to fight this war. We're ruining our economy. We're ruining our moral standing in the world. We're ruining our children's future and making the world more dangerous for a war based on lies.

Why do we keep funding it? Support the troops by bringing them home. End the war. End the occupation. Close the

Printed on recycled paper.

bases. Bring the troops hope. Set in motion an international security and peace-keeping process that can create the circumstances for our troops to come home. Have a program of reconciliation and reconstruction in Iraq. Return all oil assets to Iraqi control. End the war. Stop funding it.

Vote ''no'' on the war appropriations.

CONGRESS NEEDS TO GET TOUGH ON CRIME

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

Mr. CHABOT. Mr. Speaker, last month the President signed into law the Second Chance Act authorizing hundreds of millions of dollars to assist offenders transitioning back into our societies. My concern is that this Congress has done little or nothing to prevent future crimes from occurring. With more than 700,000 offenders expected to be released back into our communities next year and the number of people who are entering their so-called high-crime years being at an all time high, conditions are ripe for a perfect storm of crime to hit our communities.

In my view, this Congress should act to, among other things, strengthen victims' rights; make restitution something that's real, not just words on paper; crack down on drug dealers who sell death on our streets, and truly protect witnesses so more people will be willing to come forward to testify against gang members who all too frequently virtually control many neighborhoods, especially urban areas and cities across this country.

The time to act is now before it's too late.

VOTE ''YES'' ON THE DEMOCRATIC HOUSING PACKAGE

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

Mr. SIRES. Mr. Speaker, today the House will begin debate on the comprehensive housing package that will help families keep their homes, prevent foreclosures in the future, and help the recovery of communities left almost vacant by the housing crisis. Today, more than 3.5 million homes sit empty in America, and if Washington does not act, another 2 million Americans are expected to lose their homes in the coming months.

The Democratic housing package will provide mortgage refinancing assistance to families so they can stay in their homes. We do this by expanding the FHA program so the borrowers in danger of losing their homes can refinance into lower-cost government-issued mortgages. The housing package also provides $15 billion in loans and grants to States so they can acquire foreclosed homes and rehabilitate properties in areas hit hard by the housing crisis.

Mr. Speaker, this housing package is the best response to our Nation's housing problem.

□ 1015

DEMOCRATS HOLD IRAQIS ACCOUNTABLE FOR THEIR OWN RECONSTRUCTION COSTS IN SUPPLEMENTAL

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

Ms. WATSON. Mr. Speaker, tomorrow this House will have the opportunity to send the Iraqi Government a strong message: They're now responsible for their own reconstruction funding.

As we debate a new war supplemental, Democrats are bringing an amendment to the floor that requires all Iraqi reconstruction costs to be provided on a dollar-for-dollar match.

To date, the United States has spent an estimated $46 billion in reconstruction costs in Iraq, all while our infrastructure is crumbling. The Iraqi Government is also currently working under a budget surplus, while, thanks to the Bush administration, we continue to face record deficits.

The amendment also requires the Iraqi Government to charge the U.S. military in Iraq the same discounted price for fuel that it charges everyday Iraqis. Another fair measure considering that the Iraqis are expected to take in a record $70 billion in oil revenues this year.

Mr. Speaker, I would hope that Democrats and Republicans could come together tomorrow to pass this common-sense amendment so that we can invest in America, rather than Iraq.

CHINA

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

Mr. WOLF. Mr. Speaker, I rise to express my frustration and disappointment with the leadership's decision to bypass the Appropriations Committee and to bring up the 2008 supplemental without giving Members an opportunity either on the floor or in the committee to offer an amendment.

I wanted to offer an amendment to prohibit U.S. Government employees from attending the Beijing Olympics on the taxpayers' dime because of China's violent repression of religious minorities and human rights activists.

Catholics, Protestants, Tibetan Buddhists, Uyghur Muslims, Falun Gong practitioners and other religious minorities in China face harassment, imprisonment, even torture and death. China is actively engaging in espionage against our country and now participating in a genocide in Sudan.

The political prisoners in China and the dissidents around the world will be deeply demoralized if senior American officials attend the games.

TIME FOR A NEW DIRECTION ON ENERGY POLICY

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

Mr. ALTMIRE. Mr. Speaker, while the consumers continue to pay record prices at the pump, the Big Oil companies are once again pocketing all-time record profits; yet they disavow any correlation to those high gas prices. But do they really expect the American people to believe that?

During the first six years of the Bush administration, Congress pursued policies that furthered our dependence on oil. They showered the Big Oil companies with billions of dollars in taxpayer subsidies but never explained why those corporations deserve corporate welfare.

Since regaining control of Congress, Democrats have twice passed legislation to redirect every penny of those taxpayer subsidies into research and development on alternative sources of fuel.

For years, Republicans in Washington have supported a policy of corporate welfare for Big Oil that clearly hasn't worked. It's time for a new direction on energy policy.

SUPPLEMENTAL FUNDING

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

Mr. STEARNS. Mr. Speaker, efforts by Americans and our allies in Iraq have greatly weakened al Qaeda. If we withdraw our troops from Iraq before their mission is complete, we would forfeit all the progress we have made so far.

Since the surge began last year, we have made remarkable progress, both on the military front and on the political front. While we all agree that more needs to be done politically, there is no questioning the tremendous efforts our military have done to bring stability to areas once controlled by radical extremists.

There should be absolutely no question of whether we provide them the funding they need to do the job we've asked them to do. House Republicans stand united with our troops and our veterans who have fought bravely on the front lines. The least we can do is front the resources necessary for them to complete the task we sent our military to do.

We cannot delay, and we should provide this supplemental funding without extra new spending and extra new programs before we leave for Memorial Day.

DEMOCRATIC SUPPLEMENTAL AMENDMENT CALLS FOR ALL TROOPS TO BE HOME BY DECEMBER OF 2009

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

Mr. YARMUTH. Mr. Speaker, this week Congress has an opportunity to change the course of the war in Iraq by supporting an amendment to the emergency supplemental that would not only direct the President to immediately begin bringing our troops home but would also force the Iraqi Government to start paying their own reconstruction costs.

The amendment calls on the Bush administration to begin redeploying our troops out of Iraq one month after it is signed into law, with the goal of having all of our troops out by December of next year.

Another year of the status quo in Iraq is unacceptable. April was the deadliest month for U.S. troops in seven months, and the political reconciliation that President Bush promised when he implemented his troop escalation plan has not become a reality.

Mr. Speaker, this is a significant step in the right direction, but for some reason, congressional Republicans want to once again send President Bush a blank check. Blank checks have not worked in the past and they will not this time.

We all know that there is no military solution to war in Iraq. It's time we let the Iraqis know that our days there are numbered.

TIME FOR THE IRAQIS TO PAY FOR THEIR OWN FREEDOM

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

Mrs. MILLER of Michigan. Mr. Speaker, our entire Nation honors the brave men and women in our armed services who have sacrificed so greatly in the effort to bring freedom and liberty to the people of Iraq, and we also recognize the sacrifice of the American taxpayers, who have shouldered the financial burden of this effort to protect America.

It is now time for Iraq to stand up and shoulder the burden of protecting their own freedoms, and it is long past time for Iraq to start paying its own way. With the cost of oil, and the money that Iraq is making on their oil, they need to be paying, at a minimum, entirely for their own reconstruction.

As we continue to transition from American forces to Iraqi security forces, we also need to quickly transition from the American taxpayer footing the entire bill to the now free country of Iraq paying to protect their own freedom and rebuilding their own country.

Americans understand that freedom is not free, and the Iraqi people need to understand that securing their own freedom will require their own investment.

HONORING SERGEANT ALEX JIMENEZ

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

Ms. TSONGAS. Mr. Speaker, I rise today to honor the service and sacrifice of Sergeant Alex Jimenez and to express my continued support for Alex's family during this most difficult time.

On May 12, 2007, Sergeant Jimenez and Private First Class Byron Fouty, members of the 10th Mountain Division, were ambushed south of Baghdad. There has been no information regarding their whereabouts since that time.

On June 27, the United States Army changed Sergeant Jimenez's status from duty status whereabouts unknown to missing or captured. We may not know where Alex is, but he is never far from our thoughts.

Family members like Alex's father, Andy, or his wife, Yaderlin, have weathered agonizing uncertainty while demonstrating support for their loved one's service to our country. We owe them a debt of gratitude.

The community in Lawrence, Massachusetts, has been extremely supportive. A POW ride will take place this weekend in honor of Sergeant Jimenez and in support of his family.

The Jimenez and Fouty families are not alone as we all pray for the safe return of Alex and Byron.

Sergeant Jimenez put his life in danger for our country. We cannot leave him or any other behind. I support legislation to create a select committee on POW/MIA affairs to help these families learn the whereabouts of their loved ones.

WE NEED TO STOP THE WHINING

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

Mr. WESTMORELAND. Mr. Speaker, it's interesting to come down here and to listen to the majority party, the Democrats, talk about a new change in direction for our energy policy or something new to do about our troops.

News flash: Y'all are in charge. You've got 230-plus votes. You're in charge. You can pass anything you want to.

Mr. Speaker, we need to stop the whining. Since they took over in 2007, with a new energy policy, H.R. 6, our gasoline has gone up about $1.50 a gallon.

So here's what I want everybody to do, Mr. Speaker. I want you to go home tonight and I want you to go to Home Depot and I want you to buy some energy saving bulbs because, in their energy bill, light bulbs are mentioned 350 times, where gasoline was mentioned 6, crude oil was mentioned 12. I want you to go home, I want you to take those energy saving light bulbs, I want you to put them in, and then I want you to drive to the gas station and see if gas has come down, because that's the way their plan is supposed to work.

You're in charge. If you're in charge, lead. Mr. Speaker, we need some leadership here. We need to do something to help the American people at the gas pump with these outrageous gasoline prices and crude oil fixing to go to $150-plus a barrel. Do something.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). All Members are reminded to address their remarks to the Chair.

GAS PRICES

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

Mr. HALL of New York. Mr. Speaker, yesterday the price of oil broke another record yet again, closing at over $120. Families feel the impact of these costs every time they shell out close to $4 a gallon at the pump. In districts like mine, where commuting is a way of life, it's forcing some painful sacrifices.

Our oil dependence has become the energy albatross around America's economic neck, and I'm proud that the majority in Congress has advanced ideas for short-term relief and long-term solutions. We've pushed for higher tax incentives for hybrid cars, expanded the use of renewables and efficiency, consumer protection to keep the oil companies honest, and a time-out from taking 70 million barrels a day of oil off the market and putting it into the strategic petroleum reserve, the SPR.

What is the response from the President and his allies here in Congress? Let's go drill for some more oil that won't hit the markets for another 10 years, and let's keep sending more taxpayer dollars to the oil companies that are already making record profits.

Most Americans would agree that we cannot wait a decade for relief and we shouldn't send anymore of their money to Big Oil. Let's stop filling the SPR to provide immediate relief and ask the President to move with us into a green, domestic, job-producing energy future.

HOUSING PACKAGE IMPORTANT TO BOOST ECONOMY AND STABILIZE MARKET

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

Mr. ELLISON. Mr. Speaker, every day between 7,000 and 8,000 people file for foreclosures on their homes. In the next 2 years, one in 33 homeowners is projected to be in foreclosure as a result of subprime loans.

But the housing crisis doesn't only affect families losing their homes. An additional 40 million neighboring homeowners could see their property values drop, with 44 percent of all homeowners likely to feel the ripple effect of foreclosures from subprime loans.

And the overall impact does not end in the housing market. The ripple effects are felt throughout the economy with a reduction in economic activity and severe job loss.

Mr. Speaker, we simply cannot turn our Nation's economy around without properly addressing the housing crisis, and that is exactly what we plan to do this week. Today, House Democrats will bring a package of housing bills to the House floor that will address the current housing crisis, while also seeking to prevent the problem from getting worse. These bills are the appropriate response to a problem that is affecting our families, our communities and our overall economy. I hope it receives the bipartisan support that it deserves, Mr. Speaker.

□ 1030

WORLD AIDS ORPHANS DAY

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

Ms. LEE. Mr. Speaker, I rise today to recognize World AIDS Orphans Day, which is commemorated every year on May 7.

Over 15 million children have already lost one or both of their parents to HIV and AIDS, 12 million of which live in Sub-Saharan Africa. By 2010, there could be 20 million children.

Children who have been orphaned by HIV and AIDS of course are left without food, shelter, education or protection. Three years ago, we enacted legislation that I authored with Chairman Henry Hyde to better focus and coordinate our foreign assistance programs to address the unique needs of these children. Last month, the House passed legislation named after two great men who love children, former Chairman Tom Lantos and Chairman Henry Hyde, to reauthorize and provide $50 billion for our global HIV/AIDS, tuberculosis and malaria programs, and to allocate 10 percent of global AIDS funding to meet the needs of AIDS orphans.

Today, on World AIDS Orphans Day, I urge my colleagues in the other body to take the next step and to pass this important bill. Together we can create a brighter, safer and more secure future for the world's children.

HOUSING PACKAGE IMPORTANT TO BOOST ECONOMY AND STABILIZE MARKET

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

Mr. WU. Mr. Speaker, the housing crisis has devastated millions of American families who have lost their homes, but the crisis doesn't end there. Experts predict that housing foreclosures could reduce overall economic activity by over $160 billion this year thanks to sharp declines in real estate, the construction industry, and in consumer spending.

The slump in the real estate market is hurting manufacturers, construction firms and other businesses that have been forced to lay off thousands of workers. Ending the foreclosure crisis is vital to the American economy, our economic recovery, and to Americans who are hurting. And that is why it is so important that this Congress pass the bipartisan housing package that we are presenting this week. It reported out of the Financial Services Committee by both Republicans and Democrats and sent to this floor for our consideration.

Mr. Speaker, serious problems with subprime mortgages have pushed the housing market into its worst slump in decades, weakening the economy and making American families less secure. The package of bills we are presenting today will help stabilize the housing industry and give the American economy the boost it so sorely needs. And I urge every Member of the House to support these much-needed bills.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees.

PARLIAMENTARY INQUIRY

Mr. SESSIONS (during the call). Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. I understand that this procedure that we are going through is known as Calendar Wednesday.

Is it correct that any bill reported by a committee and placed on the Union or House Calendar could have been called up by the chairman as the committee name was read?

The SPEAKER pro tempore. Clause 2(b) of rule XIII is sufficient authority for the chairman of the committee to call up from the Calendar a non-privileged bill on Calendar Wednesday.

Mr. SESSIONS. Further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Does the jurisdiction of the Energy and Commerce Committee, as provided under clause 1 of rule X of the rules of the House of Representatives, include exploration, production, storage, supply, marketing, pricing and regulation of energy resources, including all fossil fuels, which includes legislation to lower the price of gasoline which has increased to over $3.60 a gallon under Speaker PELOSI's watch?

The SPEAKER pro tempore. The Chair believes that the gentleman correctly stated the rule up to the point where he embarked on commentary.

Mr. SESSIONS. I have a further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. H.R. 3236, introduced by Congressman BOUCHER of Virginia, to promote energy efficiency improvements in buildings and appliances was reported by the Energy and Commerce Committee on August 3, 2007, and placed on the Union Calendar.

Would it be possible for Mr. DINGELL, the chairman of the Energy and Commerce Committee, to call up this bill under his committee's jurisdiction to help the Speaker to implement her secret plan to reduce gas prices by diverting less of America's energy supply to buildings and appliances, or for any other membership of the Democrat majority to help their leadership to call up the bill?

The SPEAKER pro tempore. The Chair will respond to the Member's parliamentary inquiry but not his political commentary and repeat that clause 2(b) of rule XIII is sufficient authority for the chairman of the committee to call up from the Calendar a non-privileged bill on Calendar Wednesday.

Mr. SESSIONS. Further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SESSIONS. Is it in order for any Member of the majority to call up H.R. 3239, also introduced by Mr. BOUCHER of Virginia and also available on the Union Calendar, to promote advancing plug-in hybrid vehicles and vehicle components through loan guarantees and grants, and if this would help the Speaker to implement her secret plan by reducing the demand for gasoline and bringing down the prices that have skyrocketed under this Democrat leadership?

The SPEAKER pro tempore. Only the chairman or another member of the committee acting by its express direction may call up a bill.

Mr. SESSIONS. Final point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SESSIONS. Under the rules of Calendar Wednesday, is it in order for any Member of this body, including Speaker PELOSI, to call up H. Res. 1135, legislation drafted by Congressman DEAN HELLER of Nevada, which would call on Speaker PELOSI to reveal her secret commonsense plan to bring down gas prices since it's obviously not contained in the ''no energy'' energy bill passed by the Congress last December?

The SPEAKER pro tempore. No. To be considered under the Calendar Wednesday rule, a bill must be on the Calendar, be non-privileged, and be called up either by the committee

chairman or by another member of the committee having specific authorization of the committee to call it up.

Mr. SESSIONS. So in other words, Mr. Speaker, what you're saying is that the committee chairman and the Speaker have the ability to call up any bill that has been reported out.

The SPEAKER pro tempore. No, but that is not a parliamentary inquiry.

MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. SESSIONS. Mr. 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, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on the approval of the Journal, and the motion to suspend the rules on H. Res. 1166.

The vote was taken by electronic device, and there were—yeas 132, nays 269, not voting 31, as follows:

[Roll No. 267]

YEAS—132

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Broun (GA)
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Nunes
Petri
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walsh (NY)
Wamp
Westmoreland
Wilson (SC)
Wittman (VA)

NAYS—269

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Cannon
Capps
Capuano
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—31

Andrews
Bishop (NY)
Burton (IN)
Butterfield
Campbell (CA)
Cardoza
Carson
Conaway
Conyers
Cubin
Ferguson
Fossella
Jefferson
Jones (NC)
Jones (OH)
Kennedy
McCollum (MN)
McHenry
Oberstar
Paul
Peterson (PA)
Richardson
Rogers (AL)
Rush
Speier
Udall (CO)
Waxman
Weldon (FL)
Wexler
Whitfield (KY)
Young (AK)

□ 1104

Mr. EMANUEL changed his vote from ''yea'' to ''nay.''

Mrs. MYRICK changed her vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable STEVE SCALISE was elected Representative to Congress for the First Congressional District, State of Louisiana.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 3, 2008, for Representative in Congress from the First Congressional District of Louisiana, show that ''STEVE'' SCALISE received 33,867 or 75.13% of the total number of votes cast for that office.

It would appear from these unofficial results that ''STEVE'' SCALISE was elected as Representative in Congress from the First Congressional District of Louisiana.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all Parishes involved, an official Certificate of Election will be prepared for transmittal as required by law.

If I can ever be of any assistance to you, please do not hesitate contacting me.

With best wishes,

JAY DARDENNE,
Secretary of State, State of Louisiana.

ELECTION # 5/03/08 RESULTS FOR OFFICE

Office: U.S. Representative, 1st Congressional District (One to be Elected), Precincts reporting: 505 of 505, Total Votes: 45,075 100%

SPECIAL ELECTION

Votes	Percent	Candidate name	Pty
786	1.74	R.A. ''Skip'' Galan	N
280	0.62	Anthony ''Tony G'' Gentile	O
10,142	22.50	Gilda Reed	D
33,867	75.13	''Steve'' Scalise	R

SWEARING IN OF THE HONORABLE STEVE SCALISE, OF LOUISIANA, AS A MEMBER OF THE HOUSE

Mr. MCCRERY. Madam Speaker, I ask unanimous consent that the gentleman from Louisiana, the Honorable Steve Scalise, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

Mr. SCALISE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE STEVE SCALISE TO THE HOUSE OF REPRESENTATIVES

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

There was no objection.

Mr. MCCRERY. Madam Speaker, it is a pleasure for me on behalf of the Louisiana delegation to introduce to the Members of the House our newest Member, STEVE SCALISE. STEVE is a graduate of the home of the current national college football champions, the LSU Tigers. And he has a degree in computer science. And he told me to tell you all that if you are having problems with your computer, feel free to call him.

STEVE comes to us after 12 years' experience in the Louisiana legislature where he had a distinguished career. He was known as a reformer in a place where there was not much reform on the minds of many people in State government. So STEVE comes to us with a distinguished record of service for the people of Louisiana already. And I am sure he will bring that same distinction to his service here in the House.

STEVE has a lovely family, which I will give him the honor of introducing. Please help me welcome to our ranks STEVE SCALISE.

Mr. SCALISE. Thank you, Congressman MCCRERY. Thank you, Madam Speaker, Leader BOEHNER, the rest of the members of the Louisiana delegation and all of my new colleagues here in the House of Representatives.

It is truly an honor to serve in this distinguished body. I must thank so many people. But I have got to first thank God for helping to give me the strength to get here. I want to thank my family and my wife, Jennifer, who is in the balcony with our beautiful daughter, Madison. It is also Jennifer's birthday today, so it is an even extra special day. I promise I will not sing here on the floor, maybe later. We do have a 13-month-old beautiful daughter, Madison.

My father is here with his wife, Maggie. I want to thank him and Maggie for coming. My sister, Tara, is here as well. And my brother, Glenn, could not be with us. I know my mom, Carol, is looking from above and smiling. And so many other friends and family, we have got a wonderful group of friends that are here with us today as well. And it is truly an honor. I want to thank the voters of the First Congressional District for giving me this honor.

While we have many challenges, while we are still recovering, I want to thank each of you for all the help you have given us in the recovery from Hurricanes Katrina and Rita. There is still work to do, but the help you have given has really helped people start to get their lives back in order. I know our country faces many great challenges too, but our Founding Fathers created the greatest democracy in the history of the world when they created this system that we have, this House and Senate. In this building we have got the ability, the talent and the people to solve those problems. I look very forward to working with each and every one of you to help tackle those challenges.

Thanks again to the voters of the district and my family. God bless Louisiana, and God bless the United States of America.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

Mr. KINGSTON. Madam Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Georgia is recognized under his reservation.

Mr. KINGSTON. I thank the gentleman for recognizing me.

Reserving the right to object and I do possibly plan to object, because we are on the eve of passing the largest supplemental appropriations bill in the history of the United States House of Representatives. The history of supplemental bills actually goes back to the Second Congress, so it is not unusual to have a supplemental appropriation bill. It is just that over the years we have gotten, in recent years, out of the habit of offsetting these pieces of legislation.

Now traditionally they have been used for a war or for a sudden disaster or for a health care crisis or something like that. But now we are on the verge of passing a large supplemental appropriation bill for things that aren't emergencies. This bill is not confined to emergencies.

□ 1115

I would say to my friends on the other side of the aisle that I strongly believe that one reason that we are in——

Ms. CASTOR. Regular order, Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

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

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

Ms. CASTOR. Mr. 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, this 15-minute vote on approving the Journal will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 1166.

The vote was taken by electronic device, and there were—yeas 229, nays 184, answered ''present'' 1, not voting 19, as follows:

[Roll No. 268]

YEAS—229

Abercrombie	Cohen	Gonzalez
Ackerman	Conyers	Goode
Allen	Cooper	Green, Al
Arcuri	Costa	Green, Gene
Baca	Costello	Grijalva
Baird	Courtney	Gutierrez
Baldwin	Cramer	Hall (NY)
Barrow	Crowley	Hare
Bean	Cuellar	Harman
Becerra	Cummings	Hastings (FL)
Berkley	Davis (AL)	Herseth Sandlin
Berman	Davis (CA)	Higgins
Berry	Davis (IL)	Hill
Biggert	Davis, Lincoln	Hinchey
Bilbray	DeFazio	Hinojosa
Bishop (GA)	DeGette	Hirono
Blumenauer	Delahunt	Hodes
Boren	DeLauro	Holden
Boswell	Dent	Holt
Boucher	Diaz-Balart, L.	Honda
Boyd (FL)	Diaz-Balart, M.	Hooley
Boyda (KS)	Dicks	Hoyer
Brady (PA)	Dingell	Inslee
Braley (IA)	Doggett	Israel
Brown, Corrine	Doyle	Jackson (IL)
Butterfield	Edwards	Jackson-Lee (TX)
Capps	Ellison	Jefferson
Capuano	Emanuel	Johnson (GA)
Cardoza	Engel	Johnson (IL)
Carnahan	Eshoo	Johnson, E. B.
Carson	Etheridge	Kagen
Castor	Farr	Kanjorski
Cazayoux	Fattah	Kaptur
Chandler	Filner	Kennedy
Clarke	Foster	Kildee
Clay	Frank (MA)	Kilpatrick
Cleaver	Gerlach	Kind
Clyburn	Gillibrand	

Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
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
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—19

Andrews
Bishop (NY)
Burton (IN)
Campbell (CA)
Conaway
Cubin
Ferguson
Fossella
Jones (NC)
Jones (OH)
McHenry
Oberstar
Paul
Peterson (PA)
Richardson
Rush
Speier
Udall (CO)
Whitfield (KY)

□ 1132

So the Journal was approved.

The result of the vote was announced as above recorded.

SENSE OF HOUSE REGARDING REPUBLIC OF GEORGIA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1166.

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. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1166.

The question was taken.

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

RECORDED VOTE

Mr. REHBERG. Mr. 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 390, noes 23, answered ''present'' 2, not voting 18, as follows:

[Roll No. 269]

AYES—390

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
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
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, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
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
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
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
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)

Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—23

Abercrombie
Bartlett (MD)
Broun (GA)
Burgess
Clarke
Coble
Davis, Tom
Delahunt
Duncan
Johnson, E. B.
Jones (NC)
Kucinich
Lee
Lofgren, Zoe
McKeon
Poe
Rohrabacher
Royce
Sherman
Tancredo
Westmoreland
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Bean
Tierney

NOT VOTING—18

Andrews
Barton (TX)
Bishop (NY)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Conaway
Cubin
Ferguson
Fossella
McHenry
Oberstar
Paul
Richardson
Rush
Speier
Sullivan
Udall (CO)

□ 1144

Messrs. DUNCAN, JONES of North Carolina, MCKEON, ABERCROMBIE, and Ms. ZOE LOFGREN of California changed their vote from ''aye'' to ''no.''

Mr. SHIMKUS changed his vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. REHBERG. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MS. CASTOR

Ms. CASTOR. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. REHBERG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 191, not voting 24, as follows:

[Roll No. 270]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
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)
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
Meek (FL)
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
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
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Costa
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
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
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
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
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Barrett (SC)
Barton (TX)
Bishop (NY)
Burton (IN)
Calvert
Campbell (CA)
Conaway
Cubin
DeFazio
Fossella
Gohmert
Linder
McHenry
Oberstar
Paul
Richardson
Rush
Slaughter
Speier
Sullivan
Taylor
Udall (CO)
Weldon (FL)

□ 1154

Ms. CLARKE changed her vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. REHBERG. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is the motion to adjourn.

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

RECORDED VOTE

Mr. REHBERG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 246, not voting 47, as follows:

[Roll No. 271]

AYES—140

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Roskam
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns

Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NOES—246

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Capps
Capuano
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sali
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—47

Andrews
Baca
Berman
Bishop (NY)
Braley (IA)
Burton (IN)
Butterfield
Buyer
Campbell (CA)
Cardoza
Carnahan
Carter
Cohen
Conaway
Costa
Cubin
Davis (KY)
DeLauro
Doggett
Ellison
Emanuel
Fossella
Gohmert
Hinchey
Hoyer
Lamborn
Linder
Mahoney (FL)
McHenry
McNerney
Miller, George
Murphy, Patrick
Oberstar
Paul
Perlmutter
Richardson
Rohrabacher
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Scott (GA)
Speier
Terry
Udall (CO)
Walz (MN)
Weldon (FL)

□ 1211

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRALEY of Iowa, Mr. Speaker, on roll-call No. 271, I was detained getting back to the Chamber. Had I been present, I would have voted "no."

CALENDAR WEDNESDAY—Continued

The SPEAKER pro tempore (Mr. POMEROY). The Clerk will resume the call of the roll of committees.

The Clerk called the committees.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1174

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. 5818) 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. 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. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Financial Services or the Majority Leader or a designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

SEC. 3. During consideration in the House of H.R. 5818 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.

□ 1215

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

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I am pleased to yield the customary 30 minutes to my colleague from the Rules Committee, Mr. HASTINGS from Washington. All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1174.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 1174 provides for consideration of H.R. 5818, the Neighborhood Stabilization Act of 2008, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule makes in order seven amendments listed in the Rules Committee report, each of which is debatable for 10 minutes. The rule also provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of the Neighborhood Stabilization Act of 2008 and this rule. This New Direction Congress, led by Democrats, understands the impact of this unfortunate Bush economy on neighborhoods throughout America. In order for our country to recover from this economic downturn, it is critical that we stabilize housing for our neighbors and rebuild communities with more affordable housing.

In fact, Federal Reserve Chairman Ben Bernanke urged Congress to take

action earlier this week. He stated in part, summarized in this news report, ''The reasons behind surging late payments and foreclosures can vary, and that needs to be taken into account when developing solutions. For instance, in parts of New England, States in the Great Lakes, including Minnesota, Michigan and Wisconsin, show increased mortgage delinquencies and notable increases in unemployment rates. California, Florida, and parts of Colorado, on the other hand, saw delinquencies rise during a period when unemployment generally decreased but the value of homes declined.''

He said, ''A widespread decline in home prices, by contrast, is a relatively novel phenomenon, and lenders and servicers will have to develop new and flexible strategies to deal with this issue. Rising foreclosures add to the glut of unsold homes, and that put more downward pressure on prices, aggravating the housing slump. More rapid declines in house prices could have an adverse impact on the broader economy.''

See, this affects us all, and it affects the stability of the financial system overall. So it is vitally important that we bring this package today, this first bill, the Neighborhood Stabilization Act and more to come because of the record number of foreclosures facing our neighbors back home.

Under President Bush's economic policies, the number of families entering into foreclosure has increased from over 700,000 to 1.5 million last year, but today, we're going to bring new hope to our communities through revitalized neighborhoods and targeted affordable housing to families that need it most.

The Neighborhood Stabilization Act of 2008 provides our local communities with the tools they need to purchase and rehabilitate vacant and foreclosed homes. Now we all know a vacant, deteriorated, foreclosed home in our neighborhood has a devastating impact. We've all seen them. We've driven by them. They're overgrown. They are not paying the taxes like everyone else in the neighborhood is paying. They're causing a drain on services and local governments.

Our initiatives today will help these nonprofit agencies and our local governments purchase those properties, turn them around, rehabilitate them and make them available to families that need them most, and in order to see that families with the greatest needs receive housing first, these new loans and affordable homes will be targeted especially to middle class families and those hardworking families back in our communities.

I know this will help families in my home State of Florida which has been among the Nation's hardest hit States, particularly in my community in the Tampa Bay area. In fact, it was not long ago that one of my neighbors called to tell me that he recently lost his home to foreclosure, and he was dealing with the repercussions from that loss, trying to find another affordable place to live for him and his family.

He was pleased to know, however, that this Congress had already acted on a mortgage forgiveness debt relief act signed into law last year, and because of that act, he will not suffer a double whammy and get hit with an unaffordable tax bill to accompany the loss of his home.

This legislation will help families from my community and communities across this Nation to rebuild and create more affordable housing. I am proud that this Congress has been so proactive and taken so many steps to combat the housing crisis. Millions of Americans will be helped because of the proactive leadership of Chairman BARNEY FRANK on the Financial Services Committee and Chairwoman MAXINE WATERS.

I am pleased to witness firsthand that this new Democratic Congress has made the lives of folks in my neighborhood and my community a whole lot better. Today, we will continue to move forward by passing the Neighborhood Stabilization Act and follow on that with the American Housing Rescue and Foreclosure Prevention Act. These efforts reflect the continued work of this New Direction Congress and offer the most comprehensive response yet to the American mortgage crisis. We are providing much-needed help to hardworking families in this unfortunate Bush economy.

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

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this is an oppressive rule, written to restrict debate in the House and to strip away rights from the minority.

This rule makes in order four Democrat amendments and only three Republican amendments. This means that 80 percent of requested Democrat amendments were made in order, but just 33 percent, or one-third, of Republican amendments filed with the Rules Committee were made in order. Mr. Speaker, this isn't balanced. It's restrictive and not in the tradition of having an open debate on important issues.

Last night at the Rules Committee, Financial Services Committee Chairman FRANK said that he supported allowing debate on an amendment relating to illegal immigration and legitimate concerns of ensuring that persons illegally present in this country do not benefit from the new Federal program created by this bill.

Rules Committee Democrats responded by making in order the least substantive, most meaningless and unenforceable immigration amendment possible. A Republican amendment by Representative GINNY BROWN-WAITE. of Florida had very clearly and explicitly made certain that anyone illegally present in this country cannot rent or buy a house from this new government program. That amendment was not made in order. Every Democrat on the Rules Committee voted to deny the House voting on this meaningful amendment.

Mr. Speaker, when Democrat leaders aren't totally shutting down debate, they are giving the House window dressing instead of substance on important issues. Not content with blocking two-thirds of Republican amendments and restricting the opportunity of every Member of this institution to come to the House floor and offer amendments to improve, fix or alter this bill, House Democrat leaders went even further to shut down the minority, squelch dissent and take away their parliamentary rights.

Section 2 of this rule takes away the right of any Member of this House to make a motion that the House rise out of the Committee of the Whole and places it solely in the hands of the Democrat majority leader or the Democrat chairman of the Financial Services Committee.

Mr. Speaker, the new majority promised to run the most open, honest House in history. Instead of keeping their promises to the American people, Democrat leaders are acting with impunity as they shed any semblance of openness, fairness or regular order.

I don't believe many of the freshmen Democrat Members who were elected in the last election came to Congress to block debate and prohibit Members from offering amendments on the House floor. Yet, Mr. Speaker, they have joined lock-step with Speaker PELOSI in stooping to a level of oppressive partisanship that far exceeds the sins of any previous Congresses. It's a shameful record that shatters the promise Democrat leaders made to the American people to run an open, honest House.

Mr. Speaker, all this is being done to pass a bill that would create a brand new, Big Government, $15 billion Federal program to buy, remodel, resell or rent thousands and thousands of houses across the country. Who will profit from this new $15 billion government program are the lenders who made the bad loans and then foreclosed on families who didn't make their mortgage payments. It's a bailout for home lenders that knowingly took risks.

It's terribly unwise and wasteful of taxpayer dollars to create a new government program that invites other lenders to take gambles on home loans because the American taxpayer will come along and wipe away their bad decisions. Mr. Speaker, why should American taxpayers be footing the bill for calculated mistakes made by others? Why should American taxpayers,

who are making their mortgage payments each month or who are paying rent, have to come along and fund billions of dollars to give away grants and zero interest loans for those who speculated, gambled and lost? Mr. Speaker, taxpayers should not take this hit.

Now I recognize that this bill is titled the Neighborhood Stabilization Act and that its stated intent is to help rehabilitate neighborhoods in metropolitan cities and urban communities that have multiple foreclosed homes sitting vacant and empty. But, Mr. Speaker, why should rural and middle America be forced to have their tax dollars used to bail out lenders in big cities and urban areas? I believe, Mr. Speaker, we should work to find incentives for people to purchase these homes and improve these neighborhoods.

□ 1230

But we should oppose a new $15 billion spending program so the Federal Government can be involved in flipping houses or renting out homes.

Mr. Speaker, I urge my colleagues to oppose this oppressive rule and the bad underlying bill.

With that, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise this morning in support of this very, very important measure.

Today, this House of Representatives will vote on the most comprehensive response yet, bringing badly needed help to this Nation's troubling mortgage crisis.

These House measures we will debate today will help in several areas: Number one, it will help families facing foreclosures to keep their homes; two, it will help families avoid foreclosures in the future; and three, it will help the recovery of communities in cities and towns across this Nation who are harmed by empty houses that are caught in the foreclosure process. And that's why I rise to support this bill today.

This is our first bill out of the gate on this important measure. And it is extraordinarily important, Mr. Speaker, and that's why I support this rule.

As we look across the landscape of America today, in neighborhood after neighborhood, homes empty, buildings empty, vandalism on high, violent crime on high, neighboring homes' property values going down, and right today, mortgages that are higher than the actual value of the property. And my good friends on the other side of the aisle question, why are we moving? Why is this a bailout? This is not a bailout. If anything, my dear friends, this is a bail-in. This is a bail-in to save communities.

Some of the same arguments that I heard on this side were heard during when we had other disasters. This is a disaster, just as we had Katrina, just as we had tornados, just as we had unforeseen circumstances. I even heard some say, when Katrina was coming, well, they knew the hurricane was coming, why didn't they get out of the way? This country needs help, and they're looking for their government to do what government is supposed to do, help their country in a moment of greatest need. And there is no greater need today than to help in this mortgage crisis.

And foremost for that help is to get into these communities, give our State and local governments, whose fire departments, whose police departments, already strained, are overstrained, and to help those neighboring homes who are going down in value because these properties are standing there idle and empty and are nothing but havens for crime. That's why, Mr. Speaker, this bill is so important.

I commend Ms. WATERS and Chairman FRANK for putting together the leadership of this bill, which I'm proud to be a cosponsor of, because it goes to the heart of the matter, and that is, saving America's communities. Fifteen billion dollars spread in two fashions, 7.5 for loans, 7.5 for grants. It's an excellent idea whose time has come.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that each side get an additional 2 minutes so I can engage the gentleman and so he can have the time to yield to me.

Ms. CASTOR. Mr. Speaker, I object. I do not yield for that purpose.

The SPEAKER pro tempore. The gentlewoman does not yield for that request.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from West Virginia (Mrs. CAPITO), a member of the Financial Services Committee.

Mrs. CAPITO. I thank the gentleman for recognizing me.

I am on the Financial Services Committee. And we have debated and had many hearings on what we all share is an issue before us with great urgency. We are facing serious challenges here in the housing market, and I think our committee has done great work on a bipartisan basis to pass numerous measures and to listen to the concerns all across the board.

But I think the greatest concern for me and for all of us here should be that individual in that home who stays up late at night or can't sleep at night because they can't figure out how they're going to stay in their house and afford to keep their home, keep their family safe in their home, and meet the challenges of either an adjustable rate or a house that maybe has devalued so much that they feel like their only option may be to walk away from their mortgage.

So we have two bills before us today. Later on, we're going to be considering H.R. 5818, which is the Neighborhood Stabilization Act of 2008. This doesn't help that individual who can't sleep at night who we're most concerned about. The aim is to help big cities and other urban areas that have foreclosed properties, to revitalize that. That's an issue for another day. In my view, the issue we need to debate today is how we're going to help that individual who can't meet the challenges and wants to stay in their home.

And so on the larger bill that we're going to be considering later, unfortunately the bipartisan tone of our committee sort of broke down in the process. We had, I think, very spirited debates in front of our committee where our philosophies were shared and we actually found a lot of common ground, which is the way it should be. Because when an originator came forward with a bad loan or didn't ask for financials or didn't ask for background information on a potential buyer, they didn't ask, are you a Republican or a Democrat? This isn't a partisan issue. That's why I think we should have a full and open debate here, and that's why I advocated for an open rule in front of the Rules Committee.

So the solutions that we're offering today are going to be diluted because we're not going to be able to hear the debate on the floor because the Rules Committee has decided, in their infinite wisdom—and I'm a former member of a Rules Committee, so I can say that—that the majority is using a seldom used rule that will really prevent our side from offering even a motion to recommit, where we can at least have our voice heard on this floor.

So I'm very disappointed that at this day in time, when we have that person at night staying up, that family wondering how they're going to stay in their home that night, they are not going to be able to see the choices that are before us as a body where we can say, we think this is more helpful, or we think this direction is the way we should go. For that I'm tremendously disappointed, especially in light of the committee that I serve on, Financial Services, where we did have this debate and we had ideas that came forward and more ideas that could come forward on this House today.

With that, I oppose this rule.

Ms. CASTOR. Mr. Speaker, we're going to do everything we can in our power to help American families across this Nation that, yes, are facing foreclosure. In this package we bring today we will help the folks who are facing those adjustable rates and keep them out of foreclosure. But I don't think we should turn a blind eye to the significant increase in foreclosures, the rate of foreclosures that has happened since 2003 under the Bush Administration. In 2003, 734,000 foreclosures; 2004, 835,000 foreclosures. More in 2005 and 2006. 2007, a record-breaking 1.5 million foreclosed homes in America. This Neighborhood Stabilization Act will address those vacant foreclosed homes in our neighborhoods.

I am going to call upon my colleague from the Rules Committee, Ms. MATSUI from California, to further address the

issue. I yield 3 minutes to the gentlewoman from California.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from Florida for yielding me time.

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

The housing crisis has had an unprecedented effect on our economy. Our families, our neighborhoods, our communities are facing daily challenges, seeing increased foreclosures and vacancies everywhere they turn.

My own hometown of Sacramento is among the hardest hit in this country. Just last quarter, nearly 5,300 homes were foreclosed on. And sadly, there is no end in sight. My district is fifth in the Nation in adjustable rate mortgages, many of which are reset to higher rates in the near future.

To make matters worse, Forbes magazine ranks Sacramento among the highest in homeowner debt. Twenty-eight percent of homeowners in my district hold second mortgages and/or home equity lines of credit, making it much more difficult for them to save their homes.

This crisis is affecting everyone; homeowners who are in danger of foreclosure, renters who are being forced to move, and even families who are secure in their mortgages are seeing their home values fall, and increased neighborhood blight.

Mr. Speaker, this year I have met with many Sacramento families that are struggling with their mortgages in today's volatile economy. I have seen the sadness in their eyes and the emotional toll this crisis has taken on them. It is truly devastating. I met Susan at a foreclosure workshop. She had a traditional mortgage that was in good standing. Then, after repeated calls, she was steered by a lender to refinance her traditional loan into an adjustable rate loan so she could do home improvements. Now the loan is scheduled to reset soon, and she will have a difficult time making ends meet.

Another constituent, Jeanie, e-mailed me just last week. She has been forced to move twice already this year because the homes she was renting were foreclosed on. Without some stability in the housing market, Jeanie and her family, including their young daughter, will be forced to move again.

Mr. Speaker, we need to help these honest, hardworking homeowners immediately. This legislation is a step in the right direction. I urge support of this rule and this legislation.

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

Mr. DUNCAN. Mr. Speaker, I rise in opposition to the rule that brings this bill to the floor and to this $15 billion bailout bill, and I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I think up here we lose sight of how much $15 billion really is. Fifteen billion dollars would operate the entire State government of Tennessee for almost 1 year, our education, our medical care, our prisons, our roads, our parks. And Tennessee is almost dead on average, statistics-wise, in regard to all the States.

Over 95 percent of the people are paying their mortgages on time. Consistent with that, about 95 percent of the people who have contacted my office or spoken to me about this bill, they don't want us to bail out people who have taken out loans that they couldn't afford. But even worse than that, the $15 billion that's in this bill, even worse, we're going to pass later today a $300 billion housing bill that we really can't afford. Tomorrow we're probably going to pass a $250 billion supplemental appropriations bill. That's $565 billion in 2 days. And all three of these bills are outside the regular or don't even count the regular appropriations bills that we'll be taking up.

Next week, we're going to pass an almost $300 billion farm bill. A couple of weeks ago it came out that the Pentagon has had $295 billion in cost overruns on just their 72 largest weapons systems, not counting the cost overruns that would be in all the thousands of other large and medium size and small contracts.

Last week, we rejected an effort by the administration to save $50 billion over the next 10 years on the Medicaid rules even though payments to hospitals under the Medicaid program have gone up two to three times the rate of inflation every year for the last 15 or 20 years.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DUNCAN. What I'm getting at, Mr. Speaker, is this: This Congress is going to go down as the most fiscally irresponsible Congress in the history of this Nation if we keep spending at this rate. No one can legitimately call themselves a fiscal conservative if they vote for all these bills.

David Walker, who just retired as the head of the GAO, respected by both sides, said that even worse than the $9 trillion national debt that we have is the 53 to $54 trillion in unfunded future pension liabilities. It's not going to be many years, Mr. Speaker, before we're not going to be able to pay all our Social Security and veterans pensions and all the other things we promised our people if we keep spending in the reckless manner that we're doing so today and in the days ahead.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 3 minutes to an outspoken advocate for the hardworking families of Ohio and all Americans, Ms. KAPTUR of Ohio.

Ms. KAPTUR. I thank the gentlewoman for yielding to me, and I rise today in reluctant opposition to the rules on both housing bills that are before us because they are not coming up before us in regular order. Neither one is an open rule on such an important subject.

I truly want to thank Chairman FRANK and Congresswoman WATERS for their efforts to improve these bills as they move forward. But on a matter so serious, the membership should be afforded the respect our offices bestow to represent their people and be allowed to amend and be heard in this body.

□ 1245

Every day, between 7,000 and 8,000 American households lose their homes to foreclosure. Meanwhile, the banks responsible are being rescued by the Federal Reserve, an instrument of our government. Today, the major bills before us to assist with foreclosures will unleash the power of the taxpayer-insured Federal Housing Administration to catch some of the homeowners in its rescue net. But these bills do nothing to hold the lenders and servicers responsible.

Despite the promise of rescue hotlines and Federal and State government compacts, Federal action to help homeowners being foreclosed lacks bite. It is voluntary. It pushes to the FHA what the private sector should be making whole.

The two plans to be considered today, again, ask mortgage servicers to voluntarily, and I underline that word voluntarily, enter into an agreement with the FHA to insure these troubled loans if servicers offer modest loan concessions. The problem: The voluntary aspect of the program leaves homeowners yet again at the mercy of the mortgage loan holder.

Take Countrywide. The CEO of that company had his compensation approach over $200 million, with salaries, bonuses, options, and everything over the last 5 years. Yet the Federal Reserve still rewards Countrywide as one of its privileged primary dealers trading in U.S. Government securities. The FHA rescue plan promises to save maybe 500,000 homeowners, or half a million Americans. That equals maybe 25 percent of the more than 2 million additional homeowners still at risk of foreclosure. Let me ask, is helping 25 percent, perhaps, of homeowners at risk the best America can do? Because the bills are not being considered under an open rule with the ability to amend, we cannot perfect this legislation.

So it's fair to ask, where have these voluntary rescue plans gotten us so far? Housing counselors in my area tell me dozens of servicers refuse even to come to the table and return phone calls, for heaven's sake. Not restructuring the loan is one thing but not picking up the phone is another. When servicers refuse to answer the phone, no degree of local government effort or foreclosure prevention counseling can be effective.

Who is not picking up the phone? Some of these characters:

CitiFinancial, HSBC/Beneficial, Chase Mortgage, Countrywide, Sovereign Bank, Indymac Bank, Popular Mortgage, GMAC, NovaStar, EMC Mortgage.

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

Ms. KAPTUR. May I have an additional minute?

Ms. CASTOR. We have a list of additional speakers, so at this time I cannot yield additional time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentlewoman 1 minute of my time.

Ms. KAPTUR. I thank the gentleman for yielding.

To continue . . . ASC Servicing, HomeEq, Wilshire, Nationalstar, EquiFirst, Litton Loan, Flagstar, and Saxon Mortgage Services.

In fact, the Federal Reserve still has among its privileged list of primary Treasury security dealers Countrywide, HSBC, and Citigroup, some of the very companies that aren't answering the telephone.

Banks and mortgage servicers should be mandated to disclose contact information, phone numbers, and lay services for their loss mitigation departments. Citizens attempting to do workouts on loans must have these recalcitrant institutions at the table.

In addition, as I've said for months, forthcoming improvements to the bill should include a short-term foreclosure moratorium, perhaps 3 months, to help hundreds of thousands of Americans avoid foreclosure. And, most importantly, Congress should vote again on allowing judges the flexibility to modify the terms of mortgage loans in bankruptcy court proceedings. Frankly, the Senate should filibuster on this issue. In other words, do for the homeowner what the Federal Reserve has done for the big banks.

Without enacting tougher legislation, a ''no'' vote on this rule and the one to follow will allow for a more effective set of bills to come before us that will really address the comprehensive foreclosure needs of the American people. I'm glad to see the progress we've made, but we could go so much further.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I would like to ask the ranking member a question on what's really going on in Florida.

One of the reasons we are objecting to this is because of the previous question. Can you mention the previous question?

Mr. HASTINGS of Washington. If the gentleman will yield, I am going to ask my colleagues to vote ''no'' on the previous question so that we can address another issue of tremendous import in this country that has hit every family, and that's the high prices of gasoline. So I will ask my colleagues to vote ''no'' on the previous question so we can address issues, allow Members on the floor to be able to debate the issue of lower gas prices.

Mr. SHIMKUS. So a ''no'' vote on the previous question allows us to debate lowering energy costs in this country; is that correct?

Mr. HASTINGS of Washington. It would give us the opportunity to do that because there are some ideas here. The gentleman is correct.

Mr. SHIMKUS. And that would be in conjunction and probably would meet with the Speaker's promise in 2006 that Democrats have a commonsense plan to help bring down skyrocketing gas prices. She made that quote. That would allow us to bring that plan to the floor, would it not?

Mr. HASTINGS of Washington. If the gentleman will yield, the gentleman is correct.

Mr. SHIMKUS. Likewise, JIM CLYBURN said, ''House Democrats have a plan to help curb rising gas prices.'' That would allow us to find out what that plan is; am I correct?

Mr. HASTINGS of Washington. If the gentleman will yield, the gentleman is correct.

Mr. SHIMKUS. And when STENY HOYER said, ''Democrats believe we can do more for the American people who are struggling to deal with high gas prices,'' that would allow us to address the majority leader's plan to help bring down energy prices; is that correct?

Mr. HASTINGS of Washington. If the gentleman will yield, the gentleman is correct.

Mr. SHIMKUS. And it's tied to this debate, and I know my colleague who just spoke, it would probably be important for her to vote ''no'' on the previous question so that some of her concerns would be aired; would that be correct?

Mr. HASTINGS of Washington. If the gentleman will yield, I think every Member should allow every Member the opportunity to address these issues.

Mr. SHIMKUS. Well, Mr. Speaker, high energy costs really affect this debate because high energy costs are causing people to make tough decisions where they can't meet their bill payments.

Just last year the cost for natural gas for an individual homeowner went up 5.9 percent. Just last year the price for home heating increased 37.2 percent. The cost for propane increased 22.2 percent. The cost for electricity increased 4.3 percent. Why? We have no plan. The Democrat plan to lower energy costs was no plan.

There was a plan. It did this: Crude oil was at $58.31 when the Democrats came into the majority. Today, $121. Yesterday it hit $122. I've been doing this for 4 weeks. It hasn't gone down; it keeps going up.

What has that done at the pump? When Democrats came into control, $2.33. What is it today? On average, $3.60. That's no plan. That's a plan to fail. That's higher costs.

If you want people to be able to meet their mortgage payments, let's lower energy costs. Let's lower the price of a gallon of gasoline.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. SHIMKUS. Now bring in climate change. On average, climate change is going to add 50 cents to a gallon of gas. That would raise the price to $4.16. Nobody wants to pay that.

How can we solve this problem, Mr. Speaker? Let's go after our natural resources in the Outer Continental Shelf. Billions of barrels of oil, billions of cubic feet of natural gas right on the OCS. Democrats keep blocking the ability to get that. Let's do coal-to-liquid technologies. Go after our coal reserves, 250 years' worth in Southern Illinois alone, and turn that into liquid fuel.

Let's lower the cost for homeowners so that we don't have to rely on bailouts, we don't have to rely on government. My individuals want independence from government. They want independence on fuel costs. They want to pay lower costs.

Democrats can bring a bill to the floor. They promised it in 2006. We have yet to see it.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of the rule and in strong support of H.R. 5818, as well as H.R. 5830 and H.R. 5720, which together constitute a comprehensive package of legislation that will help us address our Nation's housing crisis by providing assistance to those who are suffering the most.

The numbers characterizing this crisis are truly staggering. The National Association of Realtors reports that median home prices fell in 2007 by nearly 2 percent. RealtyTrac reported last week that in the first quarter of 2008, 1 in every 194 homeowners faced a foreclosure notice.

The loss of a home, or value in a home, is a loss of an asset which many Americans often work their entire lives to own, and it is a loss of a dream that many may never again have the chance to achieve for the rest of their lives.

Further, the decline of the housing market has pulled our economy to the brink of recession. Our Nation has lost some 260,000 jobs since January of this year, and economic growth slowed in the first quarter of 2008 to less than 1 percent.

The reality is that many Americans long ago entered their own personal recessions. And the legislation before us today finally begins to provide the aid that our Nation's families so urgently need to get back on their feet.

Together, these pieces of legislation will do the following:

Provide mortgage refinancing assistance to keep families from losing their homes and protect the values of neighboring homes; expand FHA assistance so that borrowers in danger of losing their homes can refinance into lower-cost, government-insured mortgages they can afford to repay; and provide States $10 billion in additional tax-exempt bond authority in 2008 to refinance subprime loans and refinance the building of affordable and rental housing.

I applaud Chairman FRANK and Chairwoman WATERS for their determined leadership and for these great pieces of legislation, and I urge the adoption of each of these measures.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Washington has 13½ minutes remaining, and the gentlewoman from Florida has 12½ minutes remaining.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. HASTINGS of Washington. Mr. 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 144, nays 250, not voting 39, as follows:

[Roll No. 272]

YEAS—144

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
DeGette
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gerlach
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—250

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCotter
McDermott
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—39

Andrews
Bean
Berman
Bishop (NY)
Bishop (UT)
Boucher
Burton (IN)
Campbell (CA)
Conaway
Cubin
DeLauro
Doggett
Doyle
Fossella
Gilchrest
Grijalva
Hinchey
Hunter
McCarthy (NY)
McCollum (MN)
McGovern
Moran (VA)
Oberstar
Olver
Pascrell
Peterson (PA)
Renzi
Reynolds
Richardson
Ross
Rush
Salazar
Slaughter
Speier
Udall (CO)
Weldon (FL)
Wexler
Wilson (OH)
Wynn

□ 1318

Messrs. JACKSON of Illinois, FRANK of Massachusetts, MCDERMOTT and RYAN of Ohio changed their vote from ''yea'' to ''nay.''

Mr. LATHAM changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Ms. CASTOR. Mr. Speaker, we have just completed our third motion to adjourn the business of the House today, in addition to other procedural motions to delay action.

While we will not be deterred, we are going to continue to fight for families throughout America who are suffering in this housing crisis. We are going to provide the tools that our communities need to purchase these foreclosed homes and turn them into affordable housing for families.

Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the Chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to address both the procedural and substantive objections.

First, procedurally, I understand there are some legitimate concerns about the second rule that we will deal with. But as to this rule, I will say categorically I was the ranking member on the Committee on Financial Services for 4 years. The rule today gives more scope to the minority's amendments than any rule under this committee's jurisdiction when they were in the majority.

The gentleman complained about an amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE). There is an amendment on the subject of illegal immigrants and their benefits in this bill. There were four such amendments. One was made in order. Putting in order duplicative amendments serves no purpose.

But when the Republicans were in power, we had situations where motions adopted in committee were changed by the Rules Committee, and we were not given an opportunity to vote an amendment and discuss that on the floor. That was on the GSE bill. There was never a time when, under the Republican rule, we had as much ability to offer ours.

There are three substantive amendments offered here. Five were already adopted in committee.

Now as to the substance. The notion that this helps lenders is bizarre. This is one that is strongly urged for mayors, Governors, police chiefs and municipal officials. Property already foreclosed used to pay taxes. It now absorbs taxes. There are fire hazards, there are nuisances, there are threats in terms of sanitation.

The problem is that many of the cities that have this problem of foreclosed property don't have the financial wherewithal to buy up the property precisely because they have lost tax revenues. They are in a vicious cycle. We are offering this money, and it is a need-based formula. The money goes to where there is the most foreclosed property.

Now it is true that it is $15 billion for the entire United States. We are in a terrible crisis, and this bill would provide $15 billion to elected local and State officials to buy up property. That's an awful lot of money. It is half what this administration offered to the counterparties of Bear Stearns.

Now I thought that the $30 billion offer to the counterparties of Bear Stearns was an unfortunately necessary request. But how, Mr. Speaker, do people in an administration that gave $30 billion of taxpayers' money, put that at risk for the counterparties of Bear Stearns, object when half of that is made available to all of America to abate fire high hazards and to preserve neighborhoods from serious problems?

The lenders don't benefit from this. In fact, we have a later bill in which we are going to be accused of not doing enough to put you into foreclosures. This bill says that when the property has already been foreclosed for at least 60 days, the cities and States may work with profit or nonprofit groups to make it available for affordable housing, to make it available for local employees. I guess when you don't have a serious argument, you just make things up. This one is totally unconnected to reality. We have been asked by local officials and worked with them. There is a great deal of property that has been foreclosed upon.

By the way, to anyone who says this is an incentive to foreclose property, there isn't enough money in this bill to begin to buy up all that's already been foreclosed. No one who hasn't yet done it is going to get any benefit from this, but let's get back to the basics.

Thirty billion dollars of public money has been made available for the counterparties of Bear Stearns, I think, of necessity, to avoid greater danger. But how, having done that, do you denounce half that amount of money for the whole country to cities and States to buy up foreclosed property that is blighting neighborhoods?

Then the gentleman from Washington said, well, why should the rural areas be forced to deal with this when it's a city problem because there is foreclosed property in many places? But that kind of rhetoric that sets one against the other, I don't think is very productive.

I guess I would say this: Why should the people of Detroit and Cleveland pay subsidies to farmers who make hundreds of thousands of dollars a year? We are going to pass an agricultural bill that's going to ask people in the cities to pay for agricultural subsidies. I don't think it is very sensible to start this kind of thing. We are going to bring forward housing dealing with rural housing.

America is in a terrible financial situation brought about by irresponsible economic activity unchecked by reasonable regulation. This is one small piece of dealing with it, and it is far less expensive than other pieces these people have supported.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise in opposition to this rule.

H.R. 5818, quite frankly, is a bailout bill, and it is not even a bailout bill to homeowners, it's a bailout bill to lending institutions.

While I appreciate the merits of the bill and what the sponsor was trying to accomplish, it is what it is. If we're going to provide a bailout, Congress should ensure that at least we are bailing out lending institutions that lent to Americans, not illegal aliens.

Yesterday I offered an amendment in rules to do that, an amendment that actually had some teeth. Instead, the Rules Committee decided to allow a similar amendment but one that lacked the teeth that mine had. My amendment prohibited States from using any of the funds to purchase homes that were owned by illegal aliens. If States used the funds under this bill to provide affordable housing to its residents, my amendment prohibited them from providing that housing to illegal aliens. However, my amendment required documentation, which only included a Social Security card with a photo ID or a REAL ID identification. That would be the proof of the pudding.

If Congress wants to use taxpayers' dollars to bail out lenders, let's make sure it's only benefiting the people who pay taxes and live here legally. I am saddened that once again the majority wants to pass legislation that will accomplish nothing but provide political cover.

I just checked with my office to see if we have heard from one municipality. While I respect the gentleman from Massachusetts, we have not heard from one mayor, not one city council member, not one county commissioner and, as of the last time I checked, we still had not heard from one State official.

For this reason I am going to vote against the rule and encourage other Members to do so.

Ms. CASTOR. Mr. Speaker, I would note for the record that the Committee on Financial Services heard from local government officials and housing experts across this country during committee markup and after that. There is no secret that communities across this country need a little bit of help in turning those dilapidated, empty, foreclosed homes into productive, safe, secure housing for families.

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

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

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose the rule, because there are so many amendments that could have improved this bill and saved the taxpayers money, but they were ignored by the Rules Committee, not allowed on the floor of the House, which isn't totally unlike the situation we are in with the supplemental appropriation bill.

Here we are about to pass a $200 billion—that's billion with a B—the largest supplemental appropriation bill in the history of Congress, and supplemental appropriation bills aren't anything new. They go back to the second Congress that ever existed because, so often, when you have a war, there are unanticipated costs associated with it, as there are with disasters and other things that might occur during the course of the year. So supplemental appropriation bills are normal. But what isn't normal is the size of this bill.

□ 1330

And what isn't normal is the Democrat Party who even has on Speaker PELOSI's Web page, as I speak, a promise to the American people that every bill would be vetted properly and passed through proper order.

And we all know from our eighth grade social studies class that proper order is that a bill is introduced; ding. It is sent to subcommittee; ding. The subcommittee has hearings, it has a markup in which amendments are allowed and where endorsements and where statements are made. Then it goes to full committee; ding. And full committee again repeats the process, possibly with hearings, certainly with debate, always with amendments, always with the minority and the majority party putting aside partisan differences on a committee level before the final product goes to the floor. And then again, ding, the bill goes to the floor where again people are allowed to amend a bill. People are allowed to make speeches on it.

But instead, what we have from what can only be called a ruthless, iron-fisted majority, an air-dropped bill. Yes, Mr. Speaker, an air-dropped bill, a bill that has bypassed, leapfrogged over the regular subcommittee and committee process.

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

Mr. KINGSTON. May I have another 30 seconds?

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

Mr. KINGSTON. Again, Mr. Speaker, this bill is thrust upon Members of the House who will not have read it. In fact, I will take a poll right now.

Is there anybody who has read, there are a lot of Members of Congress on this floor, have any of you read this $200 billion supplemental appropriations bill of which we will be voting on tomorrow? Not one hand goes up. I rest my point. This bill has not been vetted.

It should go through regular order which means subcommittee, full committee and then on the floor. Members should have the opportunity to read a $200 billion bill and they should have the opportunity to amend it.

Ms. CASTOR. Mr. Speaker, just for purposes of clarifying the record, I think it is important to note that a number of amendments were considered in the full committee, the Committee on Financial Services. And indeed, in the Rules Committee, we considered a number of amendments, and have accepted consideration of seven amendments in this bill that will be voted on later on. Three are Republican amendments.

Now I know the other side has focused a lot on delaying tactics and procedural maneuvers today, and they would love to open this up and have hundreds of amendments considered. A number of amendments filed with the Rules Committee were duplicative. We have tailored this structured rule in a fair manner.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield 30 seconds to the gentleman from California, the distinguished ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I was seeking to get the floor from my very dear friend from Florida to simply say that all we were asking for was nine amendments. Unfortunately, the process that was so eloquently outlined by our friend from Savannah, Georgia (Mr. KINGSTON) is exactly the process that is being used on the next foreclosure bill that we have. Having completely denied the opportunity for the hearing process, and as we go through every single step that should be part of this measure, the minority is going to, unfortunately, not have a chance whatsoever to offer its motion to recommit.

We are not asking for hundreds of amendments, Mr. Speaker, we are simply asking on this bill for nine amendments. When only a third of our amendments were made in order, three-quarters of their amendments were made in order, let's have a little more fairness.

Ms. CASTOR. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois, a classmate of mine, Mr. LAHOOD.

Mr. LAHOOD. I thank the gentleman for yielding, and I rise to say that I wish as a member of the Appropriations Committee, that the same procedure that is being followed for helping the housing industry whereby the Committee on Financial Services held hearings, allowed members to offer amendments, allowed members to read the bill, allowed members to have their say about the bill, we on the Appropriations Committee would be accorded the same opportunity when it comes to a bill that will be considered by the House tomorrow, a $200 billion bill that will appropriate money to help our troops and to fund our troops and to provide them the equipment they need.

Now as a member of the Appropriations Committee, none of us will have the chance to read the bill, to look at the bill, and those of us who have been around this House for some time, and members of the committee know that the devil is in the details. We know what happens when bills are brought to the floor when Members haven't had a chance to read them. Things are inserted, words are inserted, dollars are inserted that become a great embarrassment for people as they vote on these bills.

And so tomorrow when this bill comes to the floor, the appropriation bill, the $200 billion appropriation bill, I encourage Members to vote against it because they will not know what is in it. They won't know what words are in it or what money is in it because the Appropriations Committee has been shut out from the opportunity to have their say, to offer amendments, to offer an opportunity to change the language in the bill.

And really it is disingenuous, I think, to our committee to allow this kind of procedure to take place. We have two very experienced people on the Appropriations Committee in the chairman from Pennsylvania and the ranking member from Florida of the Defense Appropriation Subcommittee who will have little or nothing to say about the bill.

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

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

Mr. LAHOOD. Now I talked to two of the Democratic leaders about this, and I tried to persuade them, let's go through the regular procedure. You've got the votes to pass the bill. You're going to pass the bill. Why not give all of us a chance to have our say and to at least read it and offer amendments and have our say. What are you afraid of?

Mr. Speaker, this is not the way to run the House. This is unprecedented that a bill of this magnitude would come to the House like this. I urge the Speaker and the leadership to give us a chance, as members of the Appropriations Committee, to have our say, to read the bill, to offer amendments.

Ms. CASTOR. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining and the gentlewoman from Florida has 5½ minutes remaining.

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

Mr. CULBERSON. Mr. Speaker, let's be clear. It is not we Members who are shut out, it is the constituents that we represent. On this Financial Services bill, those constituents that we represent have been shut out in committee and not offered an opportunity to offer an amendment.

On the Appropriations Committee, the war funding bill, life or death for our troops, the most important question facing our Nation, our survival as a Nation and the war on terror, the 19 million Americans that we represent on the Republican side have been shut out of the process and denied an opportunity to offer amendments in debate on the survival of the Nation in the war on terror, on life and death of our soldiers in the field.

I, for one, had an amendment to make the Iraqi Government pay more of their own share of this reconstruction and make sure that with oil at $120 a barrel, the Iraqi Government, sitting on the world's third-largest supply of oil, I have an amendment to require the Iraqi Government, that I was going to offer in committee, to make the Iraqi Government pay for the reconstruction of roads, utilities, schools, job training and economic development. Because we have a record debt and deficit in this country, that amendment is an important piece of the debate in the appropriations bill to pay for the war.

This is not just any bill that the American people have been shut out of the debate on. It is the bill paying for the lives and safety of our troops in the field.

I would, frankly, think that the Democrat leadership of this House would be embarrassed to deny the American people an opportunity to have their elected representatives participate in this debate. When we started this Congress, the Speaker promised the most ethical and open Congress in the history of the Nation. We don't see it in the process. Over and over again these bills come to the floor without an opportunity to debate them or offer amendments on the floor.

Don't forget, it is not just the Republicans that are shut out, Mr. Speaker, but the Democrat members of the Appropriations Committee have been shut out, just like the members of the Financial Services Committee have been shut out. The American people have been shut out of this process, and the Democrat leadership ought to be embarrassed for bringing a bill to fund the war without giving us all an opportunity.

Mr. HASTINGS of Washington. Mr. Speaker, clearly there is enough to talk about here, and so I ask unanimous consent that each side have an additional 5 minutes.

Ms. CASTOR. Mr. Speaker, I do not yield for that purpose.

I object.

The SPEAKER pro tempore. The gentlewoman does not yield for that purpose.

Mr. HASTINGS of Washington. Mr. Speaker, I inquire of my colleague from Florida if there are any more speakers on the other side.

Ms. CASTOR. I am the last speaker for my side, so I will reserve the balance of my time until it is my turn to close.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my colleague if she would be willing, since she has time and she is the last speaker, if she would yield time to us so we may control that time for the speakers we have.

Ms. CASTOR. Mr. Speaker, we have suffered through delaying and procedural tactics today, and the business of the American people in this housing crisis should be delayed no longer. I do not yield additional time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 4 minutes remaining and the gentlewoman from Florida has 5½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, the ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I would like to yield 30 seconds, if I might, to the distinguished ranking member of the Committee on Financial Services.

Mr. BACHUS. Let me introduce into the RECORD a letter that 16 Republicans, including myself and SCOTT GARRETT, sent to Chairman FRANK asking for hearings on the Bear Stearns matter and his response in which he said that he had much greater confidence in the decision to fund the bailout of the counterparties of Bear Stearns. So the chairman at that time expressed his support, and we expressed our concern.

So now he seems to have changed his opinion and is criticizing the administration for something he defended in these letters. We will be having hearings on this matter, on Bear Stearns I can assure you, because our side is concerned about that bailout.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to respectfully request you hold a hearing of the full Financial Services Committee regarding the recent collapse of the investment bank Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on the financial markets and are also expected to have a long-term effect on our financial regulatory structure.

For the first time since the Great Depression, the Fed voted to open its discount window to primary dealers. While this authority has been available to the Fed since 1932, the decision to use it at this time has raised questions about whether and when the Fed should intervene to help a particular industry or firm in the name of market stability.

With the Fed approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Fed has possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.

These extraordinary actions have raised a number of complex and multifaceted questions. As members of the committee of jurisdiction over our nation's financial markets and the regulatory bodies that oversee them, we feel it is imperative to have a full and public vetting of this unique situation. Therefore, we strongly urge you to convene a hearing on this subject of the Financial Services Committee on the soonest possible date.

Thank you for your consideration of this request.

Sincerely,

Scott Garrett, Spencer Bachus, Donald Manzullo, Walter B. Jones, Michele Bachmann, Ginny Brown-Waite, Randy Neugebauer, Tom Feeney, Tom Price, Ron Paul, Adam Putnam, Thaddeus McCotter, Jeb Hensarling, Steve Pearce, Geoff Davis, Judy Biggert, Dean Heller.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. SCOTT GARRETT,
Congressman, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. GARRETT, I received the letter signed by you and sixteen of your Republican colleagues on the Financial Services Committee expressing your concern that the recent actions by the top financial appointees of the Bush administration in the matter of Bear Stearns have ''possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.'' It does occur to me as I read your letter that I have somewhat more confidence in the judgment exercised by Secretary of the Treasury Paulson and his aides and Federal Reserve Chairman Bernanke and other officials of the Federal Reserve System than you appear to have, but that is no reason for us not to give this the fullest possible airing, So I do agree that we should be thoroughly examining this matter.

Where we may disagree is the context in which this happens. That is, I agree with you that we should have a ''full and public vetting of this'' matter, but I do not think it is necessary that we have the hearing ''on the soonest possible date.'' I say this for two reasons.

First, the Committee, as you know, is now engaged in serious consideration of the appropriate response to the foreclosure crisis that now confronts us. I realize that there are some who believe that we should take no action at all, but I think the recent movement by the Bush administration to expand the reach of the FHA, even though I do not agree with it in all respects—is recognition of the need for some action. I therefore believe that it is important that the Committee continue its efforts on dealing with the current crisis, in cooperation with our Senate colleagues who as you know in a bipartisan way have also moved forward on legislation, although I do not agree myself with all aspects of it. My intention is to ask that the Committee continue to focus on this for the next several weeks.

Secondly, I do believe it is important for the Committee to begin an investigation, including hearings, into the Bear Stearns issue, but not in isolation. It is important that we look at what happened with regard to Bear Stearns, not primarily as a matter of hindsight because in fact we cannot undo what was done, but rather from the standpoint of anticipating what the public response should be in similar matters going forward. This includes of course discussing whether or not these specific actions taken in the Bear Stearns case were the best ones from the public standpoint, but also beginning the very important issue of what we might do in Congress to make it less likely that a situation of this sort will recur. You correctly note in your letter that what the Bush Administration did in this case did establish ''a precedent that could lead to future instances of companies. . . expecting the same assistance.'' I think it is important that we therefore empower some federal entities to take actions that may make this less likely, and would also allow them to accompany any such intervention if it should later be decided to be necessary with appropriate remedial matters.

In summary, I agree that the Committee should be looking into this, not from the standpoint of rebuking Chairman Bernanke or Secretary Paulson, but rather as part of a serious consideration of the causes of the current crisis and more importantly, what we can do to make a recurrence of the events that led up to the Bear Stearns response much less likely in the future.

BARNEY FRANK.

Mr. DREIER. Mr. Speaker, I thank my friend for his helpful contribution.

We have heard countless members of the Appropriations Committee come to this floor and demonstrate their outrage. And why? Well, for the first time in the history of this institution, 219 years old, for the first time in the history of the institution, we are bringing up tomorrow, in the Rules Committee I suspect today, I don't know if we have a meeting scheduled or not, we are bringing up a wartime supplemental under a process which doesn't ask, as my friend from Tampa said, for hundreds and hundreds of amendments. We are simply asking for one simple bite at the apple, Mr. Speaker, a motion to recommit which was promised at the beginning of this Congress which was designed to be a great, new, open Congress with an opportunity for regular order to proliferate and succeed. And, unfortunately, what we are doing with this process is completely obliterating the right, as my friend from Houston said, of millions and millions of Americans to be heard.

We have seen the committee process completely abrogated as we look at this wartime supplemental, and now here we are saying that there won't

even be an opportunity to consider, that sacrosanct one opportunity for Members of the minority to be heard. It is an absolute outrage that this would proceed, and that is why so many of our Members have demonstrated their concern.

Mr. HASTINGS of Washington. Mr. Speaker, I again inquire of my colleague from Florida if there are any more speakers on her side.

Ms. CASTOR. I am the last speaker on my side, so I will reserve the balance of my time to close.

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

Mr. Speaker, 2 years ago Speaker NANCY PELOSI promised Americans a Democrat plan to lower gas prices at the pump. Democrats have controlled Congress for 16 months but we have still not seen the plan. Meanwhile, the cost of gas has gone so high it is setting record after record.

Since Democrats took control of Congress in January of 2007, the cost of gasoline has gone up by more than 50 percent. In fact, the cost of gasoline has gone up more in 16 months than it had gone up in the prior 6 years.

Despite Speaker PELOSI's promise of a ''commonsense plan'' to ''lower the price at the pump,'' this Democrat Congress has put forward no plan, taken no action, and passed no bills to lower gas prices.

It is time for the House to debate ideas for lowering prices and it is time for Democrats to reveal their promised plan.

By defeating the previous question, I will move to amend the rule to allow any amendment to be made in order on the underlying bill that ''would have the effect of lowering the national average price of gasoline.''

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, on April 21, CNNMoneyline.com had a poll, and the things that Americans were most concerned about from a financial standpoint were: the cost of gasoline, 65 percent; the cost of food, 16 percent; the cost of health care, 13 percent; and the cost of housing, 6 percent.

Mr. Speaker, that makes the case in my view for defeating the previous question so we can respond to the 65 percent of Americans who are concerned about the rising price of gasoline. This will give the House of Representatives an opportunity to debate ideas to reduce the cost of gasoline. So I urge my colleagues to defeat the previous question so we can consider this vitally important question for American families, for workers, truckers, small businesses, and for the entire economy.

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

Ms. CASTOR. Mr. Speaker, I urge my colleagues to support the Neighborhood Stabilization Act of 2008 and this rule today so that we can provide our communities with the tools they need to protect our neighborhoods during these economically turbulent times.

And I urge my Republican colleagues not to turn a blind eye to the hardworking families across America that are being squeezed, and your delaying tactics and your procedural maneuvers that are simply delaying our efforts to address the housing crisis for America's hardworking families.

I salute the leadership of Chairman FRANK and Chairwoman WATERS during this housing crisis and our swift action through this comprehensive housing package that has been encouraged by Federal Reserve Chairman Ben Bernanke and under Democratic leadership. This demonstrates that we are committed to ensuring that families across America can obtain and keep the American dream of homeownership in a safe and secure neighborhood.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the rule and the underlying bill to H.R. 5818, the Neighborhood Stabilization Act of 2008.

This legislation will provide $15 billion in HUD-administered loans and grants for the purchase and rehabilitation of owner-vacated, foreclosed homes.

This bill is a win-win for our communities. Not only will it help provide a bottom for local housing markets: by removing foreclosed properties that continue to drag down the housing values of whole neighborhoods, this program will allow for the creation of much needed affordable housing.

Our communities are looking to us to help provide a solution to the subprime mortgage meltdown. They need relief now.

I support the rule. This bill is the best vehicle for direct relief. I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1174, the Rule Providing for Consideration of H.R. 5818, the ''Neighborhood Stabilization Act of 2008'', introduced by Congresswoman MAXINE WATERS, of California. I would also like to thank Chairman BARNEY FRANK for his leadership on the Financial Services Committee.

As evidenced by the numerous housing and financial services bills introduced this Congress, we are in economic turmoil. I have been concerned over recent developments in the housing and mortgage markets and worked with my colleagues to ensure that not only are my constituents' needs addressed but that all Americans are able to get relief.

Bills such as H.R. 3019, the Expand and Preserve Home Ownership Through Counseling Act by Congresswoman JUDY BIGGERT, and H.R. 3666, the Foreclosure Prevention and Home Ownership Protection Act by Congresswoman BETTY SUTTON, include sections that speak specifically about foreclosures. These bills would authorize studies on current defaults and foreclosures, as well as possible causes.

I am pleased to support this much needed legislation from fellow Congressional Black Caucus member, Congresswoman MAXINE WATERS. H.R. 5818, the Neighborhood Stabilization Act of 2008, establishes a loan and grant program, administered by the Department of Housing and Urban Development, to help States purchase and rehabilitate foreclosed homes to stabilize as many properties as possible.

AMENDMENT LANGUAGE AND PURPOSE

I had offered an amendment to H.R. 5818 that would provide for those who have been struggling to keep up with the rising price of gas, the downturn of the housing market, and the incredible cost of healthcare. My amendment would not exclude from eligibility, individuals and families based solely on credit ratings or their credit histories.

Many individuals and families have credit ratings and histories that are less than required for the most-advantageous lending terms. These individuals should not be faulted for their struggle to make ends meet in these troubling economic times.

They have less than stellar credit due to the financial stress they have experienced trying to save their home from foreclosure. As a result, they have marred their credit. Families who have struggled to decide between paying their mortgage or paying for healthcare, families who have struggled to balance their need for shelter with their need for food are rarely able to maintain a credit score that qualifies them for a basic credit card, let alone a home or rental property.

At least 50 percent of the grant money must be targeted to house families at or below 50 percent of AMI, and not less than half of this money must target families at or below 30 percent of AMI. Most of the people covered under this bill and at these income levels will not qualify if it is not clearly stated that they can be considered even with less than stellar credit.

This bill already gives preference to homeless persons, but I ask you, how many homeless people will qualify under this program if we do not make it clear that States can and should consider them even with credit histories that are not perfect. My amendment may appear to state the obvious in the preferences sections, but it adds clarity to the Act and I believe is necessary to ensure that ALL Americans are truly aided by this bill.

BILL BACKGROUND

The bill would establish a $15 billion, HUD-administered loan and grant program for the purchase and rehabilitation of owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible. $7.5 billion of the funds would be for loans, and the other $7.5 billion would be for grants.

Each State's loan and grant authority would be based on the State's percentage of nationwide foreclosures over the last four calendar quarters, adjusted to account for the State's relative median home price. States could allocate funds to government entities (e.g., housing authorities) and nonprofits for the purchase, rehabilitation, and resale of homeownership housing and the purchase, rehabilitation, and operation of rental housing. A State would be required to direct funds to a city within its bounds if that city is one of the 25 most populous in the Nation according to a formula based on the city's share of total State foreclosures and relative home prices.

Loans would be non-recourse, zero-interest loans to finance acquisition and rehabilitation costs. The federal government would be paid

back from resale or, in the case of rental properties, refinance proceeds. Grant funds could be used toward property taxes and insurance during the pre-occupancy phase; operating costs such as property management fees, property taxes, and insurance during the period a property is rented; property acquisition costs; and State and grantee administrative costs. Grants could also cover closing costs.

Homes purchased for resale must be sold to families having incomes that do not exceed 140 percent of area median income (AMI). Properties purchased for rental must serve families having incomes at or below AMI.

However, States would be required to give preference to activities serving the lowest income families for the longest period and homeowners whose mortgages have been foreclosed.

Thank you, Congressman FRANK and Congresswoman WATERS, for this timely housing legislation. I urge my colleagues to support H. Res. 1174 providing for consideration of H.R. 5818.

□ 1345

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

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

AMENDMENT TO H. RES. 1174

OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes 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 of rule XXI.

SEC. 5. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: ''A bill to provide a common sense plan to help bring down skyrocketing gas prices.'' Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause I of rule X.

(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 form 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. 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. HASTINGS of Washington. Mr. 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.

MOTION TO ADJOURN

Mr. CULBERSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. CULBERSON. Mr. 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, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules on House Resolution 1113 and H.R. 5937.

The vote was taken by electronic device, and there were—yeas 138, nays 272, not voting 23, as follows:

[Roll No. 273]

YEAS—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Broun (GA)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NAYS—272

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al

Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Andrews
Bishop (NY)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Conyers
Costa
Cubin
Davis (KY)
Deal (GA)
Fortenberry
Fossella
Paul
Peterson (PA)
Reynolds
Richardson
Rush
Skelton
Speier
Udall (CO)
Weldon (FL)
Young (FL)

□ 1410

Mr. AL GREEN of Texas and Ms. LORETTA SANCHEZ of California changed their vote from ''yea'' to ''nay.''

Mr. GALLEGLY changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FORTENBERRY. Mr. Speaker, on rollcall No. 273, had I been present, I would have voted ''no.''

SUPPORTING THE GOALS AND IDEALS OF MOTHER'S DAY

The SPEAKER pro tempore (Mr. ROSS). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1113.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1113.

The question was taken.

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

RECORDED VOTE

Mr. TIAHRT. Mr. 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 412, noes 0, not voting 21, as follows:

[Roll No. 274]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
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
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
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
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
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
Mack
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
Meek (FL)
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, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
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
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
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bishop (NY)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Cubin
Deal (GA)
Farr
Fortenberry
Fossella
Hinchey
Murphy, Patrick
Paul
Peterson (PA)
Richardson
Rush
Skelton
Speier
Udall (CO)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1419

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FORTENBERRY. Mr. Speaker, on roll-call No. 274, H. Res. 1113, had I been present, I would have voted "aye."

Mr. TIAHRT. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MS. CASTOR

Ms. CASTOR. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. TIAHRT. Mr. 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 237, noes 178, not voting 18, as follows:

[Roll No. 275]

AYES—237

Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McNerney
McNulty
Meek (FL)
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)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOES—178

Aderholt
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-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Abercrombie
Andrews
Bishop (NY)
Burton (IN)
Campbell (CA)
Conaway
Cubin
Deal (GA)
Farr
Fossella
Paul
Putnam
Richardson
Rush
Speier
Udall (CO)
Van Hollen
Yarmuth

□ 1427

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. TIAHRT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by resumed 5-minute voting.

The vote was taken by electronic device, and there were—ayes 146, noes 276, not voting 11, as follows:

[Roll No. 276]

AYES—146

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel

Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Bachus
Bishop (NY)
Campbell (CA)
Conaway
Fossella
Paul
Richardson
Rush
Speier
Udall (CO)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1446

Messrs. FRANK of Massachusetts, HILL, and BUTTERFIELD changed their vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FACILITATING PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5937.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5937.

The question was taken.

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

RECORDED VOTE

Mr. CALVERT. Mr. 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 345, noes 73, not voting 15, as follows:

[Roll No. 277]

AYES—345

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
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
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
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)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
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
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—73

Aderholt
Akin
Bartlett (MD)
Biggert
Blackburn
Blunt
Broun (GA)
Brown (SC)
Burgess
Calvert
Cannon
Cantor
Carter
Chabot
Coble
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hoekstra
Inglis (SC)
Issa
Jones (NC)
Jordan
King (IA)
Kingston
Kirk
Lewis (KY)
Lungren, Daniel E.
Marchant
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Petri
Poe
Price (GA)
Radanovich
Regula
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—15

Bishop (NY)
Campbell (CA)
Conaway
Drake
Fossella
Kaptur
Linder
Matheson
Paul
Peterson (MN)
Richardson
Rush
Speier
Terry
Udall (CO)

□ 1456

Messrs. FORBES, KIRK, CHABOT, and Mrs. MUSGRAVE changed their vote from ''aye'' to ''no.''

Mr. BARRETT of South Carolina changed his vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

Mr. SIMPSON. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. SIMPSON. Mr. 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 225, noes 190, not voting 18, as follows:

[Roll No. 278]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
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
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
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
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
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
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
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
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
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
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
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bachus
Bishop (NY)
Campbell (CA)
Conaway
Fossella
Granger
Kuhl (NY)
Linder
Paul
Peterson (MN)
Rangel
Richardson
Rush
Speier
Stearns
Tauscher
Terry
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1504

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. CALVERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. CALVERT. Mr. 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 137, nays 260, not voting 36, as follows:

[Roll No. 279]

YEAS—137

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Burton (IN)
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (NY)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Rothman
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Thornberry
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—260

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Fortenberry
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey

Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—36

Bachus
Bishop (NY)
Brown-Waite, Ginny
Campbell (CA)
Cannon
Conaway
Cooper
Cummings
Davis (IL)
Farr
Feeney
Fossella
Gordon
Granger
Hoyer
Kaptur
Kirk
Larsen (WA)
Linder
McMorris Rodgers
Murtha
Neal (MA)
Paul
Peterson (MN)
Rangel
Richardson
Rush
Sestak
Slaughter
Speier
Tancredo
Udall (CO)
Walsh (NY)
Waxman
Wilson (SC)
Wynn

□ 1523

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3221, FORECLOSURE PREVENTION ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1175 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1175

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3221) 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, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Financial Services or his designee that the House concur in the Senate amendment to the text with each of the three amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for three hours, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except that the Chair shall divide the question among each of the three House amendments.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution, a motion that the House concur in the Senate amendment to the title shall be considered as adopted.

SEC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion 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. Mr. 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.

Mr. Speaker, I yield myself such time as I may consume, and I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1175.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, House Resolution 1175 provides for consideration of the Senate amendments to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

The rule makes in order a motion by the chairman of the Committee on Financial Services, Mr. FRANK, to concur in the Senate amendments with three House amendments. The rule provides 3 hours of debate on the motion, with 2 hours controlled by the Committee on Financial Services and 1 hour controlled by the Committee on Ways and Means. The rule also provides for a division of the question on the adoption of the three House amendments listed in the Rules Committee report.

Mr. Speaker, I think we all know why this rule and the underlying bill are so important. Millions of Americans are confronting the growing prospect of losing their home. Hundreds of thousands, if not millions, have already lost their home in a foreclosure epidemic that is the legacy of the subprime mortgage crisis.

According to recent reports, the most severe real estate recession in decades is going to continue to weigh down the economy, the pace of foreclosures is going to continue to rise, and homes continue to lose their value at increasing rates. This foreclosure epidemic has spread to virtually every major city in the United States.

What the Committee on Financial Services has done here is brought us a bill that addresses this problem directly. It's not a bill that intends to lay blame. There is plenty of that to go around. It's a bill that's intended to solve a problem.

Here are some of the sobering facts about the problem:

The number of homes entering foreclosure in the first 3 months this year was double the same period as last year.

One in every 194 homes received a foreclosure filing in the first quarter of this year.

And home prices are down, on average, 12.7 percent, which is basically the first time that's happened since the Great Depression in the early 1930s.

As the foreclosure trends intensify, the problem can only get worse. As foreclosure signs go up in neighborhoods, the value of the property in that neighborhood declines, even if the creditworthiness and the ability to pay of the homeowner is as strong as ever.

□ 1530

Mr. Speaker, this legislation is about, as I mentioned, solving a problem. It creates opportunity for the lenders and the mortgage servicers to minimize their loss; it provides an opportunity for homeowners to stay in their homes, but it shares the pain as well as the opportunity. In order for lenders to take advantage of the opportunity presented in this bill, they are going to have to write down the value of the loan consistent with the current appraisal value. In order for homeowners to have an opportunity to participate in this program, they are going to have to give up the equity that they thought they had, including any moneys they had paid in downpayments.

House Resolution 1175 provides for the consideration of three House amendments to the Senate amendment to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

Amendment No. 1 includes H.R. 5830 regarding the FHA refinancing, H.R. 1852 regarding FHA modernization, H.R. 1427 regarding government-sponsored entity reform, those being Fannie Mae and Freddie Mac, and H.R. 1066 regarding community development investments, among other bills. Each

piece of legislation in this amendment has already been passed by the House so we are really going over work that this entire body has considered before, or it has been rigorously debated and amended through the committee process in Financial Services and Ways and Means.

Amendment No. 2 includes H.R. 5720, the Housing Assistance Tax Act of 2008 under which middle-class families would be eligible for a loan of up to $7,500 toward the purchase of a new home, and homeowners filing jointly would receive an additional deduction from their property taxes of $700. States will also receive a temporary increase in low-income housing tax credits and $10 billion of additional tax exempt bond authority for low-interest loans to build low-income rental housing and to refinance certain subprime mortgages.

One of the underlying causes of the subprime crisis was that more and more Americans who wanted to rent couldn't and had to get themselves housing by getting into loans they couldn't afford.

Amendment No. 3 is a bipartisan amendment offered by Congressman MILLER and Congressman LATOURETTE regarding the preemption of State laws regulating foreclosure.

The centerpiece of this legislation is H.R. 5830, the FHA Stabilization and Homeownership Retention Act included in amendment No. 1. That bill would enact a voluntary program, voluntary, for homeowners and lenders, and I emphasize voluntary, nothing is being forced on anyone except the opportunity to work this out. The process would begin with a homeowner or servicer of an existing eligible loan with an FHA-approved lender, and the FHA-approved lender would then determine the size of the loan that meets the requirements of the program and that the borrower could reasonably repay. The plan targets a group of homeowners who would be able to stay in their homes if they had a reduction in principal and monthly servicing charges.

The Congressional Budget Office says that this legislation could save 500,000 mortgages from foreclosure. Other estimates put that number much higher, at over a million.

Just as important as keeping Americans in their homes, this legislation protects American taxpayers. The government's liability under this program is limited and only applies if a borrower defaults and the amount recovered in foreclosure is below the outstanding debt still owed. This is a program that will be paid for largely by the folks participating in it and benefiting from this option as an alternative to foreclosure, and that is through a series of financing and copayments that will be assessed at the time of closing as the life of the loan continues through fees for a period of about 5 years.

There are going to be about $300 billion made available under this bill for guarantees, but the CBO scored the legislation as having an outside risk to taxpayers of about $2.4 billion. And I would like to have my colleagues think about that for a moment in the context of the $29 billion that was made available to back the rescue of the investment banks when Bear Stearns collapsed.

The biggest cost to the taxpayer would be to let the economy unravel, to let neighborhoods decay, and to let thousands if not millions of homes go into foreclosure.

Mr. Speaker, H.R. 5830 and other critical parts of this legislation provides an avenue to stability, to restoring economic stability to our neighborhoods, to our working families in this country, and to our lenders. We all thank the excellent leadership of the Committee on Financial Services and the Committee on Ways and Means for working together, Republicans and Democrats, to bring this legislation to the floor for consideration.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend from Vermont for yielding me this time to discuss the proposed rule for consideration of this omnibus package of legislation being returned from the Senate.

On behalf of the Republican Conference, Mr. Speaker, I rise in strong opposition to this closed rule and to this entirely closed process which is being manipulated for the sole purpose of silencing 430 Members of Congress and denying the Republican minority a motion to recommit.

I want every single Member to understand what today's vote really does mean. It means a vote for this rule is going to give only Ways and Means Chairman CHARLES RANGEL, Financial Services Chairman BARNEY FRANK, and Speaker NANCY PELOSI the opportunity to determine the shape of this legislation.

Mr. Speaker, that means that for anyone who is tuning in to watch today's debate on C–SPAN who is not sitting in Harlem, New York City; New Bedford, Massachusetts; or San Francisco, California, your vote is being silenced by the new majority's rule.

A vote for this rule is also a vote to once again break the Democrat leadership's numerous campaign promises to provide this House with regular order, including the bare minimum that can be done to protect minority rights through the inclusion of a Republican substitute.

I wish I could say that this disavowal of last year's campaign promises is precedent setting. Unfortunately, breaking these promises to the House and to the American people has become all too common in what has officially become the ''most closed Congress in history.''

What is precedent setting about this rule is that it directly contradicts the past statements of the chairman of the Committee on Financial Services, Chairman FRANK, who prior to today's rule had an unblemished record of at least asking for his party leadership and the Rules Committee to stick to their word.

In the past Rules Committee hearings, Chairman FRANK has advocated allowing this House to debate amendments:

(1) where there is a genuine issue of public policy;

(2) that allow for debate of a significant issue; and

(3) when amendments are germane and not duplicative.

Despite the fact that the broken promises Democrat majority made it clear that no amendments, not even significant, genuine, germane and unique ones would be considered by this House, 10 Republicans brought amendments to the Rules Committee that would have met each and every one of these prior requirements.

Unsurprisingly, all of these thoughtful amendments were summarily denied by the Rules Committee last night in what might well be renamed the ''Graveyard of Good Ideas Committee'' in the House of Representatives.

So despite the fact that there is no policy reason for completely shutting down the legislative process and even going so far as denying the minority a basic motion to recommit in moving this unvetted omnibus through the House, the Democrat majority has once again taken the path of least political resistance. And in doing so, they have again diminished this institution and the rights of the overwhelming Members who have a privilege to serve in this body.

Because the Republican Members of this House overwhelmingly oppose this lock-down rule that denies our party any substantive input into this process, including any amendments from a taxpayer bailout that may or may not solve the problems that it claims to, I have a number of Members who are interested in speaking up against this rule. I plan to save the majority of my time for them to provide their own thoughts on the shortcomings of this bill.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, this is the most important issue facing the American people today, and it is so important that the American people are watching this debate to see, as we are focusing our energies on this and to also, Mr. Speaker, take a look at the other side and the unfortunate distractions. We are not dealing with the war supplemental here. We are dealing with the issue that is on the minds of the American people. The American people are hanging on by their fingernails to their houses. Millions of families are losing their homes. An average of 7,500 people every day in this country are filing for foreclosure on their homes. As we debate this bill in this one hour

alone, there will be 875 people who will file for foreclosure in each hour we are debating. That is important, Mr. Speaker.

There is nothing more important on the American people's minds than to do something that brings some reasonable end to this miserable nightmare we are in as a result of this mortgage-foreclosure issue.

Millions of families are seeing their home values drop. Trillions of dollars of household wealth and property values have been lost. Homeowners now owe more on their mortgages than their homes are worth, and the housing mortgage crisis has caused businesses to lay off workers. Hundreds of thousands of Americans have lost their jobs. This is what is at stake, Mr. Speaker.

In terms of liquidity, we are in the worst economic times since the Great Depression, and that is why it is important that we lay this backdrop so the American people can see what we are doing to respond to this issue that is before us today in H.R. 5830 which is a very thoughtful, which is a very responsive response to this very, very serious issue. H.R. 5830, the FHA Housing Stabilization Homeownership Retention Act is the answer to this problem. I commend Chairman BARNEY FRANK for having the foresight in our Committee on Financial Services to put it forward.

Essentially what it does is it gives just $300 billion in authority, not cost, Mr. Speaker. It is very important because I know the other side is going to come and talk about a $300 billion bailout. This is a bail-in that is going to cost the American taxpayers just $2.7 billion that has been outlaid and scored by the Congressional Budget Office.

Later in the debate we will explain exactly what these costs are. And what this bill will do, it will ensure a refinancing of loans for borrowers who are struggling to afford their current mortgages. Participation is voluntary. The mortgage holder would have to agree to a substantial reduction of the current loan's outstanding principal and provide new loans that that borrower can afford.

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

Mr. WELCH of Vermont. I yield the gentleman an additional 1½ minutes.

Mr. SCOTT of Georgia. That is what is important here, Mr. Speaker. What we are seeing on our side as what is critical is keeping people in their homes. And in order to do that, we are simply offering that we extend the FHA ability to authorize and simply place a guarantee of loans up to $300 billion which in fact is a $300 billion reinvestment in our economy. And again as I mentioned, the cost is only $2.7 billion.

To help defray the government's cost and prevent unjust enrichments such as borrowers' flipping, the bill requires that the borrower shares with the government a substantial position of any profits from selling or refinancing homes.

Mr. Speaker, I come from the State of Georgia which is suffering dramatically because of home foreclosures. The State of Georgia ranks number eight in home foreclosures.

□ 1545

It is at the top of my agenda to make sure that we bring some relief, certainly to the people of my beloved State of Georgia, but certainly the 13th District, which even has a greater preponderance of foreclosures because of the subprime mortgage meltdown. This is extremely important.

And, Mr. Speaker, as I conclude, let me just say this point.

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

Mr. SCOTT of Georgia. I will continue that point in the debate.

Mr. SESSIONS. Mr. Speaker, for 17 months this new Democrat majority has led this country down their pathway of what they want, higher taxes, more spending, which has resulted in the gasoline crisis that we have today by cutting off supplies that would come to make America energy independent. And here we are now with a housing crisis. After all the years that we've had a growing economy, no wonder our country's in trouble. The new Democrat majority has taken over.

Mr. Speaker, I yield 5 minutes to the gentleman from San Dimas, California, the ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I want to begin by saying that I agree with many of the points that my dear friend from Atlanta, Mr. SCOTT, has made. He has put forth some very thoughtful arguments. And he is absolutely right. He comes from Georgia. I come from California. We're in the midst of a very serious housing crisis. In fact, the foreclosure issue is one that has impacted my State of California, and I know it has impacted Georgia and other segments of the economy.

But I have to say, as I listened to my friend's remarks, I was really struck with the fact that he failed, Mr. Speaker, he failed to look at the overall picture. It is true, there are Americans who are hurting. But to describe the economic challenges that we face today as the worst economic times since the Great Depression is, at least, a slight exaggeration.

Mr. SCOTT of Georgia. Will the gentleman yield?

Mr. DREIER. I would be happy to yield to my friend.

Mr. SCOTT of Georgia. It has been made clear, my good friend from California, by the Federal Reserve, by noted economists from my beloved school of Wharton, as well as Harvard, that in terms of liquidity, we are in the worst times of depression.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, let me recognize the gentleman did describe this as that.

Mr. SCOTT of Georgia. Liquidity.

Mr. DREIER. Mr. Speaker, the second point that he made, which I think is a very important one, is to say that this is the number one issue facing Americans.

Now in the debate on the last rule, our friend from Pasco, Washington (Mr. HASTINGS) pointed to a survey that was done, I think it was a CNN survey or some other survey, in which they talked about the priority issues.

Guess what issue number one is? Its the issue that our friend from Dallas was just talking about, gasoline prices. That happens to be, Mr. Speaker, the number one issue, and you have to go down the list to get to this as a priority issue.

All I'm arguing, and I'm not saying that this isn't, Mr. Speaker, a very, very important issue. It impacts the people whom I'm honored to represent here in a very negative way. But what needs to be recognized is, we have to look at where we are. We had anemic growth the last quarter, six-tenths of 1 percent. What that means is that while we may be possibly at the beginning of an economic recession, while we had anemic growth, it was not negative growth, which it takes, as my friend, Wharton-educated, has just pointed out, two quarters of negative economic growth for us to be in the midst of an economic recession. That is not to in any way diminish, Mr. Speaker, the pain that so many of our fellow Americans are feeling at this point.

Now let me just say about this issue. The President of the United States very much wants, as he said to Republican Members today, to have a bill that he can sign. And I've just spoken with my very good friend, the ranking member of the Financial Services Committee, who last night in the Rules Committee came forward with a very thoughtful alternative. That alternative focuses on strengthening a number of the very important existing programs that we have. They include, reform of the Federal Housing Administration, FHA reform legislation which we've worked on; the government-sponsored enterprises, GSE reform, very, very important; the FHA secure program; Hope Now. There are a wide range of programs that are out there.

And we've regularly encouraged our constituents who are facing the challenge of foreclosure to call that 800 number that has been put forward, because I know full well, from having spoken with many lenders, there is a desire not to take back these homes. My friend from Atlanta was absolutely right when he closed his statement by saying that the priority is to make sure that these Americans are able to stay in their homes. We want to make sure that they stay in their homes.

And guess what? To the surprise of many, these lenders don't want to take these homes backs. They don't want the responsibility of being saddled with them. And so the issue of forbearance is something that I know for a fact

lenders want to engage in with these borrowers.

But as my friend from Dallas has pointed out very well, we have before us a structure which is very unfortunate. Yes, we know we went through the committee process. We know that we have seen a very fair process by the chairman of the Financial Services Committee. But, unfortunately, what we're doing here is taking up a Senate amendment.

So while tomorrow, if we consider this wartime supplemental, for the first time ever we are going to be completely ignoring the committee process, the subcommittee, committee process. And, of course, we'll look at the prospect of taking a shell bill here and denying the minority an opportunity for a motion to recommit. That's why so many members of the Appropriations Committee have been here demonstrating their outrage on this process. But on this bill what we're bypassing is floor consideration of the measure because we're simply taking a Senate amendment.

Now what does that do, Mr. Speaker? Just as the proposed plan to deal with the supplemental appropriations bill, it denies the members of the minority a right to offer that very important cherished motion to recommit.

And so I have to say, Mr. Speaker, I'm very, very troubled with this process, and I urge my colleagues to vote ''no'' on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the gentleman for yielding the time. I'd like to thank the chairman, BARNEY FRANK, for this outstanding piece of legislation.

Let me quickly say that Hope Now is good, which is what my friend referenced. Hope Now is good. However, help now is better.

We didn't give Penn Central hope now. We gave Penn Central a $7 billion bailout. Lockheed Martin got a $250 million bailout. Franklin National Bank, $1.7 billion bailout. Chrysler, $1.5 billion bailout. Continental Illinois, $4.5 billion bailout. Farm Credit System, $4 billion bailout. First Republic, $1 billion bailout. Major airlines, $5 billion bailout. Steel companies, $7 billion bailout. And Bear Stearns, if we talk about the bare facts, $29 billion, plus a $13 billion loan through J.P. Morgan, which makes a total of $42 billion, if we talk about the bare facts.

This is a good piece of legislation, Mr. Speaker. This piece of legislation is voluntary, as has been indicated. But more importantly, it is a guarantee, not a loan. It does allow FHA to guarantee loans, about $300 billion, and that's going to help a lot of families to stay in homes. But it will also help this economy.

This economy is right now in a credit crisis. And in this credit crisis we've got to realize that there is interconnectivity. There's an interconnectedness, that we are living in a world wherein we are related to each another in a certain way. In this crisis, Mr. Speaker, when one home in a community has a for sale sign up, it impacts other homes in the community. It impacts the tax base of the community. It impacts the lives of children who are going to school in the community. So this piece of legislation will help us to keep people in their homes, but it will help to maintain the community. We sleep in houses and live in neighborhoods. This legislation helps neighborhoods.

I would also add that flippers don't benefit because you have to be a resident of the property. The government maintains a lien on the property. And there's an amendment in this bill, the Watt-Velázquez-Green amendment, which will help those persons who are being evicted, who happen to be tenants. Many persons who have their rent paid, their rent is paid, but they're being evicted because the owner of the property was foreclosed on. This amendment will help them to stay in their homes.

I ask that my colleagues please support this amendment, and please remember that we bailed out a lot of companies in this country. This is a hand up for a lot of people who are suffering and who may lose their homes, others who have their rent paid but who are about to be evicted.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Alabama, the ranking member of the committee, Mr. BACHUS.

Mr. BACHUS. Mr. Speaker, the gentleman from Vermont, who is leading the debate of the opposition, I would like to appeal to the gentleman from Vermont.

Our constituents today are under a lot of stress because of the high cost of energy, gasoline prices, heating bills this winter. And Vermont, and I congratulate Vermont. Seventy-three percent of their electricity is powered by nuclear energy. Seventy-three percent. That compares to 19 percent in all other States. So I congratulate y'all.

Nuclear energy is a source of very cheap energy, very cheap electricity. It could really wean us off our dependency on foreign oil. I would appeal to the Vermont delegation, both Mr. SANDERS, Senator SANDERS, yourself, we need more nuclear power plants. And we would just urge our representatives from Vermont to stop voting ''no'' and allowing other States to have a source of low-cost energy. So just on a personal basis, I'd appeal to you.

Now we find ourselves in a very serious situation, a crisis—it's not too strong a word—in America. We have high food prices. We have high energy prices. And many of our citizens are under stress in paying their mortgages. Fifty-four million American families make a mortgage payment each month. An additional 34 million American families make a rent payment every month. I would say that a great percentage of those are under stress. There's 25 million Americans who own their own home or don't have a mortgage, and some of them are under stress.

Now we all agree that foreclosures are serious. They're bad for the community. But we fundamentally disagree in how we address the problem. I, for one, most of my colleagues, say let's not take from the 34 million American families who are renting, let's not take their tax dollars. Let's not take from the 51 million American families who are paying a mortgage payment. Many of them struggling under high gas prices, high food prices. Let's not take from those other 25 million American families who don't have a mortgage on their home, let's not take from them and reward lenders who unwisely extended credit, because that's what this bill is about. It's not about benefiting borrowers because the guarantee doesn't go to borrowers. It goes to lenders.

Three years ago we started an effort to rein in subprime lending abuses, and the lenders came before us and they lobbied and they killed our efforts to bring some structure and some control over the mortgage market. They said, thanks but no thanks. You stay out.

But, now, now that the chickens have come home to roost, they've come back in and said, bail us out. And they're turning to 110 million American families and saying, we need $300 billion. These are speculators. Many of them speculated. Many of them are investors on Wall Street who bought high-risk, high-yield, structured investment vehicles containing these mortgages. And now they're saying, we're in trouble. And they're saying, we want to offload these bad loans on to the government.

And we'll decide today whether we take from 110 million American families, take their hard-earned money, and we bail out these lenders and these speculators, many of which are guilty of criminal, fraudulent acts. They trapped people into these loans, and when the loans have become illiquid, they've asked for the taxpayers to come in and stand behind it.

This program is, and y'all have said to us, or you have said, it's a voluntary program. Absolutely, it's voluntary. The lender can choose which loans he offloads on the Federal Government. Which loans will he offload? He'll offload his bad loans. He'll offload the very worst of the loans.

□ 1600

And the American taxpayers, those I represent who are making those rent payments, who are making those mortgage payments, and don't assume that those 51 million American families who are making their mortgage payment, don't assume they're not under stress. When you say, We're going to share the pain, why would you ask a renter or an American family that's paying their bills to share the pain? They have enough pain.

Mr. WELCH of Vermont. Madam Speaker, 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. Madam Speaker, I will be happy to engage my good friend from Alabama and both of us go to the Department of Justice, the SEC and begin to file legal action against the unscrupulous investors on Wall Street who took these mortgages knowing that they had a cheap deal. If he will join me, we will walk down to the Department of Justice right now to get the Attorney General to begin filing major litigation against these scandalous, unscrupulous individuals, if that's what he would like to do.

But right now on the floor of the House we have major legislation that is going to address the question of the suffering of Americans. And I'm going to take this brief opportunity to acknowledge the bill sponsored by my good friend and colleague, Congresswoman WATERS, on H.R. 5818. We've passed the rule, but I want to support the underlying premise that once we get through with the major reconstruction, that the bill that we are now discussing and the rule that we're now discussing, we will have $15 billion to go into these communities and be able to buy back these properties and to take them off of the streets and to make sure that low-income individuals that need affordable houses, families that are broken because of the foreclosure scandal will be able to get back into their community. This is good legislation.

Now, as we move forward on the FHA stabilization on the Senate amendments that we're now discussing, the American Housing Rescue and Foreclosure Prevention Act, let us put this in the right perspective. We lost 20,000 jobs in April. We have the bailouts of corporate America everywhere you can see. Airlines are merging, Bear Stearns got $42 billion or more to bail them out, and yet my good friends on the other side of the aisle are not interested in having us do things that the President wants us to do.

He wants us to have, if you will, the government sponsored enterprise reform. He wants us to fix Freddie Mac. He wants us to fix Fannie Mae. He wants to make sure that we provide for disabled veterans. He wants us to be able to invest in the important housing matters, and he wants to make sure that we put Americans back in their houses and put them right side up.

We're not in a recession; we're moving towards a 1929 depression. And I don't know why the other side cannot wake up. This is a good rule for a good bill.

As we make this march toward passing this legislation, I hope that we will also include that those who have lost good credit ratings because they suffered a foreclosure will be able to get back into the good credit rating by being eligible for these programs. Let us not punish those that fell victim to foreclosure because of unscrupulous practices that we're fighting against and their credit score went down to keep them from getting another house. Let's make sure we work that out. That is an idea and an amendment that I have, and I look forward to working with the committee so that as we move forward, we can get this done.

Again, if you can bail out Tom, Dick and Harry, you can at least bail out Mrs. Jones, Mrs. Smith and Mr. Garcia, because these are the hardworking Americans. I stand with them.

Let them stand with the big, rich guys all the time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 1175, the Rule Providing for Consideration of H.R. 3221, the ''American Housing Rescue and Foreclosure Prevention Act of 2008.''

I am pleased to support this much needed Housing and Urban Development legislation, to help States purchase and rehabilitate foreclosed homes to stabilize as many properties as possible.

All Americans—homeowners, lenders, communities—indeed our entire economy is worse off when a foreclosure occurs and when significant quantities of homes are foreclosed in a short amount of time.

H.R. 3221 responds directly to the current crisis facing middle class Americans while providing the tools to prevent a repeat of these problems. Modernizing the FHA and reforming the Government Sponsored Entities, GSEs, will provide crucial liquidity to our mortgage markets now, and also strengthen regulation and oversight for the future.

This legislation will begin to repair not bailout the economy, restoring confidence in the markets, limiting the damage to families and neighborhoods, and rejuvenating the communities with new affordable housing.

TEXAS

There are five steps in the foreclosure process: Step 1: delinquency; Step 2: Notice to cure, where the lender notifies borrower of delinquency and gives him 20 days to amend the problem; Step 3: Default notice and posting—in Texas, foreclosure sales occur on the first Tuesday of the month; Step 4: Foreclosure sale—if borrower is unable to cure default, the property is sold; and Step 5: Active foreclosure.

While there are five steps there are only two stages: Preforeclosure and active foreclosure. In looking at those two stages we see where Texas stands. Last year, Texas ranks fourth behind California, Florida, and Illinois in preforeclosures. Active foreclosures are foreclosed properties sold at auction and now in the lenders' real estate owned accounts. Texas held the top seat in 2007 for active foreclosures. While being number one is something Texans usually strive for, in this case we'd prefer to be much farther down the list.

Texas reported 13,829 properties entering some stage of foreclosure in April, a 16 percent increase from the previous month and the most foreclosure filings reported by any State. The State documented the Nation's third highest State combined foreclosure rate—one foreclosure filing for every 582 households.

Dallas County documented the most new foreclosure filings of any county in the region and a foreclosure rate of one foreclosure filing for every 320 households, an 18 percent increase from the previous month.

TEXAS AND WHAT HUD IS DOING

In March, the Department of Housing and Urban Development, HUD, announced the Texas State Program and the cities of Houston and New Braunfels will receive a total of $234,868,077 to support community development and produce more affordable housing. HUD's annual funding will also provide downpayment assistance to first-time homebuyers; assist individuals and families who might otherwise be living on the streets; and offer real housing solutions for individuals with HIV/AIDS.

The funding announced includes: Community Development Block Grant (CDBG) funds; HOME Investment Partnerships (HOME) funding; American Dream Down payment assistance; Emergency Shelter Grant (ESG); and, Housing Opportunities for Persons with AIDS (HOPWA).

AMENDMENT I

Title I—The FHA Housing Stabilization and Homeownership Retention Act—Creates a voluntary FHA program to provide mortgage refinancing assistance to allow families to stay in their homes, protect neighborhoods, and help stabilize the housing market.

Program—if the current lender agrees to take a substantial write down on the existing mortgage, the FHA lender will pay off the current lender and issue to the borrower a new FHA-insured mortgage at that lower amount.

Profit-sharing—to help defray the Government's costs and prevent unjust enrichment, e.g., borrower flipping, will require the borrower to share with the Government a substantial portion of any profits from selling or refinancing the house.

No speculators—only owner-occupied primary residences will qualify for the program, which also contains protections to exclude persons who have committed mortgage fraud.

Risk reduction—to further protect the Government: The FHA will charge higher fees to build up a loss reserve; the new FHA loan will substantially reduce the borrower's monthly payments, thus reducing default and foreclosure risk; and in addition to other underwriting requirements, riskier borrowers must make at least 6 months of payments at the new rate before closing on the new FHA mortgage.

Sunset—program expires in 2 years (with possible 6-month extensions not to exceed 2 years).

Additional provisions—creates an Office of Housing Counseling within HUD and authorizes additional FBI and DOJ funds to combat mortgage fraud.

TITLE II—FHA MODERNIZATION

Loan limits—makes permanent the temporary FHA loan limit increases in the economic stimulus bill, setting FHA limits at the lower of (a) 125 percent of the local area median home price, or (b) 175 percent of the nationwide GSE conforming limit.

Fee protections for lower income and lower credit borrowers—directs HUD to serve borrowers with slightly higher credit risk, raises fees to cover the additional risk, and provides for a refund if borrower makes 5 years of on-time payments.

Reverse mortgages—expands FHA reverse mortgage loan program by authorizing a nationwide loan limit equal to 132 percent of the current GSE conforming loan limit; capping and reducing loan origination fees; and adding consumer protections.

FHA personal property manufactured home loans—modernizes and rejuvenates the FHA manufactured loan program for personal property manufactured homes.

FHA condo and manufactured home loans—makes changes to rules to make these loans more flexible, while retaining basic underwriting protections.

Maximum FHA loan term—extends the maximum FHA term from 35 to 40 years.

Integrity of appraisals—strengthens protections against inflated appraisals, authorizing penalties on parties to FHA loans who improperly try to influence appraisal values.

Borrowers lacking sufficient credit history—creates a pilot program for credit-worthy borrowers that lack a credit history through the normal credit reporting process.

Downpayment simplification—Simplifies the basic FHA downpayment calculation, while generally preserving the current FHA loan to value, LTV, levels.

Foreclosed FHA multifamily properties—preserves the affordability of such properties, by requiring FHA to use accurate appraisals reflecting the cost of rehabilitating the units.

TITLE III—GOVERNMENT SPONSORED ENTERPRISE (GSE) REFORM

Includes the House-passed bill to reform prudential and mission oversight of Fannie Mae, Freddie Mac, and the 12 Federal Home Loan Banks (the ''GSEs'').

Strong independent regulator—brings GSEs under a single independent regulator with broad safety and soundness powers, including conservatorship and receivership authority.

Enhanced housing mission—enhances Fannie Mae and Freddie Mac's housing mission through improvements in targeting of their affordable housing goals and duties in underserved markets.

New affordable housing fund—establishes a new affordable housing fund modeled on the Affordable Housing Programs of the Federal Home Loan Banks.

Increased loan limits—makes permanent the increases in conforming loan limits included in the Economic Stimulus Act of 2008. Limits in high cost areas would be set based on area, rather than national prices, with conforming loan limits for each area set at 125 percent of the local area median, capped at 175 percent of the national median.

TITLE IV—CASTLE/KANJORSKI FACILITATION OF LOAN MODIFICATIONS

H.R. 5579, The Emergency Loan Modification Act of 2008, adopted by the Financial Services Committee on April 23, 2008:

Provides clarity for servicers, consistent with existing servicing contracts, about their duties when making loan modifications for troubled mortgages.

Provides protection from investor lawsuits to servicers who make specified long-term loan modifications.

Does not limit other loss mitigation efforts by servicers, and does not prevent borrowers from pursuing claims against lenders, services, or others involved in the mortgage process.

TITLE V—MISCELLANEOUS HOUSING PROVISIONS

Protecting disabled veterans in bankruptcy from discrimination—ensures that a governmental unit that has a mortgage loan program may not deny a disabled veteran the benefits of such program because the veteran is or was a bankruptcy debtor. The Bankruptcy Code currently prohibits various forms of discrimination against bankruptcy debtors by governmental units and others, including a denial of a student grant, loan, loan guarantee, or loan insurance to someone because he or she is or was a bankruptcy debtor.

Public welfare investments—the bill broadens the types of permissible public welfare investments for national and state member banks, restoring the pre-2006 standard for eligible types of affordable housing and community and economic development investments. It also grants thrifts similar authority to make public welfare investments of up to 15 percent of their capital and surplus.

AMENDMENT 3

Brad Miller-LaTourette Amendment—affirms the right of States to prevent abusive foreclosure practices and to establish rules concerning the foreclosure process by clarifying that this Act, the National Bank Act and the Home Owner's Loan Act do not preempt State laws regulating the foreclosure of residential real property or the treatment of foreclosed property.

CONCLUSION

Thank you, Madam Speaker, for your leadership in this area, I urge my colleagues to support H. Res. 1175 providing for consideration of H.R. 3221.

Mr. SESSIONS. Madam Speaker, my good friends on the other side need to bone up on their language, I believe. A recession is confirmed when there are two quarters where the economy is down. We have not even reached that point yet, and yet already we find out on the floor that the Democrat Party is willing to say we're in a complete crash equal to 1929. My gosh. Let's at least tell the American people the truth.

We can get over the problems that we have in this country, but let's not make things worse than what they already are. Let's not lie to the American people. Let's tell them the truth. Let's provide leadership. Let's show them the right way. Let's have an open bill. Let's get the things done that need to be done.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Were you referring to my remarks? I have great respect for the gentleman. I assume that he was not suggesting that I am a liar.

Mr. SESSIONS. I did not suggest that at all.

Ms. JACKSON-LEE of Texas. I would appreciate not having the words drawn down, but I am yielding to the gentleman to just correct the record.

Mr. SESSIONS. I will be point blank to the gentlewoman. The gentlewoman said, We are headed to a recession like 1929.

Ms. JACKSON-LEE of Texas. But are you calling me a liar?

Mr. SESSIONS. And that is not a true statement.

Ms. JACKSON-LEE. Well, I am just asking you if you are calling me a liar. If the gentleman will yield.

Mr. SESSIONS. It's not a true statement.

Ms. JACKSON-LEE of Texas. Is the gentleman calling me a liar on the floor of the House?

Mr. SESSIONS. We have not blown through any sort of recession.

Ms. JACKSON-LEE of Texas. Is the gentleman calling me a liar?

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman will suspend. The gentlewoman will suspend.

The gentleman from Texas controls the time.

Ms. JACKSON-LEE of Texas. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, the American people are fair people. And they expect their representatives to remain cognizant of and reflect that fairness in all actions.

This House has moved from fairness, from deliberation and from proper recognition that would allow all Members the opportunity to actively represent their constituents to repeated tyranny of the Majority. Madam Speaker, there is a crisis of leadership by this majority.

Every person in America has the right to have his or her voice heard. No Member of Congress should be silenced on the floor guaranteeing that the voices of the people are heard.

Do you recognize those words, Madam Speaker? You should, for they are yours. And they're being violated.

The minority possesses their equal rights, which equal law must protect and to violate would be oppression. Recognize those words, Madam Speaker? You should. They were spoken by Thomas Jefferson and quoted by you and they are being violated. Why? It's either political expediency or a broken promise, one or the other, neither of which the American people support because they are a fair people.

Madam Speaker, I submitted four thoughtful, substantive amendments which deserve the consideration of all 435 Members of this house. But they were denied that opportunity by this restrictive and unfair process. Madam Speaker, the American people understand that the rules aren't rules if you follow them only when you want to. Democrats promise to use fair and open rules for everything, but they're breaking rules and they're breaking promises to the American people.

I urge the Speaker and the majority to be true to their word. Stop playing politics. Stop breaking promises. Allow the Members of this House to represent their constituents. What idea, what amendment is so scary that it couldn't be considered on this floor? I call on

my colleagues not to destroy the very fiber of our representative democracy.

Vote ''no'' on this rule so that we may have an open and fair debate. The American people deserve no less.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership on this very important rule, and I rise in strong support of the rule and for the underlying bill, a housing stimulus package that will provide real relief for struggling homeowners and will bring certainty to the markets.

We are at a critical juncture in the subprime mortgage crisis. All of the data we have clearly demonstrate the severity of the problem. We have seen the perfect storm of stagnant wages, rising mortgage payments, and decreased home values, all of which have led to a record level of delinquencies and foreclosures. One recent study by the Pew Charitable Trust has found that one in two New York homeowners is projected to face foreclosure, primarily in the next 2 years, due to the subprime crisis.

This same study documents the ripple effect this crisis is having on our entire economy. Their analysis found that 52 percent of all homeowners will likely feel the ripple effect of foreclosures from the subprime loan crisis. Communities are negatively affected as foreclosures drive down home prices overall, diminishing homeowners' equity in entire neighborhoods. Costs also accrue to our local government in the form of lost tax revenue and direct expenses for securing, policing, and disposing of abandoned properties.

This is why this housing stimulus package is so terribly important. This is a well-crafted package which includes an expanded FHA Refinance Program totaling $300 billion. This voluntary program would permit FHA to provide up to $300 billion in new guarantees to help refinance at-risk borrowers into viable mortgages.

The only way we are going to solve this problem is through a multi-prong strategy. We have fully engaged the regulators, industry is working with homeowners; but we also need sound public policy that allows for many of these unaffordable subprime loans to be refinanced into viable mortgages homeowners can afford.

Another key part of this package includes the FHA and GSE modernization bills which we have already passed in this House but has yet to pass the Senate. The FHA bill will modernize the program opening it up to new homeowners and providing opportunities for long-term fixed mortgages. The modernized FHA will be the new financing option of many previous subprime borrowers, and it will be done in a way to ensure borrowers are receiving viable and affordable loans. The GSE bill will provide for a strong dependent regulator for Freddie Mac and Fannie Mae and the 12 Federal home loan banks.

Again, this is a well-crafted package. I ask permission to revise and extend to include all of the important parts of this package.

I urge a ''yes'' vote on this underlying bill.

I rise in support of a housing stimulus package that will provide real relief for struggling homeowners and will bring certainty to the markets.

We are at a critical juncture in the subprime mortgage crisis. All of the data we have clearly demonstrates the severity of the problem.

We have seen the perfect storm of stagnant wages, rising mortgage payments and decreased home values. All of which have led to a record level of delinquencies and foreclosures.

One recent study by the Pew Charitable Trust has found that one in 32 New York homeowners is projected to face foreclosure, primarily in the next two years, because of subprime loans.

This same study documents the ripple effect this crisis is having on our entire economy. Their analysis found that 52% of all homeowners will likely feel the ripple effects of foreclosures from subprime loans.

Communities are negatively affected as foreclosures drive down home prices overall, diminishing homeowners' equity in entire neighborhoods. Costs also accrue to local governments in the form of lost tax revenue and direct expenses for securing, policing and disposing of abandoned properties. That is why this housing stimulus package is so important.

This is a well crafted package which includes an expanded FHA Refinance Program totaling $300 billion.

This voluntary program would permit FHA to provide up to $300 billion in new guarantees to help refinance at-risk borrowers into viable mortgages.

They only way we are going to solve this problem is through a multi-prong strategy. We have fully engaged the regulators, industry is working with homeowners, but we also need sound public policy that allows for many of these unaffordable subprime loans to be refinanced into viable mortgages homeowners can afford.

Another key part of this package includes the FHA and GSE modernization bills that we have already passed the House, but have yet to be passed by the Senate.

The FHA bill will modernize the program opening it up to new homeowners and providing opportunities for long-term, fixed mortgages. The modernized FHA will be the new financing option of many previous subprime borrowers and it will be done in a way to ensure borrowers are receiving viable and affordable loans.

The GSE bill will provide for a strong independent regulator for Freddie Mac, Fannie Mae and the 12 Federal Homeloan Banks. It will also enhance Freddie and Fannie's mission to provide affordable housing. This bill will also make permanent the increased loan limits passed as part of the economic stimulus package. This increase is incredibly important in high-cost areas such as New York City in ensuring these products are available to our constituents.

Again, this is a well crafted package and I urge my colleagues to support it.

Mr. SESSIONS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a member of the Committee on Financial Services.

Mr. NEUGEBAUER. Madam Speaker, for nearly 35 years prior to coming to the United States Congress, I was involved in the housing business in one form or the other. I've built housing for sale, I've built housing for rent. And one of the things that you learn very quickly and housing and how to make sure that the American people have safe, affordable housing, whether it's to own that housing or to rent that housing is you have jobs and opportunity because when people, the American people have jobs and opportunity, they don't have trouble making their payments or making their rental payments.

And so I would think that the 110 million people that are paying their rent or making their house payments today are wondering why this Congress is not down on the floor today debating an energy policy that lowers the cost of gasoline, that lowers the cost of electricity so that American families can have more money, so that they can have more money to pay on their rent or pay on their mortgage payment.

But more importantly, they will wonder why we're not down on this floor talking about how we have a tax code in this country that promotes jobs and opportunity that allows small businesses to thrive and to create jobs. Small businesses are our number-one job creators. You know what? When people have jobs, they're able to make their mortgage payments. When people have jobs, they're able to make their rental payments.

So it's frustrating to me and others to see we have a process today, as other Members have pointed out, that lock us out of the process. We swore in two new Members of Congress in the last 24 hours. Unfortunately, neither one of those gentlemen will be able to participate in this debate because they've been locked out of thoughtful consideration of this bill.

Madam Speaker, we need to be down on this floor doing policy that will impact the American people. Fifty-one million Americans have a mortgage in this country, 94 percent of them are making their mortgage payments. The 110 million people that are scraping and making sure that they are a step up and make their payments, are wondering why we're down on the floor asking them to make the payments for those who can't.

Mr. WELCH of Vermont. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT.)

□ 1615

Mr. SCOTT of Georgia. Madam Speaker, I just wanted to correct an

item. I made the statement about us having the worst times since the Depression. I want to bear those facts out. So I want you to know that I am telling the truth.

In this statement from the Joint Economic Committee, it says mortgages exceed equity in homes with falling housing prices. More than 10 percent of homeowners now owe more on their mortgages than their homes are worth. Homeowners' debt on their houses exceeds their equity in their homes for the first time since 1945. In terms of liquidity, money in the marketplace, it is the worst time since the Depression.

Now the important thing to understand as we move forward is to understand the seriousness of the condition. You bring up gas prices. We bring up food prices. We've got all of these problems, but today, the American people are expecting us to deal with the housing crisis.

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

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

Mr. SCOTT of Georgia. Let us deal with the housing crisis. We've got several problems to deal with. And simply because we're dealing with the housing prices, you come down here and want to throw up the gas prices as if to say we've got to deal with that, then the other. We're going to deal with each of those items.

But today, this day, we have housing bills that are on this floor, and we owe it to the respect of the American people to give it the integrity, to give this issue the respect and the seriousness that they demand of this House, and let us stop playing games.

Mr. SESSIONS. Madam Speaker, at this time, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding and, Madam Speaker, I rise to speak in opposition to the rule.

I was very disappointed that my colleagues on the other side of the aisle couldn't resist the temptation to shut out all the Republican amendments during the debate on the rule. Like Chairman FRANK did in the committee, calling up Republican amendments, they could have allowed at least one Republican amendment to be offered to this bill.

Speaker PELOSI has said that the Democrats are advancing a New Direction for America. However, I would argue that denying House Republicans from offering any amendments to this bill is the wrong direction.

Our voices have been silenced. It's a sad day when people who represent about half the population of the United States don't have the opportunity to bring solutions to the table during debate on this important issue. I hope that this wasn't a calculated maneuver for political gain.

Congress is yet to send a single bill to the President that might begin to address the turbulence in the housing market, and I know that this is important. Ranking Member BACHUS and I had planned to offer an amendment that contains cost-effective reforms that can start helping homeowners and the economy now.

According to the Congressional Budget Office, our substitute amendment would decrease the deficit by $25 million over 10 years. Instead of outbidding each other on how much taxpayer funding should be spent on bailouts, House and Senate leaders should have chosen to move the good, commonsense, bipartisan ideas that are right in front of them in our amendment, and many have been passed before.

The amendment represents the very best elements of housing reforms that Congress has been debating over the last several years and none of the bad ones. It includes FHA reform which alone could help an additional 250,000 homeowners refinance through the FHA Secure program.

Our amendment would strengthen the national oversight of the GSEs, Fannie Mae and Freddie Mac, as well as reform these entities.

These reforms would infuse much needed liquidity into the flailing housing market.

It would add funding for housing counseling; enhance appraisal standards; require mortgage originator registration; provide resources to crack down on mortgage fraud; enhance disclosure; and provide liability protection for lenders that help struggling homeowners to refinance and eventually repay their loans.

It also provides returning veterans with foreclosure protection and temporarily raises loan limits on mortgages backed by the Department of Veterans Affairs.

Notably absent from our amendment is a high price tag. That's because it doesn't reward speculators, fraudsters, or those who engaged in inappropriate or recklessly irresponsible behavior. Several components of our amendment, including FHA and GSE reform, already have passed in one or both Chambers.

I understand that some—but not all—of our good provisions will be included in the Frank amendment. We need to break the logjam on these commonsense reforms. Counselors can help prevent foreclosures by guiding homeowners into a loan that best meets their budget and needs. And FHA and GSE reform will add much-needed liquidity to the market while providing more consumers with an alternative to bad, subprime loans.

Most importantly for Chicago and other urban communities, our amendment addresses mortgage and appraisal fraud, which has skyrocketed in Chicago and devastated communities.

I wish my colleagues could have had the opportunity to vote on our Republican commonsense, cost-effective substitute amendment. This could have been the bipartisan alternative to the bill we will vote on today, which is littered with controversial provisions.

However, my colleagues from the other side of the aisle chose to shut out our clean alternative and shut out the voices of millions of Americans who want a cost-effective solution to jump-start the housing market and get our economy back on track.

Again, I urge my colleagues to vote against the rule.

Mr. WELCH of Vermont. Madam Speaker, at this time, I will continue to reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could inquire of the time remaining for both sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 8 minutes remaining. The gentleman from Vermont has 6½ minutes remaining.

Mr. SESSIONS. I thank the Speaker.

Madam Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I've heard some very eloquent comments from my friends on the other side of the aisle about the pain the American people are feeling at this time. They speak with some credibility. They helped cause it.

After 18 months of being in control of the economic policies of our Nation, what do we have? We have gasoline approaching $4 a gallon, milk already over $4 a gallon, people struggling, struggling to put groceries on the table, and seemingly our friends on the other side of the aisle said that is unrelated to people trying to pay their mortgages and keep their home.

The biggest enemy that we have to the American Dream of homeownership is a shrinking paycheck. What has been done by the Democrat majority to shrink the paycheck?

Well, number one, they passed a budget that has the single largest tax increase in American history. Over a 3-year period, we will see an extra $3,000 tax burden put on a family of four while they're struggling to pay their mortgage payments.

We were told that somehow under their watch gasoline prices would come down. Instead, they have gone up. We see food prices absolutely unaffordable, and yet they see no connection to the home mortgage challenge that we have today.

Many of them have decried Wall Street bailouts, but what do they do? They bring a bailout bill to the floor, up to $300 billion of taxpayer exposure, and all a lender has to do is say, you know what, as long as he agrees to a 15 percent haircut, we will take his risk and put it on the taxpayers. When you're struggling to pay your own mortgage, you shouldn't have to bail out the speculators, those who engaged in mortgage fraud. You shouldn't have to bail out somebody else. There's a better way to do it, and it is not this humongous bailout bill.

Mr. WELCH of Vermont. Madam Speaker, I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, at this time, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, last night, I offered an amendment to the Rules Committee and it was turned down. It was

not even allowed to be brought up today, and it will not be brought up on this bill.

And what is this amendment that the majority feared so much, that they won't even have it discussed on the floor of the House? It would have simply increased the property tax deduction for homeowners.

Now, look, all of us in Florida have received calls, letters, faxes from constituents asking for relief from their property taxes. Now we all know that ad valorem taxes are not a Federal issue. We don't control property taxes, but there's something that we can do right now to help the American people and that is increasing this deduction for property taxes. We can do that right now.

Is it that crazy? Well, no. On April 10 of 2008, 84 Senators from both sides of the aisle voted to do just this, to increase the deduction, to help people to be able to afford their mortgages. It would benefit everybody. It would benefit the economy, in particular all Americans who are struggling to pay their mortgages.

You see, Madam Speaker, there is no good reason to not allow this commonsense amendment to be discussed, to be debated on the floor of the House. There's no good reason to not allow other commonsense amendments to be discussed. Why are people so scared, so afraid of just debating ideas on the floor of the House?

Again, for that reason, Madam Speaker, I obviously will have to object to this rule.

Mr. WELCH of Vermont. I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, I would like to inquire of my colleague if he has any additional speakers. I have one additional speaker, then our close.

Mr. WELCH of Vermont. I have at least one, and some who have requested but who have not yet arrived on the floor.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Madam Speaker, I rise in opposition to this rule and, more to the point, in opposition to the housing omnibus package, $300 billion bailout, corporate welfare in this country.

It is extraordinary, after having endured the first three terms of my career in Congress and oftentimes being castigated for those aspects of the Republican agenda to try and promote business and try and encourage corporate investment in this country, how many times I and my colleagues were chastised for corporate welfare on the floor of this Congress, and yet we come here today with this extraordinary bailout for Wall Street, disguised as housing assistance for hurting Americans.

Now, let me say, I have great sympathy for those affected by the current housing crisis. I'd like to see our housing markets and our neighborhoods stabilized, but a $300 billion taxpayer bailout to lenders and speculators who made poor decisions is not the answer, and it's not fair to millions upon millions of Americans who have sat down month after month at the kitchen table and figured out how to make those mortgage payments, who have taken on a second job and sometimes a third job to make the mortgage payment. And it's not fair to nearly one-third of the American public that rents.

When my wife and I first got started out, I remember we rented our first place. We saved our pennies to be able to make that down payment, to get that FHA loan and to get our dream started. Now along comes Congress with this enormous handout, which, as the gentleman from Texas said, says to lenders, if you'll take a 15 percent haircut, a 15 percent hit, we'll move your liability on to the taxpayers, on to taxpayers who have rented, who have saved, who have scrimped.

They ought not to be required to pay this bailout for Americans. There are alternatives that we should support.

Mr. WELCH of Vermont. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman and I thank him for his leadership.

We will address the question of our differences when we vote and when I review the transcript, but I think it's important to note that my words spoke directly to conditions that we're in, that is, a recession that might move toward a depression.

And I thank the gentleman from Georgia who mentioned from the Joint Economic Committee, Americans have much of their savings in their homes. Families in a majority of States will lose more than $2.6 trillion. That sounds like a recession and a depression to me.

A housing crisis affects the broader economy. We're going to be losing $166 billion in foreclosures. We have got to act.

And so we may have a difference, but there is no lying or untruth when we talk about a recession and a depression, and I know my good friend from Texas did not intend to misrepresent that those of us who have a difference of opinion, while we're on this floor to help save the homes of millions of Americans and to help provide engine to the economic activity, are wrong.

We're right and the documentation shows it, and it is not an untruth, and it certainly is not a lie.

Mr. SESSIONS. Madam Speaker, I want to inquire of my colleague if he has any additional speakers or where he is in that process, as I am to close the next time I use my time.

Mr. WELCH of Vermont. I thank my friend from Texas. We have no additional speakers at this time, and I will be the last speaker.

MOTION TO ADJOURN

Mr. SESSIONS. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. SESSIONS. 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 138, nays 263, not voting 32, as follows:

[Roll No. 280]

YEAS—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—263

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster

Foxx	Lowey	Rothman
Frank (MA)	Lynch	Roybal-Allard
Frelinghuysen	Mahoney (FL)	Ruppersberger
Gerlach	Maloney (NY)	Ryan (OH)
Giffords	Markey	Salazar
Gillibrand	Marshall	Sali
Gingrey	Matheson	Sánchez, Linda T.
Gonzalez	Matsui	
Gordon	McCarthy (CA)	Sanchez, Loretta
Graves	McCarthy (NY)	Sarbanes
Green, Al	McCaul (TX)	Schakowsky
Green, Gene	McCotter	Schiff
Grijalva	McDermott	Schwartz
Hall (NY)	McGovern	Scott (GA)
Hare	McHugh	Scott (VA)
Harman	McIntyre	Serrano
Hastings (FL)	McNerney	Sestak
Heller	McNulty	Shea-Porter
Herseth Sandlin	Meek (FL)	Sherman
Higgins	Meeks (NY)	Shuler
Hill	Melancon	Sires
Hirono	Mica	Skelton
Hodes	Michaud	Slaughter
Holden	Miller (MI)	Smith (WA)
Holt	Mitchell	Snyder
Honda	Mollohan	Solis
Hooley	Moore (KS)	Space
Hoyer	Moore (WI)	Stark
Hulshof	Moran (KS)	Stearns
Inslee	Moran (VA)	Stupak
Israel	Murphy (CT)	Sutton
Jackson (IL)	Murphy, Patrick	Tanner
Jackson-Lee (TX)	Murphy, Tim	Tauscher
	Murtha	Taylor
Jefferson	Nadler	Terry
Johnson (GA)	Napolitano	Thompson (CA)
Johnson, E. B.	Neal (MA)	Thompson (MS)
Jones (NC)	Oberstar	Tiahrt
Jordan	Obey	Tierney
Kagen	Olver	Towns
Kanjorski	Ortiz	Tsongas
Kennedy	Pallone	Turner
Kildee	Pascrell	Udall (CO)
Kilpatrick	Pastor	Van Hollen
Kind	Payne	Velázquez
Kingston	Perlmutter	Visclosky
Kirk	Peterson (MN)	Walberg
Klein (FL)	Platts	Walz (MN)
Kucinich	Poe	Wasserman Schultz
Kuhl (NY)	Pomeroy	
Lampson	Porter	Waters
Langevin	Price (NC)	Watt
Larsen (WA)	Rahall	Waxman
Larson (CT)	Ramstad	Weiner
Lee	Rangel	Welch (VT)
Levin	Reyes	Weller
Lewis (GA)	Rodriguez	Wexler
Lipinski	Rogers (MI)	Wilson (OH)
LoBiondo	Ros-Lehtinen	Wolf
Loebsack	Roskam	Woolsey
Lofgren, Zoe	Ross	Wu

NOT VOTING—32

Andrews	Gohmert	Reynolds
Bishop (NY)	Gutierrez	Richardson
Bishop (UT)	Hinchey	Rush
Campbell (CA)	Hinojosa	Smith (NJ)
Clarke	Hunter	Speier
Conaway	Jones (OH)	Spratt
Davis (IL)	Kaptur	Udall (NM)
DeGette	McCollum (MN)	Watson
Doyle	Miller (NC)	Wynn
Ferguson	Miller, George	Yarmuth
Gilchrest	Peterson (PA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1651

Messrs. ALLEN and BAIRD, Ms. LORETTA SANCHEZ of California, Messrs. SCOTT of Georgia and CARNAHAN, and Ms. SUTTON changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Madam Speaker, on rollcall No. 280, had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3221, FORECLOSURE PREVENTION ACT OF 2008

Mr. SESSIONS. Madam Speaker, 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 it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers and to require the Speaker of the House to submit a plan for lowering gas prices.

Madam Speaker, back on April 24, 2006, over 2 years ago, Speaker NANCY PELOSI released the following statement, which I quote: ''Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month and double the price than when President Bush first came into office.''

Madam Speaker, most Americans would consider it a blessing if they were only paying $2.91 per gallon of gasoline. And the only thing that they really can't afford is the Head-in-the-Sand Democrat Congress's refusal to consider to do anything to help America achieve its energy independence.

In that same press release, Speaker PELOSI went on to claim, and I quote: ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.''

Well, I'm not exactly sure what they are waiting for right now because even after passing the ''no energy'' energy bill through this House a number of times, the cost of the ''Pelosi Petroleum Price Increase'' continues to rise, with the average cost of a gallon of gasoline at over $3.60 now, hitting consumers at the pump every single time they fill up their cars.

By voting ''no'' on this previous question, Members can take a stand against high prices and demand to see this secret plan to reduce gas prices that the Democrat majority has been hiding from the American people since taking control.

Madam Speaker, I 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 encourage a ''no'' vote on the previous question.

I yield back the balance of my time.

Mr. WELCH of Vermont. I thank my good friend from Texas.

Madam Speaker, this 110th Congress has to decide, as does every Congress, whether it's going to focus its collective energies on devising practical solutions to real problems or will this Congress use the practical problems that everyday Americans face as fodder for endless debate on irresolvable, ideological disputes.

Our Financial Services Committee, with cooperation on both sides, and our Ways and Means Committee have made a very clear decision to focus their energies on the resolution of practical problems. They have taken note of something that we all are well aware of: We do have a foreclosure crisis in this country. Eight thousand families a day are receiving a foreclosure notice. And the decision that our committees made was to bring forward to this body for its consideration a practical approach that is going to provide some relief to creditors, it's fair to them; a bill that's fair to borrowers, it's fair to them; and a bill that's going to be good for the economy to provide stability that we need in order to get back on our feet.

This is a very practical bill. If it's going to give an opportunity to homeowners who are facing foreclosure, they are going to pay the price of losing their equity that they had achieved or thought they had. If it's going to be fair to the creditors, it's going to require some sacrifice on their part because they're going to have to write down the value of their loan to reflect what the current appraisal value is. But already it's having a positive effect on the economy.

We're going to hear plenty about the pros and cons of this bill in the 2 hours or 3 hours of debate that will follow. But there's another element to this story that's really quite remarkable and I think something which we all can take heart from. This bill is a product principally of three people from extraordinarily different backgrounds: a war hero in Korea, African American from Harlem; a Massachusetts so-called Democratic liberal; and a man from Wall Street who probably is one of the most successful capitalists and entrepreneurs in the history of this country, the Secretary of the Treasury. They made a decision to focus on the practical and urgent needs. They had a capacity, each of them, to have some understanding of the pain and fear that a mom and dad would experience when their child was coming in wanting to know if they were going to the Little League game that night and they were poring over a foreclosure notice and trying to figure out how they were going to keep that household together. And those men, the three of them, from totally different backgrounds, probably with completely different ideological perspectives on the world, decided they had to find a way to help that mother and father and that family stay in their home.

□ 1700

And what they did is they came up with a practical solution not just because they cared about that family, but they cared about the security and the future of this American economy.

The bill that they have helped put together, again, for our collective consideration, is one that is hopeful for America. It is not about finding blame

and fault about how we got here. And we all have our theories on this. But we know there was a large element of agreed. But instead of focusing, by looking in the rearview mirror and playing the blame game, we have people of different backgrounds, different ideologies who said they were united in the common objective to help American families and to stabilize the American economy. And I believe that all of us can be proud of their willingness to help each other.

What they have shown us with the work that they did was that there is redemptive power in cooperation. And the beneficiaries of that can be families of this country that we all love.

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

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

AMENDMENT TO H. RES. 1175 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the motion specified in Section 1 which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes 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 of rule XXI.

SEC. 5. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: ''A bill to provide a common sense plan to help bring down skyrocketing gas prices.'' Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

(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.

Mr. WELCH. 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.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on adoption of H. Res. 1175, if ordered; ordering the previous question on H. Res. 1174; and adoption of H. Res. 1174, if ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 9, as follows:

[Roll No. 281]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
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
Fattah
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.
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
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Rodriguez
Ross
Rothman
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
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)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—198

Aderholt
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)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
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
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

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.
Mack
Manzullo
Marchant
Marshall
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
Peterson (PA)
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
Scalise
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Bishop (NY)
Campbell (CA)
Conaway
Costello
Jones (OH)
Richardson
Rush
Saxton
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1723

Messrs. COURTNEY and CARTER changed their vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. CARTER. Madam Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. CARTER. 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 225, noes 192, not voting 16, as follows:

[Roll No. 282]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Carson
Castor
Cazayoux
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
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
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.
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
Meek (FL)
Meeks (NY)
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
Rodriguez
Ross
Rothman
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
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)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

Aderholt
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
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
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
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
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
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
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
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Berkley
Bishop (NY)
Burgess
Campbell (CA)
Carnahan
Conaway
Edwards
Harman
Jones (OH)
Linder
Melancon
Renzi
Richardson
Ros-Lehtinen
Rush
Speier

□ 1730

Mr. ADERHOLT changed his vote from ''aye'' to ''no.''

So the motion to table was agreed to.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 198, answered ''present'' 1, not voting 10, as follows:

[Roll No. 283]

YEAS—224

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
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
Fattah
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.
Kagen
Kanjorski
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
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
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)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
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
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
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.
Mack
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
Peterson (PA)
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
Scalise
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—10

Bishop (NY)
Campbell (CA)
Conaway
Harman
Jones (OH)
Richardson
Rush
Sánchez, Linda T.
Speier
Stark

□ 1739

Mr. ROYCE changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. ADERHOLT. Madam Speaker, I move to reconsider the vote on adoption of the resolution.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. ADERHOLT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 196, not voting 10, as follows:

[Roll No. 284]

AYES—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
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
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
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
Rodriguez
Ross
Rothman
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
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
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)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—196

Aderholt
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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
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
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
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
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
Peterson (PA)
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
Scalise
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (NY)
Campbell (CA)
Conaway
Jones (OH)
Lewis (GA)
McCaul (TX)
Richardson
Rush
Sires
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1747

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. PRICE of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by resumed 5-minute voting.

The vote was taken by electronic device, and there were—ayes 111, noes 311, not voting 11, as follows:

[Roll No. 285]

AYES—111

Akin
Alexander
Bachmann
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boyd (FL)
Brady (TX)
Broun (GA)
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
Doolittle
Dreier
Duncan
Emerson
English (PA)
Everett
Flake
Forbes
Gallegly
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Herger
Hobson
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Linder
Lucas
Lungren, Daniel E.
Mack
McCaul (TX)
McCrery
McHenry
McHugh
Mica
Miller (FL)
Miller, Gary
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Radanovich
Regula
Reichert
Renzi
Rogers (AL)
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Taylor
Thornberry
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—311

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Bishop (NY)
Boehner
Campbell (CA)
Conaway
Jones (OH)
Richardson
Ruppersberger
Rush
Speier
Tiberi
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1817

Mrs. MCCARTHY of New York, Messrs. WESTMORELAND, NEUGEBAUER, INGLIS of South Carolina, WHITFIELD of Kentucky, PUTNAM, SMITH of Nebraska, MCKEON, FRELINGHUYSEN, REHBERG, HENSARLING, BARTON of Texas, CALVERT, HAYES, LEWIS of California, KLINE of Minnesota, Ms. FOXX, Messrs. ADERHOLT, SHADEGG, Mrs. MCMORRIS RODGERS, Messrs. DAVIS of Kentucky, SIMPSON, LATHAM, KINGSTON, HOEKSTRA, ROGERS of Kentucky, LEWIS of Kentucky, BARRETT of South Carolina, DAVID DAVIS of Tennessee, REYNOLDS, BILIRAKIS, Ms. FALLIN, Messrs. ROHRABACHER, HELLER of Nevada, FEENEY, BOUSTANY, MCCARTHY of California, FRANKS of Arizona, FERGUSON, Mrs. MUSGRAVE, Mrs. DRAKE, Messrs. GINGREY, WALBERG, PLATTS, CAPUANO, and GARRETT of New Jersey changed their vote from ''aye'' to ''no.''

Mrs. BACHMANN, Messrs. SALI, BROUN of Georgia, MCHUGH, MICA, BRADY of Texas, PRICE of Georgia, BISHOP of Utah, BURTON of Indiana, SULLIVAN, CULBERSON, BRADY of Texas, PEARCE, MACK and KING of Iowa changed their vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Ladies and gentlemen of the House, I understand that there is substantial angst among the minority. I empathize with that angst. I've been there.

Having said that, I do not empathize with the abuse of process. And because

I do not empathize with the abuse of process, as I have said before, I am going to ask the Speaker to limit the time in which voting is allowed to that which is provided for in the rules. You did that; we're now going to do it.

Somebody said, ''About time.'' I agree with you. Abuse of process is when, and everybody knows this could be done. On our side in the minority we could have kept open for 2 hours with having every 30 seconds somebody come down the aisle. We all know that's possible. I've known that was possible for some period of time. We try to accommodate people who want to change their vote. We try to accommodate people who want to vote. We try to accommodate people who are late.

The problem with accommodating people who are late, if we make it in order in effect, not because of the rules but because of the comity of the House, to allow what just happened, we can, you're correct, in effect do a filibuster by vote changing. We don't have filibusters in the House. They have it in the Senate. I don't think the Senate works particularly well.

You can have your motions. I haven't said anything. Our Members haven't said anything. You're certainly entitled to that. But what just happened, as I said, in my opinion, is an abuse of the Chair's forbearance. The Chair has the responsibility to determine when the vote is concluded.

The vote changing on a motion to adjourn, I know that probably all of you did polls on that and focus groups on whether or not you should vote ''aye'' or ''nay'' on that vote and that led to your changing your vote one way or the other, sometimes maybe twice because you were having difficulty deciding.

But I just want to let everybody know that while we cannot nor are we going to preclude you from doing your motions to adjourn, what just happened is not appropriate for the House, for either side, to simply use a device of changing votes, of voting late, of lining up in the aisle and coming down every 30 seconds or so with a ''one more vote.'' That, in my opinion, is not appropriate for the House to pursue.

Mr. Gingrich sent out a letter, as we have said before, said he was going to call votes 15 minutes and 2 minutes later. You've all heard from Mr. Gingrich lately. He has a lot of advice and counsel. I don't always follow it. But on this, he made the point that I'm making, that we have now had, I don't know, 20, 25 motions to adjourn in which we voted on, reconsiderations to be voted on. Nobody has said anything about that.

But I want to tell my friend, the minority leader, that, as I have said before, my inclination at this point in time will be to ask the presiding officer to limit the votes to the 17 minutes, the 15 minutes that is provided and 2 minutes which have been historically accorded.

I yield to my friend.

Mr. BOEHNER. I appreciate the gentleman yielding.

I know this has been a difficult several days, but I just want to remind everyone that there are some serious process fouls that are going on. And the majority leader, the Speaker, members of the majority during 2005 and 2006 made significant efforts to be critical of the then-majority, some of it, frankly, earned.

But what is happening here, the process that's being used for the big housing bill, the process that's being discussed for the supplemental spending bill closes the minority out of any amendments and any motion to recommit.

I just hope that the majority leader and the members of the majority understand, and I think many of you who have been here for some time understand clearly, the grievance that we have. We don't have many ways to express our grievance on the housing bills because we have no amendment that we can offer. We have no substitute that we're allowed to offer, no motion to recommit. As a result, all we're asking for is to be treated fairly.

The gentleman will know, and other members of the majority and minority will remember, that in 1994 when we took the majority, some of our leaders wanted to treat the minority the way they had been treated. I argued to no end that we should treat the minority the way that we had asked to be treated when we were in the minority. I didn't always win, I'll be the first one to admit that, but I would suggest that given the statements that have been made in 2005 and 2006 about how the then-minority was treated, all I would suggest to you is just treat us the way you asked to be treated, simple as that.

Mr. HOYER. As I indicated at the outset, I understand your feelings. I said angst, but I understand your feelings. My point is that I understand while you have been making motions to adjourn and making your points, you've made it every time you've stood up, I have made the point that I remember voting on omnibus appropriation bills numerous times, 4 months, 5 months after the appropriations process should have been concluded, long after the year began, which were omnibus bills which we could not change. So we understood that that was, we didn't think, fair.

We understood that we sat here for an hour and 45 minutes while we were winning a vote, and no vote ever changed during an hour and 45 minutes, and the vote was not closed down until, in fact, you changed votes on your side and we lost. We understood that. We didn't like that. We thought that was unfair. I didn't think it was against the rules. I've said that. But I thought it was unfair.

All I am saying to my friend, the minority leader, and to my friends on the minority side, that what just occurred is not an acceptable, in our opinion—my opinion, forget about our opinion, I haven't talked to anybody else—in my opinion, way for us to operate the House. The motions, yes, but simply changing votes for the purpose of delay could take an hour, could take 2 hours depending upon how many times people wanted to change.

Mr. Gingrich, we don't hold to it, we understand that, but he said 15 minutes plus 2. I have said that before and some people cheered. Fifteen minutes plus 2, or 5 minutes plus 2 if it's a 5-minute vote, is what we have set as the norm and the comity and the fairness to individuals to exercise their deliberative judgment.

Mr. NEAL of Massachusetts. Would the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. NEAL of Massachusetts. Mr. Leader, most of us are institutionalists here, and we have great regard for this body, and I think we're all a bit discouraged when the regular order does not proceed, and my friend, the minority leader, spoke eloquently of what he feels to be a process that's been limited.

But the concern that many of us have is that for 6 years at the Ways and Means Committee, the minority could not pass one amendment. Not one amendment passed in what should be the most deliberative committee in this House, and there were no protestations from the other side that were ever raised.

In this instance here on the housing bill, there were two Republican amendments that were accepted. The vote was 30–5, I believe, or 35–5. So there was a process. Actually, people got to talk at the Ways and Means Committee who disagreed with the outcome of the bill, and I understand how the minority feels in this instance.

But I wish that there had been some voices raised during those years about what was happening to shut down the process in the Ways and Means Committee, and Mr. MCCRERY has moved vigorously to change the tone, as Mr. RANGEL has included him in everything at the committee level.

Mr. HOYER. Reclaiming my time, it was not my purpose to stand here and exchange recriminations or look at history. I think both sides could do that.

It was my purpose to stand and say what we have just done we cannot allow because we would stop the business of the House. We're slowing down the business of the House, and that's allowable, but we're not going to allow the business of the House to be stopped by, we believe, conduct inconsistent with the rules.

Dilatory tactics are not allowed under the rules. Dilatory tactics are specifically provided for as being conduct which need not be countenanced by the House.

Mr. BOEHNER. Would the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. BOEHNER. With all due respect, the minority in this House has a right to be heard.

Mr. HOYER. That's correct.

Mr. BOEHNER. No amendments, no substitutes, no motions to recommit. Last night, we get rid of all the Special Orders. At some point, the majority has an obligation to treat the minority with respect. It is not happening, and that's why we're going to continue to wage this fight to be heard on this floor and represent nearly half of the American people that we're here to represent.

□ 1830

Mr. HOYER. I thank the gentleman for his comments. I think my comments go as spoken. I expect you to continue to follow those actions which you think are necessary, but I did want to put you on notice because I don't want anything to happen that you're not on notice of.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. HASTINGS of Washington. I thank the majority leader for yielding.

Under the rules of the House, the Members have the right to vote if they're in the well. You're certainly not suggesting that the presiding officer or the Speaker is going to not abide by that privilege that a Member has when they're in the well of the House.

Mr. HOYER. I don't want to shock anybody on this floor. My belief is that comity requires that, not the rules. I believe comity ought to be followed to that extent. But if your contention is that you can have 200 people stand in that aisle and one every 20 seconds come in and take 20 seconds to change their vote and submit it and the Speaker is hostage to the 199 people waiting to step into the aisle while they're standing there, the answer to your question is yes, I believe the Speaker has the authority under the good order of the House, and I believe the presiding officer has the absolute authority.

Mr. LINDER, who is sitting here, shut down a vote. I think he was within the rules. There were two people in the well. Now, that was changed——

Mr. LINDER. I would object.

Mr. HOYER. You object to the action or the assertion?

Mr. LINDER. Will the gentleman yield?

Mr. HOYER. I certainly will.

Mr. LINDER. As a matter of fact, I was in the Chair and I was accused of shutting down the vote while people were in the well seeking to vote. And the next day the C–SPAN tapes proved you were wrong and I was right. The people coming in to vote were not even not only in the well, they were not even on the floor. They were shouting ''one more.'' But Dick Armey reviewed the tapes to critique me and concluded that you were wrong and I was right.

Mr. HOYER. Let me correct my statement. They were not in the well. They were coming down the aisle. But I think the point is the same. Somebody was seeking to vote. Mr. LINDER decided the vote was over. I think Mr. LINDER acted within the rules.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1174, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

POINT OF ORDER

Mr. KINGSTON. Madam Speaker, point of order. On that, I object.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. KINGSTON. On resuming with 5-minute voting, I object.

The SPEAKER pro tempore. That order was entered some time ago. No objection was heard.

Mr. KINGSTON. Reserving my right to object.

The SPEAKER pro tempore. The gentleman's objection is not timely.

MOTION TO ADJOURN

Mr. KINGSTON. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. KINGSTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by 5-minute votes.

The vote was taken by electronic device, and there were—ayes 143, noes 272, not voting 18, as follows:

[Roll No. 286]

AYES—143

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCrery
McHenry
McHugh
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Taylor
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—272

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foxx
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor

Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Berry
Bishop (NY)
Campbell (CA)
Conaway
Foster
Hall (TX)
Hunter
Jones (OH)
Keller
LaTourette
McMorris Rodgers
Poe
Richardson
Ruppersberger
Rush
Saxton
Speier
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1851

Mr. HOYER changed his vote from ''aye'' to ''no.''

Mr. WELLER of Illinois changed his vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1174, on which the yeas and nays were ordered.

The Clerk will report the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 187, not voting 26, as follows:

[Roll No. 287]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
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
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
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)
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)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
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
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
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
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
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)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Berry
Bishop (NY)
Campbell (CA)
Coble
Conaway
Gilchrest
Granger
Gutierrez
Hunter
Johnson, E. B.
Jones (OH)
LaTourette
Linder
Maloney (NY)
Moore (KS)
Payne
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Richardson
Ruppersberger
Rush
Saxton
Speier
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1901

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. SIMPSON. Madam Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. SIMPSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 186, not voting 21, as follows:

[Roll No. 288]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
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
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
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
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)
Westmoreland
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Bachmann
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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
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
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, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
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
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Bachus
Becerra
Berry
Bishop (NY)
Campbell (CA)
Conaway
Hinojosa
Hooley
LaTourette
Linder
Maloney (NY)
Melancon
Peterson (PA)
Renzi
Richardson
Ruppersberger
Rush
Souder
Speier
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

Messrs. KINGSTON, WESTMORELAND and NEUGEBAUER changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 192, not voting 18, as follows:

[Roll No. 289]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
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
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
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)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
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
Rodriguez
Ross
Rothman
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
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)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
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
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
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

Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
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 (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berry
Bishop (NY)
Campbell (CA)
Conaway
Hinojosa
Hooley
Kirk
LaTourette
Linder
Maloney (NY)
Meeks (NY)
Mollohan
Peterson (PA)
Radanovich
Renzi
Richardson
Rush
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1919

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Madam Speaker, on rollcall No. 289, I was unavoidably detained. Had I been present, I would have voted "nay."

Mrs. EMERSON. Madam Speaker, I move to reconsider the vote on adoption of the resolution.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mrs. EMERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 183, not voting 38, as follows:

[Roll No. 290]

AYES—212

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clyburn
Cohen
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
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)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
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
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
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
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
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, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
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
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—38

Berkley
Berry
Bishop (NY)
Blunt
Brady (TX)
Buyer
Campbell (CA)
Clay
Cleaver
Conaway
Conyers
Costello
Cubin
DeFazio
Ehlers
Farr
Fattah
Foster
Harman
Hinojosa
Hooley
LaTourette
Linder
Maloney (NY)
McCarthy (CA)
Moran (VA)
Peterson (PA)
Porter
Radanovich
Renzi
Richardson
Rush
Ryan (OH)
Slaughter
Speier
Stearns
Van Hollen
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1926

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. EHLERS. Madam Speaker, on rollcall No. 290, I stepped off the floor for a meeting, and returned to the floor just a few seconds after the voting board had been closed. Had I been present, I would have voted "no."

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Ed Thomas, one of his secretaries.

MOTION TO ADJOURN

Mr. WALSH of New York. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. WALSH of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 264, not voting 29, as follows:

[Roll No. 291]

AYES—140

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)

Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sanchez, Loretta
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—29

Bachus
Berkley
Berry
Bishop (NY)
Campbell (CA)
Cleaver
Conaway
Costello
Davis, Tom
DeFazio
Dicks
Emerson
Feeney
Harman
Hinojosa
Hodes
Hooley
LaTourette
Linder
Maloney (NY)
Marchant
Musgrave
Peterson (PA)
Pryce (OH)
Renzi
Richardson
Rush
Slaughter
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1944

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BISHOP of New York. Madam Speaker, earlier today I travelled back to my district and was honored to participate in a ceremony dedicating a memorial to Lieutenant Michael P. Murphy, a Long Island native and constituent who was killed while serving in Afghanistan and posthumously awarded the Congressional Medal of Honor. Had I been here, I would have voted in the following manner:

Rollcall vote No. 267, I would have voted "nay";

Rollcall vote No. 268, I would have voted "aye";

Rollcall vote No. 269, I would have voted "aye";

Rollcall vote No. 270, I would have voted "aye";

Rollcall vote No. 271, I would have voted "nay";

Rollcall vote No. 272, I would have voted "nay";

Rollcall vote No. 273, I would have voted "nay";

Rollcall vote No. 274, I would have voted "aye";

Rollcall vote No. 275, I would have voted "aye";

Rollcall vote No. 276, I would have voted "nay";

Rollcall vote No. 277, I would have voted "aye";

Rollcall vote No. 278, I would have voted "aye";

Rollcall vote No. 279, I would have voted "nay";

Rollcall vote No. 280, I would have voted "nay";

Rollcall vote No. 281, I would have voted "aye";

Rollcall vote No. 282, I would have voted "aye";

Rollcall vote No. 283, I would have voted "aye";

Rollcall vote No. 284, I would have voted "aye";

Rollcall vote No. 285, I would have voted "nay";

Rollcall vote No. 286, I would have voted "nay";

Rollcall vote No. 287, I would have voted "aye";

Rollcall vote No. 288, I would have voted "aye";

Rollcall vote No. 289, I would have voted "aye";

Rollcall vote No. 290, I would have voted "aye";

Rollcall vote No. 291, I would have voted "nay."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. SHIMKUS. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Shimkus moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions contained in section 9021 of the Senate amendment (relating to the E 85 Fuel Program).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. TERRY. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Terry moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions contained in section 12312 subtitle C of title XII of the Senate amendment (relating to a cellulosic biofuel production tax credit).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. UPTON. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Upton moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions proposed to be added to Section 9001 of the Farm Security and Rural Investment Act of 2002 in the form of a definition of ''Renewable Biomass.''

APPOINTMENT AS MEMBERS TO COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism:

Mr. Timothy J. Roemer, Great Falls, Virginia

Ms. Wendy R. Sherman, Bethesda, Maryland

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5818, 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.

NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1174 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. 5818.

□ 1950

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. 5818) 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, with Mrs. TAUSCHER 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 gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

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

Madam Chairman, I would like to first thank Chairman FRANK and all of the members of the Financial Services Committee, and particularly those members who serve on the subcommittee that I chair, the Subcommittee on Housing and Community Opportunity. I'm thanking Members on both sides of the aisle for helping to bring this bill to the floor today.

H.R. 5818, the Neighborhood Stabilization Act, authorizes a $15 billion HUD administrative grant and loan program to State and local governments to purchase, rehabilitate and resell or rent foreclosed homes. To understand the urgent need to enact this legislation, one need only consider the sobering figures on foreclosures recently released by RealtyTrac, which show that foreclosure filings during the first quarter of 2008 are 112 percent higher than 1 year ago, and that actual bank repossessions of homes during March were a shocking 129 percent above March 2007.

The human reality behind these numbers is revealed if you visit, as I have the past year, cities and communities in cities like Cleveland, Ohio; Detroit, Michigan; or the San Bernardino and Stockton metropolitan areas in California, where block after block is dotted by foreclosed properties, many of them suffering from neglect or actual vandalism. These abandoned and foreclosed properties drag down the value of homes still occupied by working families, and contribute to a cascade effect whereby plummeting home prices erode the tax base of State and local governments and cause real estate related industries such as the construction trades to suffer.

States and most local governments must balance their budgets each year and, as a result, 20 States have already had to make or are proposing budget cuts due largely to revenue losses resulting from the subprime crisis, which further reduces demand in the economy and deepens the recession.

On April 10, the Financial Services Committee heard from Mayor Thomas Menino of Boston, Governor Martin O'Malley of Maryland, and others, that despite severe physical constraints, many States and cities are already dedicating their own shrinking tax revenues to purchase foreclosed properties and attempt to stabilize these neighborhoods. But they are overwhelmed by the scale of the problem in comparison to their shrinking tax revenues. For this reason, the National Governors Association has stated that a ''one-time Federal funding commitment to support the acquisition and rehabilitation for foreclosed properties is vital.''

The Governors are joined in their support for the stimulus contained in H.R. 5818 by the U.S. Conference of Mayors, National Association of Counties, National Association of Local Housing Finance Agencies, and the National Council of State Housing Finance Agencies. H.R. 5818 is also endorsed by nearly 40 civil rights, community development, labor and low income housing groups, including the AFL–CIO, Catholic Charities, Lutheran Services of America, the NAACP, the National Urban League, the National Low Income Housing Coalition, and the National Foreclosure Prevention and Neighborhood Stabilization Task Force.

This bill targets assistance where it is most needed. The $7.5 billion in grants and $7.5 billion in loans would be allocated to States based on two factors: The number of foreclosures, and the number of subprime loans 90 days delinquent. This is then subject to a limited adjustment for median home prices, a bipartisan compromise that was worked out in mark-up with the committee's members from Ohio, which, like many midwestern States, has faced skyrocketing foreclosures but did not experience an extraordinary run up in housing prices.

Second, the bill puts flexible resources in the hands of government with the capacity to address the crisis and put funds on the street quickly enough to stimulate the economy. Rather than expect HUD to process plans from 1,200 entitlement jurisdictions, the balance we struck at mark-up was to allocate funding to States and to the Nation's largest 100 cities, largest 50 counties, and cities over 50,000 with especially high foreclosure rates. The areas of States outside of those cities and counties would be addressed in the State's plans.

Under the bill's timelines, fund obligation must begin within 6 months of enactment, be completed within a year, and fully spent within 2 years of enactment. This is no ''big government,'' immortal program, as our colleagues across the aisle suggest. Rather, it is a timely, targeted and temporary shot in the economy's arm, exactly where one is needed.

Indeed, using well-accepted construction activity multipliers, the National Foreclosure Prevention and Neighborhood Stabilization Task Force calculates that the bill's proposed $15 billion investment will generate at least $38 billion in direct and ripple effect economic activity nationwide, employ about 120,000 people, and restore nearly $225 million per year in local real estate tax collections.

Some Republicans have tried to frame this bill as a bailout bill for investors. This simply is not so. Government and their nonprofit partners will drive a hard bargain with property owners because they are highly incentivized to make this money go as far as possible in their efforts to stabilize neighborhoods where many of them have been working for years, and because they must pay the government back any funds used to purchase homes.

In no event, moreover, can they pay more than 110 percent of the average

home sale price in the area. Creaming of properties and ''sweetheart'' deals are prevented by the requirement that properties sit for 60 days before they are eligible.

What H.R. 5815 does make possible is for States, cities and counties to stabilize a few neighborhoods, especially low income ones, that are in serious danger of an overcorrection and rapid deterioration past the tipping point, where it becomes very difficult to turn them around.

I urge Members to hear the pleas of the Nation's governors, mayors, community-based organizations and ordinary citizens to provide this critical relief to stabilize neighborhoods and stimulate the economy.

The administration and my friends on the opposite side of the aisle in this Chamber argue that we cannot afford to respond. I would like to just remind this body of what Mr. FRANK said earlier today, we afforded $30 billion to bail out Bear Stearns, and certainly we can afford half of that amount, $15 billion for the entire country. We simply cannot afford not to.

I urge passage of the Neighborhood Stabilization Act.

I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, today I want to thank, first of all, the chairwoman of the Subcommittee on Housing, of which I'm the ranking member, for her good hard work and dedicated service. We've had a lot of hearings and a lot of information, and I think we all want to try to achieve help for the homeowners or those who are on the edge.

But today I rise in opposition to H.R. 5818, the Neighborhood Stabilization Act of 2008. We all recognize that we are experiencing a sharp increase in foreclosure statistics and starts. Over the past year alone, approximately 550,000 homeowners with subprime loans began the foreclosure process.

However, we shouldn't rush to act. We must guard against adopting policies which create moral hazards and unintended consequences.

□ 2000

Unfortunately, we believe H.R. 5818, the Neighborhood Stabilization Act of 2008, is a bill which does both. H.R. 5818 is an unnecessary government intervention in the housing market which will bail out real estate speculators, servicers, and lenders while doing nothing to assist hardworking Americans struggling to make their mortgage payments. This bill will not keep one person in their mortgage or in their home.

The bill does this through a $15 billion authorization for grants and loans to be used to purchase already foreclosed homes from lenders, servicers, and speculators who have made bad loans or unwise investments. The Neighborhood Stablization Act will allow investors and servicers to unload their foreclosed properties to the government with the taxpayer footing the bill. Servicers and investors might even be encouraged to pursue foreclosure if this bill is enacted.

Instead of incentivizing foreclosure, Congress should be encouraging services to engage in voluntary loan workouts and modifications. Furthermore, this bill calls on States and local governments to convert foreclosed properties into affordable rental and single-family housing. The increase in housing supply and decrease in prices creates housing affordability without government intervention.

I'm also concerned that the overly broad income targeting provisions in this bill, which will allow families making 100 percent and 140 percent of area median income respectively, to rent and purchase properties acquired with funds from this act. It is not appropriate for the government to provide housing assistance to individuals who can afford market-rate housing.

Congress should focus its efforts on keeping hardworking Americans in their homes. We should not unnecessarily intervene in the housing market in the process of adjustment after years of what has proved to be unsustainable growth. It is imperative that we recognize the primary beneficiaries of this bill will not be the thousands of Americans struggling to hold on to their home, but the lenders, servicers and speculators who bear much of the responsibility for the current housing slump.

Putting aside the issue of how massive this new program would be, the bill's ultimate beneficiaries, as I said, could be our lenders and investors and speculators; and indeed the FHA commissioner, Brian Montgomery, stated in testimony before our committee that ''this legislation may have the unintended consequences of making foreclosure a more attractive option for lenders thereby compounding the very problem of rising foreclosures that the bill purports to address.''

Madam Chairman, I oppose this bill, and I would like to reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield to the chairman of the Financial Services Committee 3 minutes.

Mr. FRANK of Massachusetts. A former President once unfairly characterized a leader of this House as someone who couldn't walk and chew gum at the same time. The gentlewoman from West Virginia extends, frankly, that insult to the whole House. She suggests we can't do two bills in one night. She says we should work to try to help avoid foreclosure. I agree. That's the next bill which we will get to after all of this useless temper tantrum is over, we will get to it at 3 o'clock in the morning, but we will get to it.

That bill will help avoid foreclosure. I know the gentlewoman agrees. She voted for that bill in committee although a majority of her colleagues were against it.

But I do not understand how anybody could argue that doing this bill now interferes with that bill later. They are totally not in conflict.

So the notion that this bill doesn't keep people out of foreclosure is true. It doesn't combat global warming. It doesn't get troops out of Iraq. It won't help me lose weight. There are a lot of things this bill won't do that I very much want to do. None of them are a reason to vote against a bill that doesn't do what it doesn't say it's going to do but does what it does.

What it does is to go to the aid of cities that have been victimized by the deregulation run rampant, perpetrated by this administration, which has led to the subprime crisis. We have vacant property everywhere in these areas.

Now the argument that this is going to award speculators and be an incentive to do foreclosures is also flatly wrong. This is $15 billion. People will tell you it's a lot of money, and it is. Do you know how much money this is? This is half of the money that this administration made available to buy up the debts of Bear Stearns. Now, I think they had to do that. I think they were forced to do it. But I think we have to do this as well.

I do think that the whole country, under this administration's calculation, ought to get at least half of what Bear Stearns got. That's all that this does.

Now, unfortunately, it's not nearly enough to buy up the property that's foreclosed. So anyone who says, I'm going to foreclose today because I want to get in on this, would be nuts because there is already property ahead of them. And even when this bill becomes law, if it does, there's a 60-day wait, and I hope it will be part of the stimulus.

Property that was once paying taxes because of this subprime crisis now eats taxes. It bites neighborhoods. And, yes, some of the people who foreclose may benefit here. But we are telling the cities and the States to be careful with this money. They have to buy it for affordable housing. That will put limits on what they will pay.

And you can say, well, why don't the cities do it on their own? Because the very cities that need help here have lost revenue because of this foreclosure. These properties are fire traps; they attract people who break the law; they attract sanitary nuisances. They lead to water hazards.

The Acting CHAIRMAN (Ms. BALDWIN). The gentleman's time has expired.

Ms. WATERS. I yield an additional minute to the gentleman.

Mr. FRANK of Massachusetts. I always feel good when people make arguments against legislation that won't really deal with the legislation. The notion that the problem with this bill is that it doesn't help avoid foreclosure, when it was not the bill intended to avoid foreclosure, shows well, there's a dearth of arguments against it.

The argument that it's going to reward the speculators, this will go to

cities dealing with property that is causing them problems. Do we not trust the cities and States of this country to take this money and use it judiciously and wisely to prevent neighborhood decay?

I don't understand the animus that motivates so many of my Republican colleagues that say, Oh, no, let's not have government intervention here. Well, we heard that a while ago, and people on the other side successfully blocked government intervention in regulating subprime mortgage origination outside of the banks. It was this religion of never intervening that brought us here. A limited intervention to undo the negative consequences is what this bill calls for.

Mrs. CAPITO. I would like to make a comment in reference to the chairman's comments.

I live in a small community, just barely over 50,000. And we have local government and State programs in effect right now that deal with foreclosed or blighted projects. They work together with the local nonprofits, with the local land owners and realtors, and we have problems that are moving forward.

So to say that we're not in favor of programs that would deal with foreclosure-blighted neighborhoods I think is factually incorrect.

I would like now to yield some time to the gentleman from Florida (Mr. FEENEY), a member of the Financial Services Committee, 3 minutes.

Mr. FEENEY. I thank the gentlewoman.

I would say this bill tonight proves at least two maxims about Congress: One is that we have two speeds: zero and that we overreact; and the other is that the law of unintended consequences means that often the adverse or the harmful consequences of the things we do in Congress are much more meaningful than the positive things that we would like to accomplish.

Let me give one example. Back in the early sixties and seventies and eighties, and all the way through the nineties, Madam Chairman, there were lots of complaints that low- and middle-income people, especially minorities, didn't have access to loans, that they didn't get the same opportunity that other people of above-modest means had to own a home in America. And there were complaints, and there were all sorts of animosity, to use the Chairman's word from a few minutes ago, towards lenders for being discriminatory against low- and middle-income people again, especially minorities.

So the Community Redevelopment Act was enacted in 1977, and at that time one of the things that Congress had the power to do was to oversee and look at every single lender in America in order to determine that they were aggressively making loans in low and poor and minority neighborhoods so that we could measure those institutions so we could insist that there be more access to homeownership.

We got exactly what we asked for, and part of that was the subprime loan crisis. And part of that was zero-document loans where people could literally line up without any proof of income. Part of that was instead of making it a 70-percent loan or 75-percent loan, which almost never fails, making 100-percent, or 110-percent loans. Part of that was teaser interest rates to get people into a home at 3 percent, which they could afford to make an $800 or $900 a month payment, and when that teaser rate readjusted to 7 or 8 or 9 percent, all of a sudden what used to be an $800 payment became a $2,000-a-month payment, and they couldn't make it. They got exactly what we anticipated.

Countrywide is now bankrupt. Countrywide in 2005 got the Best in Minority Lending Award from the Lending Industry Diversity Conference. This Congress had great intentions. We wanted to make more money available so that everybody could have the American Dream. In fact, as of 2 years ago, America had an all-time high, approaching 69 percent of Americans that owned their own homes. That's great.

The truth of the matter is because of easy money from the Feds, because of investor imprudence, because of greedy Wall Street speculators, we have now got a crisis because of a bubble that is collapsing.

Who is being bailed out by this bill? The $15 billion will eventually end up, after it goes to the cities and counties, in the pockets of the investors and holders of these mortgages that went seeking higher profits that put people in homes that they couldn't afford. We are doing exactly what economists want us not to do: creating a moral hazard. It is going to make it more likely, rather than less, that foolish loans are made in the future.

Ms. WATERS. Madam Chairman, I recognize for 1 minute the gentleman from Massachusetts to straighten out the gentleman on the opposite side of the aisle who does not know the history of CRA.

Mr. FRANK of Massachusetts. Of all of the unfair accusations, the one that blames the Community Reinvestment Act for this is the strongest.

The Community Reinvestment Act was passed in 1977. This subprime crisis, of course, did not appear until nearly 30 years later; but more important, the subprime loans that caused problems were overwhelmingly made by institutions not covered by the Community Reinvestment Act. It covers depository institutions: banks and thrifts and credit unions. Credit unions aren't covered. Banks and thrifts.

If only those institutions, deposit-taking, regulated institutions covered by CRA had made these loans, we wouldn't have had the crisis. The loans were made by institutions not covered by CRA 30 years, 28 years after CRA was passed.

Mr. FEENEY. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. FEENEY. Perhaps the chairman didn't take my point. The point is that it has been aggressive policies by Congress including evaluating everybody under the Community Reinvestment Act.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. WATERS. I yield the gentleman an additional minute.

Mr. FRANK of Massachusetts. The gentleman is wrong to say that we evaluated everybody under CRA. We have evaluated banks and thrifts under CRA. Mortgage brokers, mortgage bankers were not evaluated——

Mr. FEENEY. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. Not until I finish this factual statement.

Mr. FEENEY. I didn't say what the chairman said I said.

Mr. FRANK of Massachusetts. I will yield to the gentleman.

Mr. FEENEY. I didn't say what the chairman said I said. I said that it has been the policy of many in this Congress for about 40 years now to criticize lenders all over the spectrum for not pushing more money into low- and moderate-income areas. I think the chairman will agree with me.

Mr. FRANK of Massachusetts. I will take back my time.

First of all, I thought I heard the gentleman talk about the Community Reinvestment Act. It's been late. I keep hearing, ''I move to adjourn.'' Maybe my ears got a little curdled.

I thought the gentleman said, and we'll check the record later. If he didn't mention the Community Reinvestment Act, I will apologize.

But no. I for one have been saying that we should not be pushing people into homeownership when they can't handle it, and part of the problem here was killing affordable rental housing.

But let's have the record clear. There is no rational way to blame the Community Reinvestment Act passed in 1977 and not cover the nondepository institutions for this crisis caused by the nondepository institutions.

Ms. WATERS. Madam Chairman, I yield to the gentleman from Texas (Mr. AL GREEN), who serves on our committee, for 1 minute.

Mr. AL GREEN of Texas. Thank you, Madam Chairman.

I have to say this. I have to apologize to the gentleman, too, because for a moment, I thought I heard a disjointed syllogism because I couldn't make that connection.

This bill is needed by this country. This bill is going to help neighborhoods maintain their integrity.

And I have to ask one question: Where was the moral hazards argument when Penn Central got $7 billion? When Lockheed Martin was bailed out? When Franklin National Bank was bailed out? When Chrysler was bailed out? Continental Illinois? When Bear Stearns received its $29 billion plus a $13 billion loan? Where was the moral hazards argument?

It seems that this argument surfaces whenever poor people or whenever people who are living in the streets of life, whenever people who have not found their way into the well-off, the well-heeled, and the well-to-do, it seems that it tends to surface. I think that it's time for us to do for others what we can do for these major corporations.

□ 2015

Ms. WATERS. Madam Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Madam Chairman.

This is an extraordinarily important measure. If we don't learn from history, we're doomed to repeat it. Around 1929, we had another crisis that happened as a result of one of our financial legs coming out from under us. At that time, there was a Republican administration that fostered so much of that. Franklin Delano Roosevelt, in a Democratic administration, had to come and realize that government had to act.

We're not doing this because we don't have anything else to do. We're doing this because we have an economic crisis of soaring magnitude before us. The derivatives of this magnitude are affecting communities and neighborhoods where these foreclosures are leaving these empty homes, many of them in $200,000, $300,000, $400,000 neighborhoods. They're taking down the residential value of communities around them, and these communities in these cities and towns are already strapped with their own financial pressures, much like my own city of Atlanta, and they need help in rescuing these communities. We're coming to their rescue.

Mrs. CAPITO. Madam Chairman, I yield 3 minutes to a member of the Financial Services Committee, Mr. ROSKAM from Illinois.

Mr. ROSKAM. I thank the gentlelady for yielding and for the time.

One of the underlying issues as it relates to this bill is I think the way in which it was contemplated. I'm not making a process argument, but what I am making is an argument that suggests there's a very serious oversight.

And the oversight was the committee's rejection of the McHenry amendment. The McHenry amendment basically said, look, if you're going to have these grants and loans and there's going to be properties that are going to be purchased, there should be an open process, there should be a bidding process, and it should be something that everybody has access to. And I think the failure of the majority in this case was to dismiss that and put it aside.

I've heard cities tonight described as victims. The chairman a minute ago said he has great confidence, and I'm paraphrasing, but great confidence that cities are going to use the money judiciously and wisely. Well, my congressional district falls in the shadow of a city with a different reputation that doesn't have a judicious and wise reputation always. Let me read you just a couple of headlines within the past couple of weeks about some of the schemes that have happened from a corruption point of view about the very people that you're contemplating entrusting $15 billion to.

Here's one this month: ''Witness Details Pay-To-Play Schemes'' or ''Ex-Illinois Official Pleads Guilty to Lying'' or ''Corruption Firmly Entrenched in State'' or ''Illinois: Corruption on Parade'' or ''Top Aide to Illinois Governor Is Indicted in Kickback Inquiry.''

We have got deep troubles in northern Illinois, and what is conspicuously absent in this bill, and I've read it, I've looked at it all, within this bill there is no requirement of any kind of disclosure, no requirement of any kind of notice, no requirement of anything whatsoever. So, in other words, if you're a corrupt official working for an agency that has been entrusted with this $15 billion, there's absolutely nothing, nothing that prohibits you from selling this to a friend for whatever you want to sell it for. The bill is absolutely silent.

Now, is the majority trying to be complicit in a nefarious scheme? Of course not. But was it a gross oversight on the part of the majority in the committee to reject the McHenry amendment? I think so, and I think for that fundamental flaw alone, notwithstanding all the underlying policy questions, that fundamental flaw alone brings a great deal of skepticism to voters in my congressional district. And for that reason, I urge a ''no'' vote.

Ms. WATERS. Madam Chairman, I yield myself 30 seconds.

The gentleman from Illinois evidently has not read the bill. As a matter of fact, they have to have a plan that is adopted or accepted, reviewed by HUD. And so in the plan, all of the disclosure, everything that needs to be known about that city's plans will be reviewed.

In addition to that, the amendment that the gentleman is referring to is an amendment that would bog down this ability to get money into the neighborhoods and on the street very quickly for the economic stimulus that we anticipate.

I yield to the gentleman from New York (Mr. HIGGINS) 1 minute.

Mr. HIGGINS. Madam Chairman, I rise today in strong support of H.R. 5818, the Neighborhood Stabilization Act. I want to thank Chairman FRANK and Chairwoman WATERS for their persistent efforts to address the issue of how foreclosures and subprime lending contribute to the vacant and abandoned housing problem in cities like Buffalo.

Buffalo and western New York are facing a vacant and abandoned housing crisis that gets progressively worse every day as more and more homes fall into foreclosure. While the City of Buffalo has been dealing with the negative effects of home foreclosures for some time, recent events have made their situation worse, necessitating this relief.

Vacant homes wreak havoc on the neighborhoods in which they exist. These homes often serve as a haven for crime, endangering children and making entire neighborhoods dangerous. They also serve as a drain on local governments, which must deal with decaying homes long after owners and banks have abandoned them. Perhaps most distressing, abandoned homes discourage investment and influence urban flight.

H.R. 5818 would provide immediate relief to these neighborhoods in several ways. It would empower local officials to take control of vacant and abandoned properties and increase homeownership.

Local governments could use loan funds to purchase and rehabilitate vacant homes for sale to working families who otherwise may not be able to afford quality housing. If homes are beyond repair and within neighborhoods prone to vacancy and abandonment, local governments could use grant funds to demolish them. Both the loan and grant initiatives will provide a much needed and immediate injection of resources into these neighborhoods that have been hard hit by the foreclosure crisis, so that these communities will have a better chance to get back on their feet and move forward.

It is highly dismaying to note that the housing market has gotten progressively worse in the last 12 months, creating the need for the stimulus provided in this bill.

Mrs. CAPITO. Madam Chairman, I yield to the gentleman from Illinois (Mr. ROSKAM) 2 minutes.

Mr. ROSKAM. I thank the gentlelady for yielding.

And in response to the chairman's question, yeah, no question about it. There's a plan requirement on page 3, section 4 of the bill, but the plan requirement doesn't prohibit the type of conduct that I just described, a plan as it relates to goals for the sale to different groups, accessibility to different groups, but the plan is silent as it relates to this potentially corrupt practice.

I think it's a flaw and I don't think it's a flaw that can't be redeemed. It can be very easily corrected. It doesn't help the underlying policy objections to the bill.

But $15 billion put out there without any requirement whatsoever as it relates to a prohibition against self-dealing, a member of the housing development authority of a particular municipality calling up a cousin and saying, hey, come on by here, we just purchased this foreclosed property for $100,000, I'll sell it to you for $75,000, there's nothing in here. Notwithstanding the plan language, notwithstanding any other declaration of the majority, it is silent, and we can do much, much better.

Ms. WATERS. I yield to myself 30 seconds.

I'm glad the gentleman found the plan in the bill that I had advised him about because there is a plan, and perhaps it does not have 101 things that he

would like, and I'm sure you could add a lot more to it, but there is a plan. And the situation that he just described could not happen. As a matter of fact, you have to pay back the money that you get through the loan.

Madam Chairman, I yield to the gentleman from Missouri (Mr. CLAY) 2 minutes.

Mr. CLAY. Let me thank Chairwoman WATERS for yielding and also for her leadership on this issue in getting this bill out of committee and to the floor.

As an original cosponsor of this legislation, I support its speedy passage through the legislative process. This bill is sorely needed to help stabilize neighborhoods in various types of communities that have high incidences of housing foreclosures.

This act establishes a loan and grant program administered by the Department of Housing and Urban Development to help States purchase and rehabilitate owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible, either through resale or rental to qualified families.

I raised concerns about the distribution of loans and grants to Chairwoman WATERS, and the bill's funds were originally designed for distribution to States with priority for the 25 most populated cities in the country.

My concern was that many of us had districts that had higher density of foreclosures than many of the top 25 cities in population. Additionally, we needed to ascertain that housing was provided for low- and moderate-income families, inclusive of those who had already suffered foreclosures.

My staff and I worked closely with Chairwoman WATERS and her committee staff and placed provisions in the bill that address these concerns. My district, the First Congressional District of Missouri, has alarmingly high foreclosure rates and large numbers of low- and moderate-income families. The bill now mandates a priority for addressing this high foreclosure level area and others like it across the country.

Again, I want to thank Chairwoman WATERS for her leadership on this.

Mrs. CAPITO. Madam Chairman, I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Financial Services Committee.

Mr. HENSARLING. I thank the gentlelady for yielding, and I certainly rise in opposition to this bill. I have no doubt that it is certainly good-hearted but it is certainly wrongheaded.

There is a great challenge in our housing markets today, but I come here with some interest and amusement to see how many of my friends on the Democratic side of the aisle bemoaned the Bear Stearns bailout by the Federal Reserve, only to come here and offer a bill that, ultimately, using the States and localities as a conduit, is going to bail out Wall Street. It's going to bail out the investors, the people who own these properties in the first place, the people who made bad debts.

I wish somebody would introduce a bill to bail me out of my bad debts. Perhaps next time I invest in real estate or the stock market or the commodities, somebody will come here and say, if I failed, we will get the taxpayer to come in and bail me out.

Second of all, it misses the point of what the true challenge is. The true challenge in our housing markets is a shrinking paycheck, and I know as much as our friends on the other side of the aisle wish to come and blame all the economic woes of our Nation on us, the truth is elections have consequences. They've been in charge of the economic policy of this Nation for almost 18 months now. And what have they done in 18 months?

Number one, they passed a budget that has the largest single tax increase in American history, largest single tax increase in American history. After 3 years fully phased in, it's going to be a $3,000 average burden on the American family. That shrinking paycheck causes people not to be able to pay their mortgage bills.

We know what's happened to gasoline prices, almost $4 a gallon. Shrinking paycheck. Now supposedly they were going to bring the price of gas down when they were elected. The American people know differently, and it's not just gasoline that's $4 a gallon. Milk. I've got a 6-year-old and a 4-year-old back home in Dallas, Texas. They drink a lot of milk. Milk's expensive. The cereal they like, it's expensive, all happening under their watch. A shrinking paycheck.

How are people supposed to afford their mortgage when they're having to pay historic high gasoline prices, historic high food prices and pay an extra $3,000 in taxes? Madam Chairman, that's the real challenge that America's families are facing now.

And here's another problem with this particular piece of legislation that I find. It ignores the greater crisis in America, and that is the spending crisis, the one that is ignored on a daily basis here. Already we notice that when the new Member from Louisiana was sworn in today, we all saw that he had his baby in his arms, and, I don't know, it might have been a 1-year-old or 2-year-old child, but that child already has inherited a debt of almost $200,000 because Congress after Congress keeps on spending money and sends the burden to future generations.

So, you know, what is it? It's $7.5 billion for grants here and $7.5 billion for loans there. Well, Madam Chairman, sooner or later we're talking about real money.

□ 2030

We're on the verge of being the first generation in America's history to leave the next generation with a lower standard of living. And it's not just me that's saying it, it's the Congressional Budget Office, the Office of Management and Budget, the General Accountability Office. And yet again, the Democrat majority ignores that true crisis.

I also find it quite interesting that while the Federal Government continues to be awash in the sea of red ink in passing on unfunded obligations to future generations, that almost every State and municipality in the Nation is running a surplus.

The Acting CHAIRMAN. The gentleman's time has expired.

Mrs. CAPITO. I yield the gentleman 1 additional minute.

Mr. HENSARLING. So we're taking money away from a treasury that has none to supplement treasuries that do have some. We have a great challenge in our Nation.

And clearly predatory lending took place, I might add, so did predatory borrowing. And so we need to help people, but the way to help them when people are struggling to pay their mortgages is not to raise their taxes and force them to pay the mortgages of their neighbor, particularly a number of neighbors and Wall Street investors who speculated, who might have engaged in fraud.

But Madam Chairman, back to the States and localities. For example, the Commonwealth of Massachusetts spends $11 million a year on their Office of Tourism. If we're having a great housing crisis, maybe they could cut back a little on the tourism budget and help the people in need for housing.

The Acting CHAIRMAN. The gentleman's time has again expired.

Mrs. CAPITO. I yield the gentleman another 2 minutes.

Mr. HENSARLING. Again, if this is such a great priority for the States and they're crying out for these loans and grants, why does the State of Massachusetts continue to spend $760,245 for pools and spray pools under the control of the Department of Conservation and Recreation?

Michigan, $9.4 million to enhance public boating access and dock facilities. I have no doubt, Madam Chairman, that this is important. But again, if we have a housing crisis, maybe the good people of Michigan could cut back a little on their boating access facilities.

State of Ohio. They apparently have a wonderful ''Discover Ohio'' tourism and marketing campaign, $8.2 million. Maybe they could use some of that money to assist the people in their State.

How about some of the municipalities? According to the Daily News, Los Angeles spends a half a million dollars, $550,000 to be exact, for calligraphers to decorate proclamations and honors. I'm sure that those proclamations are very handsome, but again, if we're having a housing crisis, maybe people in Los Angeles can cut back on the calligraphy to assist the people in need. And yet the Democrat majority—and the gentlelady from California who perhaps

is familiar with the calligraphy—has decided instead to take the money away from the Federal Treasury, help raise taxes on hardworking American families while they're trying to fill up their cars to take their children to school, to try to go to work, so that ultimately we're subsidizing Ohio tourism, L.A. calligraphy, water boating access in Michigan, and the list goes on and on. Surely we can find something that is more fiscally responsible and more creative than yet another grant and loan program to States and localities that ultimately bail out investors and Wall Street.

This is bad legislation. It should be defeated.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota, a member of our committee, both the subcommittee and Financial Services, Mr. KEITH ELLISON.

Mr. ELLISON. Madam Chairman, let me start by thanking Chairman FRANK and Chairwoman WATERS for bringing this critical and much-needed legislation to the floor. I'm proud to have worked with both of them on this important legislation which represents the most comprehensive response yet in the American mortgage crisis.

The package of housing measures that we will vote on today and that I proudly support will help thousands of families facing foreclosure keep their homes. This bill will ultimately help other families avoid foreclosures in the future and help recovery of communities harmed by empty homes caught in the foreclosure crisis.

This legislation comes before us at an important time in the mortgage foreclosure and housing crisis. The Pew Center has stated that between seven to eight thousand people per day are filing for foreclosure. Hennepin County alone, which is the largest county in the Fifth District of Minnesota that I represent, has experienced a 54 percent increase in foreclosures from the year before. Statewide foreclosures have risen by 39 percent.

The legislation we're considering today establishes a $15 billion HUD-administered loan and grant program for the purpose of rehabilitation of vacant, foreclosed homes with the goal of occupying them as soon as possible.

Madam Chairman, let me just say this: The fact of the matter is that for the people who paid every single mortgage payment and were never late even one time, they are suffering because of this mortgage crisis because they live on a block with foreclosed homes.

This bill saves money. Can you imagine the cost to a city, in terms of fire, police and public works resources, just to be able to deal with a home that's foreclosed on a block? This is saving money. This is actually improving the quality of life for people all over America. And this amount of money that we will spend on this bill will pay thousand-fold in terms of quality of life for people all over this country.

And so I'm proud to be able to associate myself with this bill, proud to be able to say that when the people of America face a serious foreclosure crisis that is affecting not just the victims of foreclosure, but others, we responded.

Mrs. CAPITO. Madam Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE), who is also a member of the Financial Services Committee.

Mr. PRICE of Georgia. I thank my good friend from West Virginia for her leadership on this and for cogently bringing the debate forward and stating why this is the wrong bill at the wrong time.

I am pleased to hear from my friend, though, from Minnesota who said that this was going to save America money. If we keep saving money at this rate, our deficit ought to disappear in short order, $15 billion chunks going out the door. I'm not sure how that math adds up, but I'm certain that it works somewhere.

I want to commend my friend from Illinois for raising the point, as I know that the chairwoman acknowledged, and that is that there was no bidding process. There is really no accountability in this bill. Yes, there are plans that have to be proposed and submitted, but there's no oversight, there is no oversight of this money. Fifteen billion dollars could go to anybody, truly, who was a friend or a crony of any official in a State or a city. And we're going to trust the cities, as the chairman said, it was important that we trusted the cities. And I believe primarily that that is important that we do trust cities. If we trusted cities so much, though, then why would we not adopt an amendment that I proposed in committee that said that we ought to let the city do with the property what they deemed appropriate? But we haven't done that. We said oh, no, even if this facility, this housing facility is public housing and is absolutely dilapidated, you couldn't demolish it. Oh, no, we wouldn't want that to happen. We wouldn't want the city to make a decision that they could do something better with that property. In fact, this bill precludes that opportunity.

I heard the chairwoman say that she wouldn't want to add an amendment that would provide for that accountability or that oversight because it might bog down getting the money to the cities. Well, Madam Chairman, I'll tell you what will bog down getting money to the cities, if people were really sincerely interested in that, and that's a veto. And this bill will be vetoed by the President of the United States for appropriate reasons because it is irresponsible and it is not appropriate to spend the kind of money that we're talking about without any oversight and without any accountability. Remember, $15 billion.

I am constantly surprised, truly, by my friends on the other side of the aisle who don't seem to remember where this money comes from. Where does this money come from? It comes from hardworking Americans. And I would suggest, Madam Chairman, as my friend from Texas said, that hardworking Americans have a significant challenge right now in some aspects of their life, trying to make certain that they can afford the increase in gas prices under this majority, for the increasing prices for commodities under this majority. And so it would be appropriate that we remember that, and that we allow more Americans to keep more of their hard-earned money.

Now what is the solution? Well, I would suggest, Madam Chairman, that a couple of programs that are in place right now and are working diligently to make certain that people can stay in their homes, FHA Secure is a program that is administered by the Federal Housing Authority that provides greater flexibility for refinancing homes for hundreds of thousands of Americans. The Hope Now Alliance was a program that was put into place, a private sector cooperative effort that actually makes it so that struggling homeowners can get the kind of counseling and guidance to assist them to refinance their mortgages. More than 1.4 million Americans, Madam Chairman, have been shown the opportunity to be able to stay in their home.

These are positive and productive programs that make it so that individuals can stay in their home. They aren't a bailout that is being proposed by the other side. They aren't taking $15 billion of hard-earned taxpayer money and saying, ''It's okay. We'll cover it. Don't worry about that. The American people's pocketbook is absolutely endless.''

This is a bad bill, wrong bill, wrong time. I urge my colleagues to vote ''no.''

Ms. WATERS. I yield 1 minute to the gentleman from Ohio, a member of the Financial Services Committee, Mr. CHARLIE WILSON.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of H.R. 5818. As a Member from Ohio, one of the States that has been hardest hit by foreclosures, I know how important it is for us to pass this bill.

Thirty-six percent of all the homeowners in Ohio will feel the effects of what's going on in the subprime crisis. The pain isn't limited to just the families losing their homes, but also the neighbors and the neighborhood around. What happens is homeowners are projected to each lose as much as $2,000 in property value during this crisis. And because of that, the State of Ohio will lose approximately $3 billion in tax base. These are truly scary numbers.

H.R. 5818 will help Ohio and America begin to heal. The flexible bill will give loans and grants directly to the States. States will then be able to clean up the blight, help families stay in their homes, and rehabilitate long vacant and decrepit homes. States will be able to stabilize their entire neighborhoods that are hurting from foreclosures.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. WATERS. I yield the gentleman 30 additional seconds.

Mr. WILSON of Ohio. I would like to thank Congresswoman WATERS for her hard work, for working with me on this vitally important issue. And I'm proud to support H.R. 5818 and urge my colleagues to do the same.

Mrs. CAPITO. Madam Chairman, may I inquire as to how much time is remaining on each side.

The Acting CHAIRMAN. The gentlewoman from West Virginia controls 7½ minutes. The gentlewoman from California has 7½ minutes remaining.

Mrs. CAPITO. I would like to reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 1 minute to the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE. Let me thank Chairwoman WATERS for continuing to take on the tough issues as she once again is taking on this tough issue of the foreclosure crisis with this bill. I want to thank her for her leadership and also Chairman FRANK.

This bill will give HUD the tools to work with States and local governments to identify distressed neighborhoods and purchase and rehabilitate vacant houses before they become a blight on their neighborhoods.

There are entire neighborhoods in my district in Oakland, California that are threatened, quite frankly, with complete collapse. The longer homes stay empty, the more likely they will further destabilize already fragile communities, discourage investment, depress home values, and create a spiraling cycle of foreclosures.

This bill provides $15 billion in loans and grants to directly relieve these neighborhoods. This is just half of what this administration has already spent on bailing out Bear Stearns. Thank goodness Congresswoman WATERS has provided this plan to help stabilize communities.

I urge an ''aye'' vote.

Ms. WATERS. I yield 1 minute to one of our newest Members, and a member of the Financial Services Committee, Mr. ANDRÉ CARSON.

Mr. CARSON of Indiana. Madam Chairman, I rise today in strong support of H.R. 5818, the Neighborhood Stabilization Act of 2008.

This bill is extremely important to me as a representative from Indiana's Seventh Congressional District. My district has suffered with disproportionately high rates of foreclosures. In fact, Indiana has consistently rated among the top 10 States nationally for foreclosures, along with Michigan and Ohio.

We frequently hear how housing vacancies have had a negative impact on property values, but as someone who has spent their career in law enforcement, I know that vacancies can also foster violence and theft in our neighborhoods.

This bill could help communities rebuild property value and maintain stability in our neighborhoods. I want to thank Congresswoman MCCARTHY and Congressman CAPUANO for working with me on an amendment in committee to include first responders to those States that may establish preferences in their housing priorities.

□ 2045

I see firsthand the dedication and passion these firefighters, emergency medical service providers, and police officers have for others. They put their lives at risk every day for the safety of those in our city.

This bill is responsible and thoughtful, and I want to thank Congressman FRANK and Chairwoman WATERS for their outstanding work on H.R. 5818.

Mrs. CAPITO. Madam Chairman, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Financial Services Committee.

Mr. GARRETT of New Jersey. I thank the gentlewoman for the time.

Madam Chairman, I come to the floor optimistic inasmuch as I have heard, I think, where maybe five or six Members on the other side of the aisle raised the issue of exactly what transpired with regard to Bear Stearns and that circumstance some 2 months ago. I come optimistic but at the same time somewhat perplexed because, as I say, this did occur with regard to the Federal Reserve some 2 months ago, and immediately thereafter my office contacted the full body of our committee, both Republicans and Democrats, saying should not our committee be investigating what transpired there? And we extended a hand to the other side to say let's do two things: First, let's contact the Federal Reserve and Secretary Paulson to raise the issues that are now being raised at this belated date by the other side of the aisle. We came through at that time with a list of upwards of nine pertinent questions, questions such as, the SEC states that it monitored Bear Stearns' capital and liquidity positions on a regular basis and that levels of both capital and liquidity appeared adequate right up into the week of March 11, but given the subsequent rapid deterioration in Bear Stearns' financial condition, does the SEC have the capacity and authority it needs to assess these risks? Secondly, why wasn't the loan made in a traditional manner? If, as stated in President Geithner's testimony to the Senate Banking Committee that the Federal Reserve did not have the authority to acquire interest, what authority does it have now?

These were the questions that we were posing that should have been answered several months ago. We extended the opportunity to the other side at that time to join with us in this letter to make this investigation. Oddly enough, at that time no one on the other side of the aisle found a need to do so.

Also what is odd with regard to the investigation in this matter, the committee of jurisdiction looking into what the Federal Reserve did would be the Financial Services Committee. Once again, our side of the aisle suggested to the chairman that we should be delving into the issues that the other side is raising tonight, belatedly. We extended the opportunity to send a letter to Chairman FRANK, with signatures of most Members on our side of the aisle to the chairman, saying should we not be looking at these issues, these nine issues that I just referenced before to the Federal Reserve and also Paulson? Should we not be looking into this in Financial Services? Two months ago no one from the other side of the aisle saw it as pertinent. Tonight, as we go into it here and from the rhetoric that comes to the floor, they all say that they are interested in examining what the Federal Reserve is doing.

That's why I say I come to the floor optimistic and a little bit happy because now I believe that when I leave the podium tonight, I can go to the other side of the aisle and I will be more than happy to do two things: To make an addendum to our questions to Secretary Paulson and the Federal Reserve and to make an addendum to Chairman FRANK to say that in both cases we should be investigating it and that we would ask that Chairman FRANK schedule hearings forthwith, immediately, so that we can go into the matters that you are raising and that I have raised as well to see what authority the Federal Reserve has to conduct these activities.

Ms. WATERS. Madam Chairman, I would like to yield to the gentlewoman from Cleveland, Ohio (Mrs. JONES) 1½ minutes and remind her that it was 2 years ago when I was in her city that she asked me to come to a town hall meeting where this issue was being discussed at that time and most of us really didn't understand the depth of it.

Mrs. JONES of Ohio. Chairman WATERS, I want to salute you and the work you've done in the housing area in Financial Services. Everybody knows that the Housing Subcommittee under your leadership has focused on issues important to everyday people, and I want to thank you for that leadership.

And, Madam Chairman, you know what is the most amazing thing when I sit on the floor of this House? All the superfluous stuff that is discussed when a piece of legislation that's sorely needed by the people of America comes to the floor.

Now it was a Republican administration for the past 8 years that has oversight on oil. If they wanted to do something about it, they could have done it by now. Why are they bringing it up on the housing legislation? Let's talk about oversight of all those billions of dollars that got lost in that truck in Iraq. This Republican administration.

But before I get lost, let me come to why I'm standing here. I stand here to

support the legislation because the city of Cleveland is in desperate straits around this particular problem: Housing and foreclosures. I am so pleased that I have been able to add an amendment that would simplify the Federal historic rehabilitation tax credit in the process of this so that we can use some of this historic housing to be able to make some changes in the lives of the people.

It's just an amazing thing. I know the people of America are out there listening, and they're looking at who is it that is stepping up for them when they're in trouble? Who is it that understands that they need to pay their homeowner costs, their costs for their housing? And who is it to say, no, we're going to wait to try to figure out something else, add a new law. Come on now.

Vote for this legislation.

Mrs. CAPITO. Madam Chairman, I yield to the gentleman from New Jersey (Mr. GARRETT) 1 additional minute.

Mr. GARRETT of New Jersey. Madam Chairman, actually at this time I'd just like to put into the RECORD the letter that was signed by Members from our side of the aisle to Chairman FRANK back on April 7, which would have been a month ago now, requesting an expedited hearing with regard to the Financial Services situation with regard to the Federal Reserve and the Financial Services hearing. Also, I will put in the RECORD a letter dated April 16 to Secretary Paulson from the Department of Treasury and Chairman Bernanke of the Federal Reserve as well, itemizing the nine particular questions with regard to their authority and activity; and also the letter in response dated April 14 from Chairman BARNEY FRANK with regard to not setting forth a date for any hearing going forward.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to respectfully request you hold a hearing of the full Financial Services Committee regarding the recent collapse of the investment bank Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on the financial markets and are also expected to have a long-term effect on our financial regulatory structure.

For the first time since the Great Depression, the Fed voted to open its discount window to primary dealers. While this authority has been available to the Fed since 1932, the decision to use it at this time has raised questions about whether and when the Fed should intervene to help a particular industry or firm in the name of market stability.

With the Fed approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Fed has possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.

These extraordinary actions have raised a number of complex and multifaceted questions. As members of the committee of jurisdiction over our nation's financial markets and the regulatory bodies that oversee them, we feel it is imperative to have a full and public vetting of this unique situation. Therefore, we strongly urge you to convene a hearing on this subject of the Financial Services Committee on the soonest possible date.

Thank you for your consideration of this request.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 16, 2008.

Hon. HENRY M. PAULSON,
Secretary, Department of the Treasury, Washington, DC.

Hon. BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System, Washington DC.

DEAR SECRETARY PAULSON AND CHAIRMAN BERNANKE: We are writing regarding the recent collapse of Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on our nation's financial markets and have the potential to drastically alter the future regulatory structure of our entire financial system.

For the first time since the Great Depression, the Federal Reserve voted to open the discount window to primary dealers. While it has been suggested that this authority has been available to the Federal Reserve since 1932, the decision to use it at this time has raised questions about whether and when the Federal Reserve should intervene to help a particular industry or firm in the name of market stability.

With the Federal Reserve approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase, as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Federal Reserve has possibly exposed the American taxpayers to a tremendous amount of financial loss. We have concerns that this will establish a precedent that could lead to future instances of companies in similar financial trouble expecting the same government intervention.

We know the long-term health of our economy is of the utmost importance to you both. However, these extraordinary actions have raised a number of complex questions. Below, we have included a list of some of the specific questions that we believe highlight areas of significant importance.

QUESTIONS

1. In testimony before the Senate Banking Committee on April 3, 2008, it was indicated that the assets the Federal Reserve will accept as collateral for the $29 billion loan are highly-rated, that J.P. Morgan Chase will keep the riskiest and most complex Bear Stearns assets, and that the Federal Reserve set parameters for the quality of assets that it would or would not accept. What was the minimum threshold for asset quality?

2. The Securities and Exchange Commission (SEC) states that it monitored Bear Stearns' capital and liquidity positions on a regular basis, and that levels of both capital and liquidity appeared adequate going into the week of March 11–17. Given the subsequent rapid deterioration in Bear Stearns' financial condition, does the SEC have the capability and/or authority it needs to assess risk in systemically-important broker/dealers, especially at the holding company level?

3. Now that primary dealers are granted the privilege of borrowing directly from the Federal Reserve (through the Primary Dealer Credit Facility), should they be subject to the same oversight that commercial banks must undergo to be eligible to borrow at the discount window? What are the possible negative implications of such regulations?

4. Bear Stearns has been described by some as ''too interconnected to fail,'' as opposed to ''too big to fail.'' How can regulators identify which firms are too interconnected to fail? Also, some administration participants have justified federal involvement with this transaction by suggesting that one interconnected company could unilaterally bring down our country's entire financial markets system. How would that be possible in this instance?

5. Why wasn't the ''loan'' made as a traditional discount window loan to J.P. Morgan Chase? If, as stated in President Geithner's testimony to the Senate Banking Committee, the Federal Reserve did not have the authority to acquire an equity interest in J.P. Morgan, Chase or Bear Stearns, what authority allows it to create and finance an LLC to purchase assets?

6. If the $29 billion is not to be made available to J.P. Morgan Chase until the merger with Bear Stearns is completed, why is the loan necessary at all? Why is J.P. Morgan Chase unwilling to hold assets that have been priced at current market value and are highly rated?

7. In 1991, the Federal Deposit Insurance Corporation Improvement Act (FDICIA, P.L. 102–242, 105 Stat. 2236) set a limit on the Federal Deposit Insurance Corporation's (FDIC) ability to borrow from Treasury at $30 billion. The statute establishes certain standards, including rate of interest standards but leaves other terms to the Secretary of the Treasury and the FDIC. At the pertinent part it reads:

The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Corporation on such terms as may be fixed by the Corporation and the Secretary, such funds as in the judgment of the Board of Directors of the Corporation are from time to time required for insurance purposes, not exceeding in the aggregate $30,000,000,000 outstanding at anyone time, subject to the approval of the Secretary of the Treasury. . . . Any such loan shall be used by the Corporation solely in carrying out its functions with respect to such insurance. . . . (12 U.S.C. §1824)

Did this $30 billion limit have any role in the Bear Stearns negotiations? How did that figure emerge?

8. A separate provision of the FDIC Act added by FDICIA requires the FDIC to resolve failed institutions on the basis of least cost to the insurance fund but permits the suspension of that requirement when following the least cost standard ''would have serious adverse effects on economic conditions or financial stability . . . and . . . any action or assistance [beyond what would be the least cost resolution] would avoid or mitigate such adverse effects.'' [12 U.S.C. §1823(c)(4)(G)(i).] This authority may not be invoked, however, without consultation with the President and the written recommendations from the FDIC and the Federal Reserve Board.

Was the President consulted? Were there any written findings by the Federal Reserve or the Department of the Treasury or any documents projecting the potential adverse effects without the intervention and the mitigation that would be effectuated by the intervention?

9. Is there any known information regarding any potential conflicts of interest of any of the parties involved in this transaction?

We appreciate your service to the country and look forward to working with you closely on these issues as we move forward. Thank you for attention to these concerns.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. SCOTT GARRETT,
Congressman, House of Representatives, Washington, DC.

DEAR MR. GARRETT: I received the letter signed by you and sixteen of your Republican colleagues on the Financial Services Committee expressing your concern that the recent actions by the top financial appointees of the Bush administration in the matter of Bear Stearns have ''possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.'' It does occur to me as I read your letter that I have somewhat more confidence in the judgment exercised by Secretary of the Treasury Paulson and his aides and Federal Reserve Chairman Bernanke and other officials of the Federal Reserve System than you appear to have, but that is no reason for us not to give this the fullest possible airing. So I do agree that we should be thoroughly examining this matter.

Where we may disagree is the context in which this happens. That is, I agree with you that we should have a ''full and public vetting of this'' matter, but I do not think it is necessary that we have the hearing ''on the soonest possible date.'' I say this for two reasons.

First, the Committee, as you know, is now engaged in serious consideration of the appropriate response to the foreclosure crisis that now confronts us. I realize that there are some who believe that we should take no action at all, but I think the recent movement by the Bush administration to expand the reach of the FHA, even though I do not agree with it in all respects—is recognition of the need for some action. I therefore believe that it is important that the Committee continue its efforts on dealing with the current crisis, in cooperation with our Senate colleagues who as you know in a bipartisan way have also moved forward on legislation, although I do not agree myself with all aspects of it. My intention is to ask that the Committee continue to focus on this for the next several weeks.

Secondly, I do believe it is important for the Committee to begin an investigation, including hearings, into the Bear Stearns issue, but not in isolation. It is important that we look at what happened with regard to Bear Stearns, not primarily as a matter of hindsight because in fact we cannot undo what was done, but rather from the standpoint of anticipating what the public response should be in similar matters going forward. This includes of course discussing whether or not these specific actions taken in the Bear Stearns case were the best ones from the public standpoint, but also beginning the very important issue of what we might do in Congress to make it less likely that situation of this sort will recur. You correctly note in your letter that what the Bush Administration did in this case did establish ''a precedent that could lead to future instances of companies . . . expecting the same assistance.'' I think it is important that we therefore empower some federal entities to take actions that may make this less likely, and would also allow them to accompany any such intervention if it should later be decided to be necessary with appropriate remedial matters.

In summary, I agree that the Committee should be looking into this, not from the standpoint of rebuking Chairman Bernanke or Secretary Paulson, but rather as part of a serious consideration of the causes of the current crisis and more importantly, what we can do to make a recurrence of the events that led up to the Bear Stearns response much less likely in the future.

At this time I again will extend a hand, and I will yield to the other side to identify which Members from the other side of the aisle will be willing to sign onto the letter to Chairman FRANK or to Chairman Bernanke, if there is anyone from the other side who is willing to sign onto the letters. If not, I will be waiting and I will be glad to do an addendum.

Ms. WATERS. Madam Chairman, I have no further requests for time, and I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, could I inquire of how much time we have remaining.

The Acting CHAIRMAN. The gentlewoman from West Virginia controls 3½ minutes. The gentlewoman from California controls 4 minutes.

Mrs. CAPITO. Madam Chairman, I am ready to close. I have no additional speakers as well.

I think we have heard a stark difference in opinion on this bill. I would like to make a distinction, as we have heard the discussion going back and forth, and I think the good-natured way that the debate has gone forward but also the intent of this bill is unquestionably a good intent.

But I would like to clarify to those who are listening that this bill is separate and apart from that person who can't sleep at night, that family who stays up at night trying to figure out how to meet the high cost of gas, how to meet the higher cost of food, and how to make their mortgage payment. We've been working with FHA to get people to refinance and to redo their loans so they can stay in their house, and I don't want there to be confusion concerning this bill and the next bill that we are going to be considering shortly after this.

This bill, separate and apart, is not going to help that family who can't figure out in the middle of the night how they are going to stay in their home, how they are going to pay their mortgage. These properties that we're also discussing are already foreclosed-upon properties. They're owned by investors, speculators, and financial institutions. And that's our objection. I don't believe we are in a position, and I don't think any of the speakers on our side believe we're in a position for a costly bailout for the lenders, servicers, and real estate speculators who have made risky bets on the housing market and who are now going to off-load their properties into a government program. I think that penalizes every single taxpayer, and it really penalizes that person at night who can't figure out how they're going to get up and pay their mortgage the next day, and that's the person we desperately need and we want to help and it's proper that we should help.

So I believe that H.R. 5818 is overly broad. It's a new government program that is going to end up creating a moral hazard, and it's going to end up benefiting not individuals, not people who are having trouble making their mortgage payments, not people who find themselves upside down in their house. It's going to end up benefiting, at the cost of the taxpayers, and I repeat again, lenders, servicers, and real estate speculators.

And with that, I urge a ''no'' vote on H.R. 5818.

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

Ms. WATERS. Madam Chairman, I yield myself the balance of my time.

Madam Chairman and Members, I would like to thank all of the Members who have come to the floor today in support of this legislation because they understand the devastation to neighborhoods all over this country.

I have listened very carefully to the arguments from the opposite side of the aisle, and none of them rise to the merit of being able to oppose this bill because they're substantive arguments.

First of all, I have heard Members on the opposite side of the aisle talk about taxes. They have talked about gasoline. They have talked about everything except what we are here to talk about: the fact that there has been a subprime meltdown in this country and many neighborhoods are devastated. We have homes that are being stripped of the copper. We have homes that have been boarded up with vandals inside those homes, oftentimes living inside those homes, with the weeds growing up in many of these properties, and the value of the homes in the neighborhood where people are attempting to maintain their homes is going down every day.

We had one Member on the opposite side of the aisle talk about how flush these cities are with money. Evidently, he has not looked at what is going on in the cities and States. Many of them are in deficit situations. They're in deficit situations because we're in this recession, this nonperforming economy under the leadership of the President of the United States where the price of food has risen, gasoline prices are up, and the subprime mess is fueling the problems of our economy. And with all of this that has taken place under this President and this administration, you would think that the Members on the opposite side of the aisle would want to come to the aid of their constituents.

We have talked about the $30 billion bailout under the Fed Chairman that was appointed by this President. And I am sure, since we did not get a call in the middle of the night to even discuss with us that the bailout was going to take place, I'm sure that the Fed Chairman called the President that appointed him. And I would give anything—I would place money on the line—to tell you that the President approved of that bailout. And so why not bail out the people who deserve to be helped? People, many of them who got into loans that were lured into these loans, lured into these mortgages by unscrupulous real estate brokers who

told them to just sign on the dotted line, by unscrupulous folks representing some of the financial institutions who said get into this ARM and when it resets, I will be there to help you refinance it, and, of course, they're not there. These people, many of them have lost these homes through no fault of their own.

But the neighborhoods are being devastated. We have information here that tells us how much crime will be fostered on the neighborhoods. As a matter of fact, what we have learned is that when there is one foreclosure, it leads to not only vandalism that affects the entire neighborhood, but it also increases the crime. This has all been documented.

I would think that the representatives who have been sent here by the people who have voted for them would want to be able to go home and say to their constituents, I understand what's going on in the neighborhoods; to say to their mayors and to say to their Governors and to say to their county commissioners, ''We are here to help.'' Yes, we are spending a lot of money on other things. As a matter of fact, many of the Members on the opposite side of the aisle, in a matter of hours, are going to vote for over $107 billion in supplemental funding to continue the war in Iraq.

□ 2100

Many of these Members have voted to give tax increases to the richest 1 percent in America. The least they could do is vote for the citizens and for their cities.

I yield back the balance of my time.

The Acting 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. 5818

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Neighborhood Stabilization Act of 2008''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Congressional purposes.
Sec. 3. Loans and grants to States.
Sec. 4. Qualified plans.
Sec. 5. Allocation of amounts.
Sec. 6. Loans.
Sec. 7. Grants.
Sec. 8. Eligible housing stimulus activities.
Sec. 9. Shared appreciation agreement.
Sec. 10. Spending requirements.
Sec. 11. Servicer contact.
Sec. 12. Accountability.
Sec. 13. Definitions.
Sec. 14. Funding.
Sec. 15. Regulations and implementation.

SEC. 2. CONGRESSIONAL PURPOSES.

The purposes of this Act are—

(1) to establish a loan and grant program administered by the Department of Housing and Urban Development to help States, metropolitan cities, and urban counties purchase and rehabilitate owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible, either through resale or rental to qualified families;

(2) to distribute these loans and grants to areas with the highest levels of foreclosure and delinquent subprime mortgages;

(3) to provide incentives for States, metropolitan cities, and urban counties to use the funds to stabilize as many properties as possible; and

(4) to provide housing for low- and moderate-income families, especially those that have lost homes to foreclosure.

SEC. 3. LOANS AND GRANTS TO STATES.

The Secretary of Housing and Urban Development shall, subject to the availability of amounts under section 14, make grants under section 5(a) to qualified States and make loans under section 6 in accordance with the approved plans of qualified States, for use to carry out eligible housing stimulus activities under section 8.

SEC. 4. QUALIFIED PLANS.

(a) IN GENERAL.—The Secretary may make a grant under this Act only to a State, and may allocate a loan authority amount under this Act only for a State, that has submitted to the Secretary a plan that meets the requirements under this section and has been approved under this section. A State shall reallocate amounts under subsection (f) or (g) of section 5 only to a qualified metropolitan city or qualified urban county, respectively, that has submitted to the Secretary a plan that meets the requirements under this section and has been approved under this section.

(b) CONTENTS.—A plan under this section for an allocation recipient shall—

(1) designate a housing finance agency of the allocation recipient, or other agency, department, or entity of the allocation recipient, or any other designee, as the allocation recipient administrator to act on behalf of the allocation recipient for purposes of this Act;

(2) describe the housing stimulus activities under section 8 to be carried out with assistance under this Act for the allocation recipient by the entity identified pursuant to paragraph (1) of this subsection;

(3) prioritize the allocation of funds to low- and moderate-income neighborhoods with high concentrations of foreclosures and describe how such activities will help restore or improve the viability of such neighborhoods by providing for purchase or occupancy of qualified foreclosed properties as soon as practicable and in a manner that will facilitate repayment of the loans provided under this Act for carrying out such activities;

(4) set forth the procedures that the allocation recipient will use to allocate grant and loan amounts and monitor for compliance with the requirements of section 8;

(5) provide that grant and loan amounts provided under this Act for the allocation recipient will be used only for eligible housing stimulus activities under section 8 that are eligible under such section for assistance with grant or loan amounts, as applicable;

(6) contain such assurances as the Secretary shall require that the housing stimulus activities to be carried out with assistance under this Act shall not result in a significant net loss in rental housing in an area in which such activities are undertaken;

(7) give priority emphasis and consideration to metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, census tracts and other areas having the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by subprime mortgage loans over 90 days delinquent; or

(C) identified by the State, qualified metropolitan city, or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(8) provide preference for activities that serve the lowest income families, who otherwise meet the income requirements under section 8, for the longest period and homeowners, who otherwise meet such income requirements, whose mortgages have been foreclosed;

(9) provide preference for use of grant and loan amounts in connection with acquisition of qualified foreclosed properties that are acquired no earlier than 60 days after the owner of the property described in section 13(7)(B) acquired such ownership;

(10) describe any other preferences the allocation recipient may establish, such as housing for first responders, for veterans, for nurses serving underserved areas or homeless persons, or for homeless persons in accordance with the 10-year plan of the State to end homelessness, or providing housing for public school teachers or workforce who are employed by the city or locality in which the housing is located;

(11) provide for obligation and outlay of grant amounts, and for loan commitments and disbursement, in accordance with the requirements under section 10; and

(12) in the case of any grant or loan amounts that will be invested with the possibility of a return on investment, provide for use of any return on such investment only for one or more eligible housing stimulus activities under section 8.

(c) SUBMISSION.—

(1) IN GENERAL.—The Secretary shall provide for allocation recipients to submit plans under this section to the Secretary and shall establish requirements for the contents and form of such plans. Except in the case of plan resubmitted pursuant to subsection (d)(3), the Secretary may not accept or consider a plan unless the plan is submitted to the Secretary before the expiration of the 30-day period beginning upon the date of the enactment of this Act.

(2) PUBLIC APPROVAL.—An allocation recipient may not submit a plan to the Secretary unless the plan is approved by the chief executive officer of the allocation recipient after a public hearing on the plan held pursuant to reasonable public notice.

(d) REVIEW AND APPROVAL.—

(1) TIMING.—The Secretary shall review, and approve or disapprove, each plan submitted or resubmitted pursuant to paragraph (3) in compliance with the requirements established under this section before the expiration of the 30-day period beginning upon the submission of the plan. If the Secretary does not approve or disapprove a plan that is submitted or resubmitted in accordance with the requirements under this section before the expiration of such 30-day period and notify the allocation recipient of such approval or disapproval, the plan shall be considered approved for purposes of this section.

(2) STANDARD FOR DISAPPROVAL.—The Secretary may disapprove a plan only if the plan fails to comply with the requirements of this Act.

(3) RESUBMISSION.—If the Secretary disapproves the plan of an allocation recipient, the Secretary shall submit to the allocation recipient the reasons for the disapproval, and the allocation recipient may, during the 15-day period that begins upon notification of such disapproval and the reasons for such disapproval, submit to the Secretary a revised plan for review and approval in accordance with this subsection.

SEC. 5. ALLOCATION OF AMOUNTS.

(a) GRANTS.—From the total amount made available under section 14(a) for grants under this Act, the Secretary shall make a grant to each qualified State in the grant amount determined under subsection (c) of this section for the qualified State.

(b) LOANS.—From the aggregate amount of authority for the outstanding principal balance of loans made under this Act pursuant to section 14(b)(1), the Secretary shall allocate such authority for loans under this Act for each qualified State in the loan authority amount determined under subsection (c) of this section for the qualified State.

(c) GRANT AMOUNTS AND LOAN AUTHORITY AMOUNTS.—

(1) IN GENERAL.—The grant amount or loan authority amount for a qualified State shall be the foreclosure grant share or foreclosure loan share, respectively, for the State determined under subsection (d), as such share is adjusted in accordance with an index established or selected by the Secretary to account for differences between qualified States in the median price of single family housing in such States.

(2) LIMITATION ON ADJUSTMENT.—If such adjustment would result in a grant amount or loan authority amount for any State that exceeds 125 percent of the foreclosure grant share or foreclosure loan share, respectively, for the State, the grant amount or loan authority amount for the State shall be 125 percent of foreclosure grant share or foreclosure loan share, respectively, for the State and the Secretary shall increase the grant amounts or loan authority amounts for all other States on a pro rata basis, except as provided in paragraph (3), by the amount necessary to account for the aggregate of any such decreases in grant amounts or loan authority amounts for States to comply with the 125 percent limitation.

(3) LIMITATION ON REALLOCATION.—No increase in the grant amount or loan authority amount for any State from amounts reallocated pursuant to paragraph (2) shall result in the grant amount or loan authority amount for any State exceeding 125 percent of the foreclosure grant share or foreclosure loan share for the State, respectively.

(4) PRIORITY PREFERENCE FOR UNUSED AMOUNTS.—States which have their grant or loan amounts reduced under paragraph (2) shall be granted a priority preference for any loans or grants which may be reallocated under subsection (i) (relating to reallocation of funds).

(d) FORECLOSURE SHARES.—For purposes of this section:

(1) GRANT SHARE.—The foreclosure grant share for a qualified State shall be the amount that bears the same ratio to the total amount made available under section 14(a) as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such State during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in all qualified States during such calendar quarters.

(2) LOAN SHARE.—The foreclosure loan share for a qualified State shall be the amount that bears the same ratio to the aggregate amount of the principal balance of loans that may be outstanding at any time under this Act pursuant to section 14(b)(1) as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such State during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in all qualified States during such calendar quarters.

(e) DISTRIBUTION OF FULL AMOUNT.—The Secretary shall establish the index referred to in subsection (c) and the grant and loan authority amounts for the qualified States in a manner that provides that—

(1) the aggregate of the grant amounts for all qualified States is equal to the total amount made available under section 14(a); and

(2) the aggregate of the loan authority amounts for all qualified States is equal to the aggregate amount of authority for the outstanding principal balance of all loans made under this Act pursuant to section 14(b)(1).

(f) REQUIREMENT TO ALLOCATE TO QUALIFIED METROPOLITAN CITIES.—Of any grant amounts and loan authority amounts allocated pursuant to this section for a State, such State shall allocate for each qualified metropolitan city located in such State a portion of such grant amounts and such loan authority amounts that bears the same ratio to such grant amounts and loan authority amounts, respectively, allocated for the State as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such qualified metropolitan city during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in the State during such calendar quarters. A State may adjust such allocation to account for differences between median single family housing prices in the State and in qualified metropolitan cities in the State.

(g) REQUIREMENT TO ALLOCATE TO QUALIFIED URBAN COUNTIES.—Of any grant amounts and loan authority amounts allocated pursuant to this section for a State, such State shall allocate for each qualified urban county located in such State a portion of such grant amounts and such loan authority amounts that bears the same ratio to such grant amounts and loan authority amounts, respectively, allocated for the State as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such qualified urban county during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in the State during such calendar quarters. A State may adjust such allocation to account for differences between median single family housing prices in the State and in qualified urban counties in the State.

(h) ALLOCATION EXCEPTION.—If the aggregate grant and loan authority amount to be allocated pursuant to subsection (f) or (g) to a qualified metropolitan city or qualified urban county is less than $10,000,000, a State may, but is not required to, allocate such grant and loan authority amount to such qualified metropolitan city or qualified urban county, and the allocation for such State shall be increased by the grant and loan authority amount not allocated to such qualified metropolitan city or qualified urban county.

(i) REALLOCATION OF UNUSED AMOUNTS.—The Secretary shall recapture any grant amounts and loan authority amounts allocated to a State that are not used in a timely fashion in accordance with section 10, as the Secretary shall prescribe, and shall reallocate such amounts among all other qualified States in accordance with the provisions of this Act for allocation of grant amounts and loan authority amounts.

SEC. 6. LOANS.

(a) REQUIREMENT OF LOAN AUTHORITY AMOUNT.—The Secretary may make a loan under this Act for use in the area of an allocation recipient only to the extent and in such amounts that loan authority amounts for such allocation recipient are available.

(b) REVOLVING AVAILABILITY OF LOAN AUTHORITY AMOUNT.—The loan authority amount allocated for each allocation recipient shall—

(1) upon the Secretary entering into a binding commitment to make a loan under this Act for use in the area of such allocation recipient, be decreased by the amount of the principal obligation of such loan; and

(2) upon the repayment to the Secretary by any borrower of any principal amounts borrowed under a loan this Act for use in the area of such allocation recipient, be increased by the amount of principal repaid.

(c) ASSISTED ENTITIES.—The loan authority amount of an allocation recipient may be used for activities described in section 8(a) undertaken by—

(1) the allocation recipient;

(2) a unit of local government or a local governmental entity; or

(3) any other entity, as provided in the approved plan of the allocation recipient under section 4.

(d) LOAN TERMS.—Each loan provided under this Act from the loan authority amount of an allocation recipient shall—

(1) bear no interest;

(2) have a term to maturity of—

(A) 3 years, in the case of any loan made to purchase or finance the purchase of qualified foreclosed housing for use under section 8(a)(1) for homeownership; and

(B) 5 years, in the case of any loan made to purchase or finance the purchase of qualified foreclosed housing for use under section 8(a)(2) for rental;

(3) not provide for amortization of the principal obligation of the loan during such term;

(4) be non-recourse;

(5) require payment of the original principal obligation under the loan only upon the expiration of the term of the loan; and

(6) have such other terms and conditions as the Secretary may provide.

(e) PROCEDURE.—A qualified State or, upon its election, a qualified metropolitan city or qualified urban county shall—

(1) enter into a loan agreement on behalf of the Secretary on terms established under this Act and any other terms such State, qualified metropolitan city, or qualified urban county determines appropriate;

(2) disburse the loan amount in accordance with such terms, subject only to the absence of sufficient loan authority amount for such State, such qualified metropolitan city, or such qualified urban county;

(3) monitor such loans; and

(4) collect and transmit to the Secretary any loan repayments.

(f) ELIGIBILITY FOR REPEAT LENDING.—A loan under this Act may be made to an entity that has previously borrowed amounts under a loan under this Act only if such entity has repaid 90 percent or more of the amounts due under all previous such loans. The Secretary may waive such requirement upon a request by an allocation recipient if the borrower has demonstrated satisfactory progress in utilizing outstanding loans and sufficient capacity to utilize additional loan amounts effectively.

(g) SUNSET.—The Secretary may not enter into any commitment to make a loan under this Act, or make any such loan, after the expiration of the 48-month period beginning on the date of the enactment of this Act.

SEC. 7. GRANTS.

The grant amount of an allocation recipient may be used under section 8(b) by the allocation recipient, a unit of local government or a local governmental entity, or a nonprofit organization.

SEC. 8. ELIGIBLE HOUSING STIMULUS ACTIVITIES.

(a) LOAN AMOUNTS.—Amounts provided under a loan under this Act for an allocation recipient shall be used, in accordance with the approved plan of such allocation recipient, only for the following activities:

(1) HOMEOWNERSHIP HOUSING PROVISION.—To purchase or finance the purchase of qualified foreclosed housing for resale as housing for

homeownership to families having incomes that do not exceed 140 percent of the median income for the area in which the housing is located.

(2) RENTAL HOUSING PROVISION.—To purchase or finance the purchase of qualified foreclosed housing for use as rental, lease-purchase, or rent-to-own housing, subject to the following requirements:

(A) QUALIFIED TENANTS.—All dwelling units in the housing purchased or financed using any loan amounts shall be available for rental only by families whose incomes do not exceed 100 percent of the median income for the area in which the housing is located.

(B) RENTS.—Rents for each dwelling unit in the housing purchased or financed using any loan amounts shall be established at amounts that do not exceed market rents for comparable dwelling units located in the area in which the housing is located and in accordance with such requirements as the Secretary shall establish to ensure that rents are established in a fair, objective, and arms-length manner.

(3) HOUSING REHABILITATION.—To rehabilitate qualified foreclosed housing acquired with assistance provided pursuant to this subsection, to the extent necessary to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability, or to make improvements to the housing to increase the energy efficiency or conservation of the housing or provide a renewable energy source or sources for the housing, for the purpose of reselling the housing, to the extent possible, during the 3-month period that begins upon completion of rehabilitation and at a price that is as close as possible to the acquisition price of the housing.

(b) GRANT AMOUNTS.—Grant amounts provided under this Act to an allocation recipient shall be used, in accordance with the approved plan of such allocation recipient, only for the following activities:

(1) OPERATING AND HOLDING COSTS.—For costs of holding and operating qualified foreclosed housing acquired pursuant to subsection (a), including costs of management, taxes, handling, insurance, and other related costs.

(2) COSTS RELATING TO PROPERTY ACQUISITION.—For incidental costs involved in acquiring qualified foreclosed housing pursuant to subsection (a), including reasonable closing costs, except that grant amounts may not be used to pay any portion of the purchase price for the housing under section 13(7)(C).

(3) ADMINISTRATIVE COSTS.—For costs of the allocation recipient in administering loan authority amounts and grant amounts under this Act, except that the amount of grant amounts provided under this Act to an allocation recipient that may be used under this paragraph shall not exceed the amount equal to 8 percent of the sum of the grant amounts provided to the allocation recipient pursuant to subsection (a), (f), or (g) of section 5, as applicable, and the loan authority amount allocated to the allocation recipient pursuant to subsection (b), (f), or (g) of section 5, as applicable.

(4) PLANNING COSTS.—For planning costs of the State in connection with this Act, except that the amount of grant amounts provided under this Act to an allocation recipient that may be used under this paragraph shall not exceed the amount equal to 2 percent of the sum of the grant amounts provided to the allocation recipient pursuant to subsection (a), (f), or (g) of section 5, as applicable, and the loan authority amount allocated to the State pursuant to subsection (b), (f), or (g) of section 5, as applicable.

(5) HOUSING REHABILITATION.—For activities set forth in subsection (a)(3), except that an allocation recipient shall not use more than 20 percent of a grant amount allocation for such activities.

(6) DEMOLITION.—For costs of demolishing qualified foreclosed housing that is deteriorated or unsafe, but amounts may be used under this paragraph only if the Secretary determines that the neighborhood or other area in which the housing is located has a high incidence of vacant and abandoned housing (or other vacant and abandoned structures) and is experiencing a significant decline in population.

Notwithstanding any other provision of this subsection, grant amounts provided under this Act may not be used to provide assistance of any kind (including grants, loans, and closing cost financing) to provide amounts for downpayments for any homebuyers of single family housing.

(c) PROHIBITED USES.—The Secretary shall, by regulation, set forth prohibited uses of grant or loan amounts under this Act, which shall include use for—

(1) political activities;

(2) advocacy;

(3) lobbying, whether directly or through other parties;

(4) counseling services;

(5) travel expenses; and

(6) preparing or providing advice on tax returns.

(d) INCOME TARGETING REQUIREMENT.—

(1) VERY LOW-INCOME FAMILIES.—Not less than 50 percent of the total grant amounts an allocation recipient makes available under this Act shall be used for activities under subsection (b) in connection with providing housing for families whose incomes do not exceed 50 percent of the median income for the area in which the housing is located.

(2) EXTREMELY LOW-INCOME FAMILIES.—Not less than 50 percent of the total grant amounts an allocation recipient makes available under paragraph (1) shall be used for activities under subsection (b) in connection with providing housing for families whose incomes do not exceed 30 percent of the median income for the area in which the housing is located.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may establish a percentage for purposes of paragraph (2) that is less than 50 percent if an allocation recipient certifies that, in addition to any other requirements the Secretary may establish—

(i) such allocation recipient has attempted to use all other federally related resources available to it in combination with the resources available under this Act to meet the requirements of paragraph (2); and

(ii) the failure to comply with paragraph (2) will not result in an overall loss of housing affordable to families whose incomes do not exceed 30 percent of area median income in the area of such allocation recipient.

(B) CONSIDERATION OF HOUSING NEEDS.—In establishing an alternative percentage for purposes of paragraph (2) for an allocation recipient that meets the certification requirements of subparagraph (A), the Secretary shall take into consideration the housing needs in the area of such allocation recipient of families whose incomes do not exceed 30 percent of area median income.

(e) USE FOR RURAL AREAS.—An allocation recipient receiving any grant or loan amounts under this Act that includes any rural areas shall use a portion of its grant and loan authority amount for eligible activities located in rural areas that is proportionate to the identified need for such activities in such rural areas.

(f) SECURITY.—A qualified State, or at its election, a qualified metropolitan city or qualified urban county, shall record a lien in the name of the Secretary on any qualified foreclosed housing purchased or financed with a loan under this section in the amount of the principal obligation under the loan and interest due under the loan.

(g) QUALIFIED HOMEOWNERS.—This Act may not be construed to prevent the resale of qualified foreclosed housing to a prior owner or occupant of such housing who meets the income requirements of this Act.

(h) VOUCHER NONDISCRIMINATION.—

(1) PROSPECTIVE TENANTS.—A recipient of amounts from a loan or grant under this Act may not refuse to lease a dwelling unit in housing assisted with any such loan or grant amounts to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder.

(2) CURRENT TENANTS.—In the case of any qualified foreclosed housing for which funds made available under the Act are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of acquisition or financing, the owner and any successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit. Vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use. This paragraph shall not preempt any State or local law that provides more protection for tenants.

(i) EFFECT OF FORECLOSURE ON PREEXISTING LEASE.—

(1) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property acquired with any amounts made available under this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A), except that nothing under this subparagraph shall affect the requirements for termination of any federally subsidized tenancy.

(2) BONA FIDE LEASE OR TENANCY.—For purposes of this subsection, a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; or

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(j) PROHIBITION OF DEMOLITION OF PUBLIC HOUSING.—Notwithstanding any other provision of this Act, amounts from a grant or loan under this Act may not be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)).

SEC. 9. SHARED APPRECIATION AGREEMENT.

Notwithstanding any other provision of this Act, no amounts from a loan or grant under this Act may be used under section 8 for any qualified foreclosed housing unless such binding agreements are entered into, in accordance with such requirements as the Secretary shall establish, that ensure that the Federal Government shall, upon any sale or disposition of the qualified foreclosed housing by the owner who acquires the housing pursuant to assistance under this Act, receive an amount equal to 20 percent of the difference between the net proceeds from such sale or disposition and the cost of such acquisition of the housing pursuant to assistance under this Act, after deductions for expenditures paid or incurred after the date of such acquisition that are properly chargeable to capital

account (within the meaning of section 1016 of the Internal Revenue Code of 1986) with respect to such housing. In the case of a for-profit owner, this section shall be applied by substituting ''50 percent'' for ''20 percent''.

SEC. 10. SPENDING REQUIREMENTS.

(a) IN GENERAL.—Each allocation recipient that receives a grant under this Act or is allocated loan authority amounts under this Act pursuant to section 5(b) shall—

(1) commence obligation of such grant amounts and commitment of such loan authority amounts not later than the expiration of the 120-day period that begins upon approval of the approved plan of allocation recipient;

(2) obligate all such grant amounts and enter into commitments for all such loan authority amounts not later than the expiration of the 180-day period beginning upon such approval; and

(3) except as provided in subsection (b) of this section, outlay all such grant amounts and disburse all such loan authority amounts not later than the 24-month period that begins upon such approval.

This subsection shall not apply to loan authority amounts of an allocation recipient attributable, pursuant to section 6(b)(2), to repayment of principal amounts of loans under this Act.

(b) EXCEPTION TO SPENDING REQUIREMENT.—If an allocation recipient in good faith makes a request, in the plan submitted to the Secretary pursuant to section 4 or otherwise after approval of such plan, for extension of the period referred to in paragraph (1), (2), or (3) of subsection (a) of this section, the Secretary may extend the period for not more than 5 months.

SEC. 11. SERVICER CONTACT.

The servicer of a federally related mortgage loan (as such term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) shall notify the unit of general local government in which the property securing the mortgage is located upon becoming responsible for a qualified foreclosed property and provide such unit of general local government with the name and 24-hour contact information of a representative authorized to negotiate purchases.

SEC. 12. ACCOUNTABILITY.

(a) REPORTING.—Each allocation recipient that receives a grant or allocation of loan authority amount under this Act shall submit a report to the Secretary, not later than the expiration of the 12-month period beginning upon the approval of the qualified plan by the Secretary, regarding use of such amounts which shall contain such information, including information about the location and type of assisted properties and the income of families purchasing or renting housing assisted under this Act, as the Secretary shall require.

(b) MISUSE OF AMOUNTS.—If the Secretary determines that any amounts from a grant or loan under this Act for an allocation recipient or other recipient of grant or loans funds has been used in a manner that is in violation of this Act, any regulations issued under this Act, or any requirements or conditions under which such amounts were provided, the Secretary shall require the allocation recipient or other recipient of grant or loans funds to reimburse the Treasury of the United States in the amount of any such misused funds.

(c) HOLD HARMLESS.—Notwithstanding subsection (b), a State shall not be required to reimburse the Treasury of the United States for any misused funds such State is required to allocate to a qualified metropolitan city or qualified urban county under subsection (f) or (g) of section 5, respectively.

SEC. 13. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ALLOCATION RECIPIENT.—The term ''allocation recipient'' means—

(A) a qualified State;

(B) a qualified metropolitan city; and

(C) a qualified urban county.

(2) ALLOCATION RECIPIENT ADMINISTRATOR.—The term ''allocation recipient administrator'' means the entity that is designated, pursuant to section 4(b)(1), in the approved plan of the allocation recipient to act for the allocation recipient for purposes of this Act.

(3) APPROVED PLAN.—The term ''approved plan'' means a plan of an allocation recipient that has been approved pursuant to section 4.

(4) COVERED MULTIFAMILY HOUSING.—The term ''covered multifamily housing'' means a residential structure that consists of 64 or fewer dwelling units.

(5) LOAN AUTHORITY AMOUNT.—The term ''loan authority amount'' means, with respect to an allocation recipient, the amount of loan authority available pursuant to section 14(b)(1) that is allocated for the allocation recipient pursuant to subsection (b), (f), or (g) of section 5, as applicable, as such amount may be increased or decreased pursuant to section 6(b).

(6) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(7) QUALIFIED FORECLOSED HOUSING.—The term ''qualified foreclosed housing'' means housing that—

(A)(i) is single family housing that is not occupied by an owner, pursuant to foreclosure or assignment of the mortgage on the housing or forfeiture of the housing; or

(ii) is covered multifamily housing;

(B) is owned by a lender, mortgage company, investor, financial institution, or other such entity, or any government entity, pursuant to foreclosure or assignment of the mortgage on the housing or forfeiture of the housing; and

(C) has a purchase price—

(i) in the case of single family housing, that does not exceed 110 percent of the average purchase price for single family housing in the area in which the housing is located, as determined by the Secretary.

(ii) in the case of covered multifamily housing, that does not exceed the dollar amount limitation, for housing of the applicable size located in the area in which the housing is located, on the amount of a principal obligation of a mortgage eligible for insurance under section 207 of the National Housing Act (12 U.S.C. 1713), as in effect on the date of the enactment of this Act pursuant to such section 207(c)(3)(A) and section 206A of such Act (12 U.S.C. 1712a).

(8) QUALIFIED METROPOLITAN CITY.—The term ''qualified metropolitan city'' means an incorporated place, for which there is an improved plan, that—

(A) is among the 100 most populous incorporated places in the United States, as determined according to data from the most recent decennial census that is published before the date of the enactment of this Act; or

(B)(i) has a minimum population of 50,000, as determined according to data from the most recent decennial census that is published before the date of the enactment of this Act; and

(ii) has a foreclosure rate that exceeds 125 percent of the foreclosure rate for the entire State

(9) QUALIFIED STATE.—The term ''qualified State'' means a State for which there is an approved plan.

(10) QUALIFIED URBAN COUNTY.—The term ''qualified urban county'' means an urban county (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), for which there is an approved plan, that is among the 50 most populous urban counties in the United States, as determined—

(A) according to data from the most recent decennial census; and

(B) excluding the population of any qualified metropolitan city within such urban county, unless such metropolitan city has agreed to have its population included with the population of the county for the purposes of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(12) SINGLE FAMILY HOUSING.—The term ''single family housing'' means a residential structure consisting of from one to four dwelling units.

(13) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and other territory or possession of the United States.

SEC. 14. FUNDING.

(a) GRANTS.—There is authorized to be appropriated to the Secretary of the Treasury $7,500,000,000 for grants under this Act.

(b) DIRECT LOANS.—

(1) LOAN COMMITMENT AUTHORITY LIMITATION.—Subject only to the availability of sufficient amounts for 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 loans and the absence of qualified requests for loans, the Secretary shall enter into commitments to make loans under this Act, and shall make such loans, in an amount such that the aggregate outstanding principal balance of such loans does not at any time exceed $7,500,000,000.

(2) AUTHORIZATION OF APPROPRIATIONS FOR COSTS.—There is authorized to be appropriated such sums as may be necessary for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of loans under this Act.

SEC. 15. REGULATIONS AND IMPLEMENTATION.

(a) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this Act.

(b) IMPLEMENTATION.—Pending the effectiveness of regulations issued pursuant to subsection (a), the Secretary shall take such action as may be necessary to implement this Act by notice, guidance, and interim rules.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House report 110–621. 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 OFFERED BY MS. WATERS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–621.

Ms. WATERS. Madam Chairwoman, I have an amendment at the desk that has been made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. WATERS:

Page 3, line 10, after ''**STATES**'' insert ''**, METROPOLITAN CITIES, AND URBAN COUNTIES**''.

Page 3, line 13, after ''States'' insert ''and under subsections (f) and (g) of section 5 to qualified metropolitan cities and qualified urban counties, respectively,''.

Page 3, line 15, after ''States'' insert '', qualified metropolitan cities, and qualified urban counties''.

Page 3, line 19, after ''State'' insert '', metropolitan city, or urban county''.

Page 3, line 20, after ''State'' insert '', metropolitan city, or urban county''.

Strike ''A State'' in line 23 on page 3 and all that follows through page 4, line 2.

Page 12, line 16, strike '', such State'' and insert ''the Secretary''.

Page 13, line 4, strike ''A State may'' and insert ''The Secretary shall''.

Page 13, line 23, strike ''A State may'' and insert ''The Secretary shall''.

Page 14, line 4, strike ''a State'' and insert ''the Secretary''.

Page 16, lines 18 and 19, strike ''or, upon its election''.

Page 16, line 19, strike ''or'' and insert '', and a''.

Page 19, line 24, strike ''costs of'' and insert ''expenses incurred operating housing assisted under this Act with respect to the administration, maintenance, repair, security, utilities, fuel, furnishings, equipment,''.

Strike line 23 on page 32 and all that follows through page 33, line 2, and insert the following:

(i) in the case of single family housing, that does not exceed the lesser of—

(I) 110 percent of the average purchase price for single family housing in the area in which the housing is located, as determined by the Secretary; or

(II) the current appraised value of the property;

except that in the case of any such housing that has an appraised value that is less than 110 percent of the average purchase price for single family housing in the area in which the housing is located, an allocation recipient may appeal such appraisal to the Secretary and the Secretary may determine that the average purchase price shall operate as the cap on the purchase price; and

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

This manager's amendment is in the nature of a perfecting amendment that makes a few changes to the bill that I hope will be relatively uncontroversial.

First, as this bill has moved through the process, we have moved from a program that allocated all of the funds to States to administer to one that, as I described in my opening statement, distributes funds to States, certain metropolitan cities and large urban counties.

This amendment simply removes the State as the middle person in allocations to qualifying cities and counties which would instead receive direct allocations from HUD. This will expedite the distribution of funds which is critical in the context of economic stimulus.

Second, the amendment brings a definition of operating costs of housing purchased under the program, which is an eligible use under the grant component in line with similar uses in other HUD programs such as the McKinney-Vento Homeless Assistance Act. This just clarifies what is and is not an eligible expense when an entity is operating a purchase property as rental property or preparing it for resale.

Finally, to further address the concerns that this bill somehow provides a bailout to lenders, the amendment caps the purchase price of foreclosed properties at the appraised price or 110 percent of the average local single family home price, whichever is less. This guards against property owners gaming the system to obtain inflated prices under the program.

I urge my colleagues to vote for this amendment.

I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, I would like to claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Thank you.

While I appreciate the chairwoman's amendment, and I do believe that it does go in a direction that is much better for the bill, I still have, as I have voiced in the earlier debate, serious concerns about the bill in terms of the cost and in terms of taxpayers' dollars bailing out investors and lenders. This does not go to individual homeowners. It does not help somebody in foreclosure, an individual family in foreclosure.

And so with that, I would urge a ''no'' vote on the amendment.

I yield back the balance of my time.

Ms. WATERS. Madam Chairwoman, I was hopeful that the ranking member of the subcommittee would offer support for this amendment. I know that there are some differences that she has and others have on this bill.

However, the attempts that we have made to make sure that it is a bill that can operate efficiently, such as identifying those 100 cities, those 100 counties and those 50 cities of a certain size would be the kind of amendment that the ranking member and others would understand makes this a better bill and would formulate ways by which it could efficiently and effectively get that money into the communities that are needed.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

Mrs. CAPITO. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–621.

Mrs. CAPITO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. CAPITO:

Page 3, line 16, after the period insert the following: ''The program under this Act shall be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development or any successor office responsible for administering the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).''.

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Madam Chairman, my amendment is really quite simple. As we have heard myself talking and Members on my side of the aisle talking about the difficulties that we have with the bill, I realize that the odds are with it that it may pass out of this House. With that in mind, I would like to offer this amendment to what I think makes the bill better.

My amendment would very simply direct the funds to be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development. This office already oversees the HOME and CDBG programs which we are very familiar with.

One of the concerns that we had with the bill was creating a whole new bureaucracy within HUD to administer this program if it were to go forward. And that is problematic any time you are creating a new bureaucracy, particularly when you are replicating some of the delivery systems that already exist within HUD. Those delivery systems exist in the Office of Community Planning and Development.

So with that, I would like to say that rather than the current language which just merely directs the Secretary to implement the program, I would prefer, and my amendment offers to direct those funds to be administered by the existing Office of Community Planning and Development within HUD which deals, as I said, with the CDBG program which we are all very familiar with working in a lot of our communities.

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

Ms. WATERS. Madam Chairman, I rise to claim time in opposition.

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

Ms. WATERS. Although I rise to claim time in opposition, I am not opposed to the amendment.

I think the ranking member of the Housing and Community Opportunity Subcommittee has made a sound addition to the bill here. While, as I mentioned in my opening statement, we did not want HUD to get bogged down in processing 1,200 different plans from all the entitlement jurisdictions in the

HOME and CDBG programs, there is no question that the expertise at HUD to administer this bill's loan and rent program lies in the Community Planning and Development division of the agency. So I urge my colleagues to support Mrs. CAPITO's amendment to ensure that we don't create an unnecessary new bureaucracy if H.R. 5818 is passed into law.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mrs. CAPITO. Madam Chairman, I demand a recorded vote.

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

MOTION TO RISE OFFERED BY MR. SIMPSON

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

The Acting CHAIRMAN. The question is on the motion to rise.

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

RECORDED VOTE

Mr. SIMPSON. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote will be followed by 5-minute votes on amendment No. 1 by Ms. WATERS and amendment No. 2 by Mrs. CAPITO.

The vote was taken by electronic device, and there were—ayes 184, noes 231, not voting 23, as follows:

[Roll No. 292]

AYES—184

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)
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.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
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
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
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
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
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
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
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

NOT VOTING—23

Aderholt
Bean
Berry
Campbell (CA)
Christensen
Conyers
Costa
DeFazio
Dicks
Fortenberry
Fortuño
Marshall
Paul
Rangel
Reynolds
Richardson
Royce
Rush
Saxton
Speier
Tancredo
Wexler
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 2 minutes remaining in this vote.

□ 2132

Messrs. EDWARDS, SERRANO, MCNERNEY, WAXMAN, Ms. WATSON, Ms. SCHAKOWSKY and Mr. SKELTON changed their vote from ''aye'' to ''no.''

Messrs. PORTER, KIRK, WALBERG, and WELLER of Illinois changed their vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROYCE. Madam Chairman, on rollcall No. 292, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment printed in House Report 110–621 offered by the gentlewoman from California (Ms. WATERS) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 157, not voting 25, as follows:

[Roll No. 293]

AYES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers

Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
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 (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
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)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmuter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—157

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—25

Aderholt
Berry
Campbell (CA)
Christensen
Costa
Cuellar
Culberson
Davis (KY)
Fattah
Foster
Jones (OH)
Paul
Rangel
Reynolds
Richardson
Royce
Rush
Saxton
Schwartz
Speier
Tancredo
Weldon (FL)
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have less than 2 minutes remaining in this vote.

□ 2140

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Madam Chairman, on rollcall No. 293, the Waters/Frank amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. ROYCE. Madam Chairman, on rollcall No. 293, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment printed in House Report 110–621 offered by the gentlewoman from West Virginia (Mrs. CAPITO) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 13, as follows:

[Roll No. 294]

AYES—425

Abercrombie
Ackerman
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
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
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)
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
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
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
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
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
Mack
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
Meek (FL)
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
Payne
Pearce
Pence
Perlmuter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher	Shuster	Udall (NM)
Ros-Lehtinen	Simpson	Upton
Roskam	Sires	Van Hollen
Ross	Skelton	Velázquez
Rothman	Slaughter	Visclosky
Roybal-Allard	Smith (NE)	Walberg
Royce	Smith (NJ)	Walden (OR)
Ruppersberger	Smith (TX)	Walsh (NY)
Ryan (OH)	Smith (WA)	Walz (MN)
Ryan (WI)	Snyder	Wamp
Salazar	Solis	Wasserman Schultz
Sali	Souder	Waters
Sánchez, Linda T.	Space	Watson
Sanchez, Loretta	Spratt	Watt
Sarbanes	Stark	Waxman
Scalise	Stearns	Weiner
Schakowsky	Stupak	Weldon (FL)
Schiff	Sullivan	Weller
Schmidt	Sutton	Westmoreland
Schwartz	Tanner	Wexler
Scott (GA)	Tauscher	Whitfield (KY)
Scott (VA)	Taylor	Wilson (NM)
Sensenbrenner	Terry	Wilson (OH)
Serrano	Thompson (CA)	Wilson (SC)
Sessions	Thompson (MS)	Wittman (VA)
Sestak	Thornberry	Wolf
Shadegg	Tiahrt	Woolsey
Shays	Tiberi	Wu
Shea-Porter	Tierney	Wynn
Sherman	Towns	Yarmuth
Shimkus	Tsongas	Young (FL)
Shuler	Turner	
	Udall (CO)	

NOT VOTING—13

Berry	Reynolds	Tancredo
Campbell (CA)	Richardson	Welch (VT)
Christensen	Rush	Young (AK)
Klein (FL)	Saxton	
Paul	Speier	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 2150

Mr. BERMAN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen, after consultation with the minority leadership, we will not be having any more votes tonight, it is my understanding. That's a happier announcement, I know, so I thought I would make it, trying to even things out here.

We will have a suspension vote at the end of the consideration of the Waters bill. The votes will be rolled until tomorrow, and so that there will be no more votes tonight. There will be a suspension vote, but the minority has indicated that there will not be a vote on that suspension bill.

We will then, tomorrow, finish the votes on the Waters bill, and then go to the Franks housing bill and complete that tomorrow. My expectation is we are probably talking somewhere in the neighborhood of 4 o'clock tomorrow, assuming that things are nice and pleasant and peaceful.

Have a good night's sleep.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–621.

Mr. MAHONEY of Florida. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MAHONEY of Florida:

Page 36, after line 2, insert the following:

SEC. 15. PROTECTION OF RIGHT TO BEAR ARMS.

Nothing in this Act shall affect the right to bear arms under the Second Amendment to the Constitution of the United States.

Page 36, line 3, strike ''15'' and insert ''16''.

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Florida (Mr. MAHONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MAHONEY of Florida. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to H.R. 5818, the Neighborhood Stabilization Act of 2008. During the past few months, Americans have woken up every morning and encountered headlines in their local newspapers similar to those in my hometown papers. Home sales hit low in February. Late loan payments highest since 1992; and foreclosures skyrocket.

I'd like to thank Chairwoman WATERS and Chairman FRANK for their commitment to address the housing market crisis gripping our Nation and of my beloved Florida. With their leadership, the legislation we're going to pass in the coming days brings hope to millions at home who are being hit especially hard, as much of Florida's economy is dependent on home construction and property development.

Right now, thousands of Floridians are out of work and unable to pay their mortgage, turning an economic downturn into a crisis for working families and their communities.

Florida homeowners are being hit especially hard because of the staggering cost of property taxes, skyrocketing insurance premiums and increased mortgage payments. This toxic cocktail has forced many home owners to make difficult decisions. Our seniors are being forced to decide between paying their mortgages and purchasing lifesaving medications.

Likewise, working families are confronted with the challenges of putting food on the table, supporting their children's education, and paying their mortgage.

In the eight counties I represent, there are approximately 13,500 homes in pre-foreclosure, meaning that homeowners have missed at least one of their mortgage payments. To give you a better perspective, Madam Chairman, how deep the problem is in my district, there are approximately 245,000 single family homes in the area that I represent.

□ 2200

That means about 5½ percent of the homes in my district are in foreclosure. Every foreclosure serves to further drive down the values of every homeowner in the neighborhood. In addition to the personal tragedies faced by families confronting foreclosure or falling home values are States, counties, and towns that are facing another crisis.

According to the Department of Commerce, approximately 200,000 new homes are sitting empty throughout the United States. Harvard University's Joint Center for Housing Studies found that partially completed or vacant developments reduce tax revenue for cities and towns and hurt businesses. Likewise, a report authored by the U.S. Conference of Mayors found that the rising foreclosures and falling property values may cut tax revenues by more than $6.6 billion for the ten States, including my home State of Florida. This means fewer police, firemen, and teachers. It means fewer parks and after school programs.

The crisis has already pushed Florida into a recession, and the State already has to deal with a decrease in tax revenue. The State, which just finished its budget, had to make difficult decisions. Nursing homes in the State charged with taking care of our seniors will face a $163.7 million reduction in what they're paid to take care of residents on Medicaid.

The legislature voted to increase taxes by imposing $200 million in user fees on our State citizens. Likewise, spending on education in Florida will drop by $131 per student. These cuts come at a time when it is more important than ever to invest in our children who will have to compete in the global economy.

H.R. 5818 will establish a $15 billion HUD administered grant program for the purchase and rehabilitation of owner-vacated foreclosed homes with the goal of stabilizing and occupying them as soon as possible. By doing so, we will ensure that the value of the properties and those surrounding them will not continue to free fall.

Madam Chairman, my amendment today is very straightforward. It clarifies that nothing in the underlying bill before us today restricts anyone's right to bear arms under the second amendment. This language ensures that those States, localities, and organizations receiving loans and grants under this law cannot, let me repeat, cannot place any restrictions on the properties they purchase or maintain that would infringe upon a person's second amendment rights.

I ask my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mr. BACHUS. Madam Chairman, I rise to claim the time in opposition. I am not in opposition, but I plan to speak in the allotted 5 minutes.

The Acting CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. Madam Chairman, throughout this debate, the Bear

Stearns matter has been invoked by Members of the majority who have called forth the bailout of the Bear Stearns counterparties, not of Bear Stearns but of the counterparties, as a reason to bail out lenders in this case. And basically, what they said time and time again, my colleagues, many of them my friends in the majority, they have said, You Republicans had no problem when the Federal Reserve bailed out Bear Stearns. Now, although you had no problem with that $30 billion, you've got a big problem with the $15 billion under the gentlewoman, the chairman of the subcommittee from California. You have got a big problem with this $15 billion. In fact, that's not the case. I would like to clarify what I think is a misconception.

Immediately following the Bear Stearns, whether you call it a bailout or intervention, it was a $30 billion potential loss to the American taxpayers, I agree with the gentlelady from California. One of our Members, and I think it shows the importance that one Member can make a difference, and that Member was Representative SCOTT GARRETT from New Jersey. Representative GARRETT immediately penned a letter to Chairman FRANK, and I commend Chairman FRANK; he gave a very prompt response to that letter. But in that letter, SCOTT GARRETT raised some questions.

One of the questions was, Should we use taxpayers' money or expose taxpayers to laws to intervene in these situations. He wrote a very carefully crafted letter. He said, I have serious concerns about this, serious concerns about the taxpayer standing behind a $29 billion guarantee. I think these are extraordinary actions that we're taking, and we ought to have a full investigation.

Now, that letter was signed by 17 Members of this body. Now, who were those Members? Were they the Democratic Members who are expressing concerns tonight? Let's see.

There was SCOTT GARRETT; there was SPENCER BACHUS, yours truly; there was DON MANZULLO from Illinois, I believe he is a Republican; WALTER JONES from North Carolina. I congratulate WALTER on his fine victory last night. MICHELE BACHMANN, she is a Minnesota Republican; GINNY BROWN-WAITE, she's from Florida, she's a Republican; RANDY NEUGEBAUER, vice chairman of our side, or vice ranking member; TOM FEENEY, last time I checked he was a Republican unless he switched parties. TOM PRICE. Is there any debate among any of us that he's a very conservative Republican? RON PAUL. Now there's a debate. There's a debate. He may not be a Republican; he may be a Libertarian; certainly not a Democrat. Mr. PUTNAM, member of the Republican leadership. THAD MCCOTTER. He signed his name. We had to do some investigation. He really used his chicken scratch here, but we've identified him as THAD MCCOTTER after some investigation. Mr. HENSARLING. Boy, that's a conservative Republican. Mr. PEARCE from New Mexico; JEFF DAVIS, Kentucky; JUDY BIGGERT, esteemed subcommittee ranking member, and DEAN HELLER.

Seventeen Members, all Republicans, who express real concerns. And I do want to congratulate the chairman of the full committee, because he almost responded yes, we need to look into this; we need to have hearings. He did say, I don't think it's necessary to do it at this time. I think we can postpone it because we need to talk about something that's quite different, and that's the foreclosure prices.

But tonight on this floor, the Democrats have linked the two as bailouts.

Let me tell you what the chairman said. The chairman of the full committee, and I agree with him, I think he's absolutely right. He said we should check into this matter because when you use taxpayer money to guarantee something, here is what he said, ''It sets a precedent that could lead to future instances of companies . . . expecting the same assistance.'' A precedent that could lead to future instances of companies expecting the same assistance. And we shouldn't obligate the taxpayers to make those sort of expenditures because people will begin to think that they will be bailed out.

Absolutely what we face tonight. Madam Chairman, Members of this body, we are creating an expectation tonight on this floor by bailing out irresponsible speculators and lenders.

I thank the Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to respectfully request you hold a hearing of the full Financial Services Committee regarding the recent collapse of the investment bank Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on the financial markets and are also expected to have a long-term effect on our financial regulatory structure.

For the first time since the Great Depression, the Fed voted to open its discount window to primary dealers. While this authority has been available to the Fed since 1932, the decision to use it at this time has raised questions about whether and when the Fed should intervene to help a particular industry or firm in the name of market stability.

With the Fed approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Fed has possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.

These extraordinary actions have raised a number of complex and multifaceted questions. As members of the committee of jurisdiction over our nations' financial markets and the regulatory bodies that oversee them, we feel it is imperative to have a full and public vetting of this unique situation. Therefore, we strongly urge you to convene a hearing on this subject of the Financial Services Committee on the soonest possible date.

Thank you for your consideration of this request.

Sincerely,

Scott Garrett, Spencer Bachus, Donald Manzullo, Walter B. Jones, Michele Bachmann, Ginny Brown-Waite, Randy Neugebauer, Tom Feeney, Thomas Price, Ron Paul, Adam H. Putnam, T. McCotter, Jeb Hensarling, Steven Pearce, Geoff Davis, Judy Biggert, Dean Heller.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. SCOTT GARRETT,
Congressman, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. GARRETT, I received the letter signed by you and sixteen of your Republican colleagues on the Financial Services Committee expressing your concern that the recent actions by the top financial appointees of the Bush administration in the matter of Bear Stearns have ''possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.'' It does occur to me as I read your letter that I have somewhat more confidence in the judgment exercised by Secretary of the Treasury Paulson and his aides and Federal Reserve Chairman Bernanke and other officials of the Federal Reserve System than you appear to have, but that is no reason for us not to give this the fullest possible airing. So I do agree that we should be thoroughly examining this matter.

Where we may disagree is the context in which this happens. That is, I agree with you that we should have a ''full and public vetting of this'' matter, but I do not think it is necessary that we have the hearing ''on the soonest possible date.'' I say this for two reasons.

First, the Committee, as you know, is now engaged in serious consideration of the appropriate response to the foreclosure crisis that now confronts us. I realize that there are some who believe that we should take no action at all, but I think the recent movement by the Bush administration to expand the reach of the FHA, even though I do not agree with it in all respects—is recognition of the need for some action. I therefore believe that it is important that the Committee continue its efforts on dealing with the current crisis, in cooperation with our Senate colleagues who as you know in a bipartisan way have also moved forward on legislation, although I do not agree myself with all aspects of it. My intention is to ask that the Committee continue to focus on this for the next several weeks.

Secondly, I do believe it is important for the Committee to begin an investigation, including hearings, into the Bear Stearns issue, but not in isolation. It is important that we look at what happened with regard to Bear Stearns, not primarily as a matter of hindsight because in fact we cannot undo what was done, but rather from the standpoint of anticipating what the public response should be in similar matters going forward. This includes of course discussing whether or not these specific actions taken in the Bear Stearns case were the best ones from the public standpoint, but also beginning the very important issue of what we might do in Congress to make it less likely that situation of this sort will recur. You

correctly note in your letter that what the Bush Administration did in this case did establish ''a precedent that could lead to future instances of companies . . . expecting the same assistance.'' I think it is important that we therefore empower some federal entities to take actions that may make this less likely, and would also allow them to accompany any such intervention if it should later be decided to be necessary with appropriate I remedial matters.

In summary, I agree that the Committee should be looking into this, not from the standpoint of rebuking Chairman Bernanke or Secretary Paulson, but rather as part of a serious consideration I of the causes of the current crisis and more importantly, what we can do to make a recurrence of the events that led up to the Bear Stearns response much less likely in the future.

BARNEY FRANK

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

Mr. MAHONEY of Florida. Madam Chairman, how much time do I have left?

The Acting CHAIRMAN. Thirty seconds.

Mr. MAHONEY of Florida. I will yield that to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I will respond at great length later, but I would say this.

I said I did not oppose, myself, what they did. I was talking primarily about the Bush administration.

Now the ranking member said 17 Republicans out of almost 200 signed this letter. I don't think that's the majority of Republicans. They didn't oppose it. They raised questions about it.

But it was the two highest ranking economic officials appointed by the Bush administration, Chairman Bernanke and Secretary Paulson, who did this; and it's the Bush administration that seems to me to be totally inconsistent here. So yes, I did point to an inconsistency between the Bush administration doing the bailout and their opposing this. I'm setting a precedent. I hope the citizens will think we are setting the precedent of coming to their aid from time to time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MAHONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–621.

Mr. HENSARLING. 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. 4 offered by Mr. HENSARLING:

Page 2, line 10, strike ''and grant''.
Page 3, line 1, strike ''and grants''.
Page 3, line 10, strike ''AND GRANTS''.
Page 3, line 13, strike ''make grants under section 5(a) to qualified States and''.
Page 3, lines 18 and 19, strike ''make a grant under this Act only to a State, and may''.
Page 4, line 25, strike ''grant and''.
Page 5, line 3, strike ''grant and''.
Page 5, line 7, strike ''grant or''.
Page 6, line 8, strike ''grant and''.
Page 6, lines 21 and 22, strike ''grant amounts, and for''.
Page 7, line 1, strike ''grant or''.
Strike line 22 on page 8 and all that follows through page 9, line 2.
Page 9, line 9, strike ''GRANT AMOUNTS AND''.
Page 9, line 11, strike ''grant amount or''.
Page 9, lines 12 and 13, strike ''foreclosure grant share''.
Page 9, line 13, strike ''or''.
Page 9, lines 13 and 14, strike '', respectively,''.
Page 9, line 20, strike ''grant amount or''.
Page 9, line 22, strike ''foreclosure grant share or''.
Page 9, line 23, strike '', respectively,'' and ''the grant amount or''.
Page 9, line 25, strike ''foreclosure grant share or''.
Page 10, line 1, strike '', respectively,''.
Page 10, line 2, strike ''grant amounts or''.
Page 10, line 6, strike ''grant amounts or''.
Page 10, line 9, strike ''grant amount or''.
Page 10, line 11, strike ''grant amount or''.
Page 10, line 13, strike ''foreclosure grant share or''.
Page 10, line 14, strike '', respectively''.
Page 10, line 16, strike ''grant or''.
Page 10, line 18, strike ''or grants''.
Strike line 23 on page 10 and all that follows through page 11, line 10.
Page 12, line 3, strike ''grant and''.
Page 12, strike lines 5 through 7.
Page 12, line 14, strike ''grant amounts and''.
Page 12, lines 17 and 18, strike ''such grant amounts and''.
Page 12, line 19, strike ''grant amounts and''.
Page 12, line 20, strike '', respectively,''.
Page 13, line 8, strike ''grant amounts and''.
Page 13, lines 11 and 12, strike ''grant amounts and''.
Page 13, line 13, strike ''grant amounts and''.
Page 13, line 14, strike '', respectively,''.
Page 14, lines 1 and 2, strike ''grant and''.
Page 14, line 5, strike ''grant and''.
Page 14, line 8, strike ''grant and''.
Page 14, line 12, strike ''grant amounts and''.
Page 14, line 17, strike ''grant amounts and''.
Page 17, strike lines 21 through 25.
Strike line 18 on page 19 and all that follows through page 21, line 24.
Page 22, line 2, strike ''grant or''.
Strike line 12 on page 22 and all that follows through page 24, line 4.
Page 24, line 6, strike ''grant or''.
Page 24, lines 7 and 8, strike ''grant and''.
Page 24, line 23, strike ''or grant''.
Page 24, line 25, strike ''or grant''.
Page 27, line 13, strike ''grant or''.
Page 27, line 19, strike ''or grant''.
Page 28, lines 12 and 13, strike ''receives a grant under this Act or''.
Page 28, lines 15 and 16, strike ''obligation of such grant amounts and''.
Page 28, line 20, strike ''obligate all such grant amounts and''.
Page 28, lines 24 and 25, strike ''outlay all such grant amounts and''.
Page 30, line 3, strike ''a grant or'' and insert ''an''.
Page 30, line 13, strike ''grant or''.
Page 30, lines 14 and 15, strike ''grant or''.
Page 30, line 19, strike ''grant or''.
Page 35, strike lines 8 through 10.
Page 35, line 21, strike ''$7,500,000,000'' and insert ''$15,000,000,000''.

The Acting CHAIRMAN. Pursuant to House Resolution 1174, Mr. HENSARLING and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Thank you, Madam Chairman.

First, I would like to yield 30 seconds to the ranking member, the gentleman from Alabama.

Mr. BACHUS. I thank the gentleman from Texas.

And responding to the chairman, first of all, I would say the letter that came back to Mr. GARRETT from the chairman expressed the chairman's opinion that he had much more confidence in this bailout than the Republican Members.

But secondly, he pointed out only 17 Members. In fact, that is the majority of the Financial Services Committee, and as Mr. GARRETT asked earlier of the majority party, how many Democrats signed a letter demanding an investigation into the Bear Stearns matter? The response was none. All Members that have publicly in writing demanded an investigation were Republican Members, the majority of the Financial Services Committee.

Mr. HENSARLING. Madam Chairman, I will yield myself as much time as I may consume.

Madam Chairman, I thank the ranking member for his comments and again bringing up what is a very important issue here. And that is fundamentally what we have before us is a Wall Street bailout bill. Now we all know there are some very significant challenges in our housing markets. But the answer is not to be bailing out lenders. They may be good lenders who made bad bets, and maybe they are the predatory lenders that we hear so much about. This bill doesn't make any particular distinction.

The people who can stay in their homes, if they just get a little help, we need disclosure. We need to enforce the law against fraud. There has been a lot of mortgage fraud on the borrowers' side, on the lenders' side.

Most importantly now, Madam Chairman, we need to prevent the single largest tax increase in American history passed by the Democrat majority in their budget which means that people who are struggling to pay their mortgages are going to have to pay more taxes.

The rising fuel cost, that's happened under the watch of the Democrat majority; the rising cost of food happened under the watch of the Democrat majority. They've been in charge of the economic policy of America for almost a year and a half now. It is the shrinking paycheck of the hardworking American homeowner and taxpayer that's at the crux of this problem.

And so what this underlying bill does is take $15 billion of money away from the school teacher in Mesquite, Texas, struggling to pay his mortgage; the guy who works at the Pepsi bottling plant in Mesquite; the rancher out in Athens, Texas; takes money away from

them to bail out all of these bad investors who made these bad bets.

So you can't say that you were concerned about Bear Stearns and then all of a sudden turn right around and have this humongous Wall Street bailout bill.

My amendment is simple. Presently, you have a $15 billion bill, half of which are loans and half of which are grants. The purpose of the amendment is to turn this into strictly a loan program. Now, I don't believe in the purpose of the underlying bill. But, if you're going to bail out Wall Street and use taxpayer money, let's at least, at least try to make it a loan so that there is at least some chance, some chance that the taxpayer who's facing a $3,000-a-year increase in their taxes for a family of four over the next 3 years under the majority budget, that maybe, maybe they have some small chance of recouping some of that money from all of these cities and localities. And by the way, again, the last I looked, almost every single State and municipality in America is running a surplus.

□ 2215

Yet the Federal Government isn't, and so what does the underlying bill do? Hands out more grant money, more grant money on top of the $57 trillion of unfunded obligations that every man, woman and child in America already owes. Well, let's add some more grant money.

Well, if it's that important to States and municipalities, maybe they would want to fund it or maybe they could take the loan money and eventually pay it back so maybe the Democrat majority wouldn't have to raise taxes on the Federal taxpayers quite as much.

So, Madam Chairman, it's a very commonsense amendment. If you're going to do it, at least do loans and don't do grants.

With that, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Chairman, I rise to claim the time in opposition.

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

Mr. SCOTT of Georgia. What we see here, Madam Chairman, is a fundamental difference between the Republicans and the Democrats when it comes to responding to the pressing needs of the American people. Let us look at really where we are.

We are in a depressed, recessed economy, which means liquidity is drying up, which means there is a slowing supply and circulation of money, which has been caused chiefly by a meltdown of the subprime mortgage market, and it has had a ricocheting effect throughout every fiber of our economy.

The American people are hanging on by their fingernails. Between 7,000 and 8,000 American families are foreclosing every day, according to the Federal Reserve, not David Scott, not our Financial Services Committee, but according to the Federal Reserve, between 7,000 and 8,000 individuals are declaring foreclosure.

That means communities all across this Nation are impacted. Not only is this a burden upon individuals, homeowners and families, it's devastating enough, but many of these foreclosures, when the property's foreclosed, that means folks are out of them. That means they are left vacant. That means they become fire hazards. That means they become havens to criminals. That means police services, that means fire services, that means a tremendous pressure being placed on already depressed city and county and State budgets.

And Madam Chairman, in every State in this Nation, there's been a 20 percent, at least, increase in foreclosures. So this is a problem of soaring magnitude, and the cities and the counties are already, many of them, moving ahead, but they are overwhelmed with the scale of this problem. And that's where the government comes in.

There is a role for government. We need to respond to the needs of the American people, and nowhere is it more important than in this bill that has been very brilliantly designed by the gentlelady from California and our chairman of this committee.

Now let's speak very briefly about this Hensarling amendment. And, I might add, the gentleman from Texas is a fine person. I consider him a good friend, but he is terribly, terribly wrong with this amendment. This is a terrible amendment because it does what we refer to in the South as, hold still, little fishy, and let me gut you. That's what this amendment does.

It goes at the heart of this bill, because what he wants to do is take away the stimulus package for the local communities, and what he wants to do is to deny a way and a requirement in the bill so that we can help the poor elements where this bill says that you must serve those that meet at least 50 percent of the level of poverty. In order to do that, we must have the grant feature in the bill.

The other point, as I mentioned earlier, a part of our whole concern in this whole economic issue is liquidity, which means we must have a stimulative nature in terms of what we do here in Washington, to stimulate the economy and put money into the economy. That's why we've got this week and leading on starting in next week $600, $300 and $1,200 checks. To do what? To stimulate.

I take great offense from the other side when they constantly want the American people to think we're taking their tax money away and putting it in our pockets or hoarding it. This money is going right back to taxpayers to help to defray the costs of servicing these depressed communities.

The grants are needed, Madam Chairman, in order for us to serve those that are at the lower end of the economic level, which we must do and can only be done through grants. If his amendment is adopted, we won't be able to do that which hurts and almost kills this bill.

The other thing that it does, it does not allow us to apply the stimulus factor to the bill to provide needed input into this. I urge a defeat of this. It might be intentioned, I won't say well, but it is a terrible amendment from the gentleman from Texas.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HENSARLING. I yield myself the balance of my time.

Well, first, I would say to my friend from Georgia and other friends on that side of the aisle, if loans are so bad, why are they in the bill in the first place?

Second of all, this bill does nothing to stop foreclosures, not a thing. Quite the opposite. Instead, it will increase foreclosures.

What you have is an incentive for these investors to no longer do a workout with the struggling family, but instead, I can get bailed out. I can get bailed out by the Federal taxpayer. This is a bill that will help banks, Wall Street and States and does nothing for foreclosed families. It certainly does nothing for the taxpayer, and if we have a liquidity problem, which we do, let's cut the capital gains tax rate and you will see capital come into this market. I urge adoption.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

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

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

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–621.

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 2, line 13, strike ''purchase and rehabilitate'' and insert ''preserve the equity and ensure the safety of the neighbors of homes made vacant by the predatory lending and foreclosure crises, to prevent and reduce the incidence of such vacancies through various means, including purchasing and rehabilitating''.

Page 3, line 3, before the semicolon insert '', and largest increases in the rate of vacant and abandoned single family homes''.

Page 4, line 17, strike ''foreclosures'' and insert ''vacancies, according to the number of census tracts, as determined by the Secretary, to have large increases in the rate of

vacancy during the past eight quarters and significant levels of loans determined to be at risk of foreclosure,''.

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Madam Chairman, I yield myself such time as I may consume.

The primary beneficiaries of H.R. 5818 are the neighborhoods and neighbors of high concentrations of houses made vacant by the foreclosure and predatory lending crises. Helping those neighborhoods should be a nonpartisan and noncontroversial act. Such neighborhoods are the totally innocent bystanders of the predatory lending and foreclosure crises. Neighbors and neighborhoods are victims of the meltdown of subprime loans that preceded this wave of foreclosures, and there's no moral hazard in helping the neighbors. The Kucinich amendment ensures that the funds authorized by H.R. 5818 are targeted to help the most needy neighborhoods.

When a foreclosure leads to a vacant and abandoned property, this is what happens to the neighborhood: Crime goes up, as the vacant property can become home to criminal activity, drug places, and fire hazards; local government costs for police, fire and building inspections go up; vacancies go up, abandoned properties initiate a chain of events that begets more abandoned properties; neighbors lose equity in their homes, because vacant properties have a strong negative effect on the value of neighboring properties.

My amendment clarifies that the purpose of this legislation is to help State and local governments ''preserve the equity and ensure the safety of neighbors of homes made vacant'' by the foreclosure and predatory lending crises.

My amendment also ensures that the neediest neighborhoods receive priority in the plans developed by States, metropolitan cities and urban counties. The neediest neighborhoods are defined with ''high concentrations of vacancies,'' ''large increases in the rate of vacancy'' in the last 2 years, and ''significant levels of loans determined to be at risk of foreclosure.'' These vacant property statistics have been gathered by the United States Postal Service and analyzed by the Department of Housing and Urban Development, and their use will better target the funds authorized by H.R. 5818.

My amendment is the product of a collaborative effort between my subcommittee, the Domestic Policy Subcommittee, and the Subcommittee on Housing and Community Opportunity and the Financial Services Committee. The amendment draws upon the academic research and input from practitioners in this area.

My amendment is supported by community development professionals and advocates, such as Local Initiatives Support Corporation, the National Vacant Properties Campaign, and Smart Growth America.

I will place their letters of support in the RECORD at this point.

MAY 6, 2008.

Hon. DENNIS KUCINICH,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN KUCINICH: We are writing to support your amendment to the Neighborhood Stabilization Act of 2008 that recognizes the important role vacant and abandoned properties play in the foreclosure crisis and the threat they can pose to communities across the country.

By including the rate of vacancy in the fund distribution formula, this proposal helps to ensure that neighborhoods struggling with high rates of vacant and abandoned homes will receive priority in the plans developed by states, metropolitan areas, and urban counties. High rates of vacant properties put communities at a greater risk for crime, arson, destabilized housing prices, and other neighborhood problems. For many communities, dealing with the foreclosure crisis will mean taking steps to recover and secure growing numbers of vacant homes, as well as figuring out the best ways to prevent these properties from having negative community impacts.

Thank you for your leadership on this issue and we look forward to working with you on this important legislation.

Sincerely,

GEOFF ANDERSON,
President & CEO, Smart Growth America.

JENNIFER LEONARD,
Director, National Vacant Properties Campaign.

LOCAL INITIATIVES SUPPORT CORPORATION,
Washington, DC, May 6, 2008.

Rep. DENNIS KUCINICH,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE KUCINICH: Regarding H.R. 5818, the Neighborhood Stabilization Act of 2008, Local Initiatives Support Corporation (LISC) supports your amendment to focus the bill's resources on communities with rising vacancies.

A primary purpose of H.R. 5818, which LISC also supports more broadly, is to help communities hurt by concentrations of home mortgage foreclosures. A principal indicator of this problem is the number and growth of vacant properties. Concentrations of vacant and abandoned properties have a corrosive affect on neighborhoods. Vacant properties depress the value of nearby properties, reduce the tax base on which states and localities depend, are a magnet for crime, and often undermine promising but fragile progress toward revitalization.

Your amendment is an important refinement to H.R. 5818 because it would direct states to prioritize the allocation of funds under the bill to low- and moderate-income neighborhoods with the highest concentration of vacant properties.

We greatly appreciate your leadership on this most important issue for vulnerable communities and the people who live there.

Sincerely,

BENSON F. ROBERTS,
Senior Vice President for Policy and Program Development.

I urge adoption of the Kucinich amendment which targets funds to the most needy neighborhoods.

I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I rise in support of Mr. KUCINICH's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WATERS. Madam Chairman, I rise in strong support of Representative KUCINICH's amendment.

His subcommittee has done an enormous amount of valuable work examining this targeting issue, and I want to thank him for focusing attention on the issue of neighborhoods where there are large and growing concentrations of vacancies resulting from the foreclosure crisis. They're exactly the neighborhoods I mentioned in my opening statement, ones that face the prospect of reaching the tipping point of deterioration from which they may never recover. Stabilizing such neighborhoods is an especially daunting task for community leaders and organizations.

So I think it is entirely appropriate, as this amendment does, to require States, counties and cities in their plans to prioritize these foreclosures and vacancy hotspots.

Finally, I know that this is no academic exercise for Representative KUCINICH in his role as subcommittee Chair. He's bringing hard experience to the table from the neighborhoods within his district in Cleveland.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. KUCINICH. Madam Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. I ask unanimous consent to support this very important amendment by the gentleman from Ohio and as well to enthusiastically support the $15 billion for reclaiming our homes.

With that, I offer to submit my statement for the RECORD.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of H.R. 5818, the ''Neighborhood Stabilization Act of 2008,'' introduced by Congresswoman MAXINE WATERS, of California. I would also like to thank Chairman BARNEY FRANK for his leadership on the Financial Services Committee. I also support the Kucinich amendment to ensure accurate vacancy statistics.

I find it interesting that we are okay with a bailout of Bear Stearns, the fifth largest investment firm in the amount of 42 million dollars; however we cannot support assistance to the American Homeowners who are struggling to pay their mortgage, fill up at the pump, and get quality healthcare.

GENERAL INTRODUCTION

As evidenced by the numerous housing and financial services bills introduced this Congress, we are in economic turmoil. I have been concerned over recent developments in

the housing and mortgage markets and worked with my colleagues to ensure that all Americans are able to get assistance.

Legislation such as H.R. 3019, the Expand and Preserve Home Ownership through Counseling Act and H.R. 3666, the Foreclosure Prevention and Home Ownership Protection Act, include sections that speak specifically about foreclosures. They authorize studies on current defaults and foreclosures, as well as possible causes.

However, H.R. 5818 provides for action. H.R. 5818 establishes a 15 billion dollar loan and grant program for the purchase and rehabilitation of owner-vacated, foreclosed homes. The Department of Housing and Urban Development (HUD) will make the allocations to the States; 7.5 billion of the funds would be for loans, and 7.5 billion for grants.

Beyond negotiating with the mortgage company, Americans need to know they have options. Sometimes it is the mortgage company who has given them a bad loan; H.R. 5818 offers some relief to individuals and families who need help, beyond their personal lender.

TEXAS

Nationwide, the number of home foreclosures rose nearly 60 percent from February 2007 to February 2008, while foreclosures in Texas actually decreased 1 percent during the same, period. In fact, state-wide foreclosure filings in Texas dropped 17 percent from January to February.

Despite being such a large state, Texas ranks only 17th in foreclosures, below the national average. One reason is that Texas homeowners enjoy strong constitutional protections under the state's home-equity lending law.

These consumer protections include a 3 percent cap on lender's fees, 80 percent loan-to-value ratio (compared to many other states that allow borrowers to obtain 125 percent of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Even though the rate of increase has showed slowing in the first two months of the year, uncertainties remain. Foreclosures are high and could still beat last year's numbers. Harris County, for example, racked up 2,219 foreclosures during the first two months of the year. That's compared with 1,915 during the same period last year.

AMENDMENT LANGUAGE AND PURPOSE

I had offered an amendment to H.R. 5818 that would provide for those who have been struggling to keep up with the rising prices of gas, the downturn of the housing market, and the incredible cost of health care. My amendment would not exclude from eligibility, individuals and families based solely on credit ratings or their credit histories.

Many individuals and families have credit ratings and histories that are less than required for the most-advantageous lending terms. These individuals should not be faulted for their struggle to make ends meet in these troubling economic times.

They have less than stellar credit due to the financial stress they have experienced trying to save their home from foreclosure. As a result, they have marred their credit. Families who have struggled to decide between paying their mortgage or paying for healthcare, families who have struggled to balance their need for shelter with their need for food are rarely able to maintain a credit score that qualifies them for a basic credit card, let alone a home or rental property.

At least 50 percent of the grant money must be targeted to house families at or below 50 percent of AMI, and not less than half of this money must target families at or below 30 percent of AMI. Most of the people covered under this bill and at these income levels will not qualify if it is not clearly stated that they can be considered even with less than stellar credit.

CONCLUSION

Americans are hurting and they need help. H.R. 5818, provides much needed help to the states and to the families who are facing a housIng downtown. Thank you, Madam Chairman, and thank you, Congressman FRANK and Congresswoman WATERS, for this timely housing legislation. I urge my colleagues to support this legislation and give some relief to American families.

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

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCOTTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–621.

Mr. MCCOTTER. 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. 6 offered by Mr. MCCOTTER:

Page 6, after line 2, insert the following:

(8) notwithstanding any other preferences established or authorized under this subsection, provide first priority, in use of amounts from grants or loans under this Act for rehabilitating housing, for providing housing for veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces reserves, school teachers, and emergency responders;

Page 6, line 3, strike ''(8)'' and insert ''(9)''.

Page 6, line 8, strike ''(9)'' and insert ''(10)''.

Page 6, line 13, strike ''(10)'' and insert ''(11)''.

Page 6, line 21, strike ''(11)'' and insert ''(12)''.

Page 7, line 1, strike ''(12)'' and insert ''(13)''.

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Michigan (Mr. MCCOTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. MCCOTTER. Madam Chairman, I yield myself as much time as I may consume.

Just a brief description of the amendment which I hope will prove noncontroversial. What I would like to do under the bill, though I'm not particularly a fan of the bill itself and its particulars, I would like to try to help to make it better.

My amendment would, under the bill, require States to give first priority to veterans, active duty military personnel, National Guard, Armed Forces Reserves, schoolteachers and emergency response personnel when selling rehabilitated housing with funds authorized under H.R. 5818.

□ 2230

Importantly, this amendment will not exclude those individuals who are low income, and does not change the underlying low-income eligibility requirements established under the bill.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise in as close to opposition as this noncontroversial amendment is likely to engender.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. I did note, and I welcome the gentleman from Michigan's affirmation, that this is not simply for banks, investment houses, pirates, lechers and other ill of sordid folk. He is seeking to give preference to veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces Reserve, school teachers and emergency responders.

I agree with these priorities. It is, of course, an affirmation that this bill will benefit these people, unless we are to assume that they will be given a preference which is of no benefit to them. But if this bill is of no benefit to anybody but speculators, lenders and riffraff, then why give preference to these people? I agree with the amendment to that extent, and so I would just say that this underlines the point that there are very worthy beneficiaries.

But now I also want to return to the matter of the Bear Stearns issue. I will acknowledge, I did receive a letter from 17 Republicans, which is, by my math, not a huge percentage of 199 or 200 or whatever the declining number of Republican Members of the House is these days, but it is still not a very large number. And even in that letter, while it was not thrilled by the Chairman Bernanke-Secretary Paulson collaboration, it does not have one word in strict opposition to it. Nor does the letter that 24 Republicans—a slightly larger number, but still not even 15 percent—sent to Mr. Bernanke again raising questions.

So, yes, 24 Republicans have raised questions, Members of the House, about this bill. I will repeat that my accusation of inconsistency goes to the Bush administration primarily. They are the ones who engineered the $29 billion. They are the ones who are vehemently opposed to this.

Now some Republican Members did raise a question that said we should look into it and we're skeptical of it. I agreed with that. As I said in the letter, I think we should study it. I did think we should study it a little later for two reasons; first of all, I do believe

the subprime crisis is a crisis, some Members on the other side do not. There are, among the signers of this letter, some of those who, from their very conservative ideology, oppose any action by this Congress regarding the subprime. I mean that quite literally, they oppose any action to deal with this. That's their right. But I would put dealing with the subprime crisis ahead of a backward look, as important as that ultimately will be, at what happened with Bear Stearns.

Secondly, I want to look at what the Fed did there in the context of how can we make it less likely that it will happen again? I wasn't happy that it happened. I think there was a necessity in those circumstances. So what I said in the letter that I sent back to the authors was, yes, we should look at this in the context of the broader question: What powers do we need to give either the Federal Reserve or somebody else to make it less likely that this happens again?

So, yes, I should, we should, look into it, but I think we should look into it not simply from a kind of retroactive bawling them out, but how do we prevent it or diminish the likelihood of it happening? But the inconsistency remains. Twenty-four Republicans said they had questions. On the whole, I haven't heard any Republican opposition to it. I haven't seen any resolution opposing it.

It was the Bush administration, and this is my point: I thought it was unfortunately necessary. The Bush Administration, this is Secretary Paulson and Chairman Bernanke, they were the ones who did this. And I think they have been responsible in trying to deal with this crisis. But for the President who appointed those people to now denounce this because it's going to help, among others—and by the way, let's be clear, if this amendment passes, as I hope it will, we will be giving preference under this bill to veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces Reserve, school teachers and emergency responders. So we have a Republican affirmation that these are among the beneficiaries.

And when you talk about bailing out investors and speculators, yes, that's what happened in the Bear Stearns situation. These were precisely the people who had done business with Bear Stearns. Now I believe that years of inadequate supervision of the economy, flawed legislation adopted when we repealed Glass-Stiegel and didn't put in regulations to deal with it at the time, that was supported by the Clinton administration and I voted against it. But when that happened, we invited the kind of problems that the leaders of the economic policy of the Bush administration had to implement. And it is that administration which is therefore being totally inconsistent in this regard.

Madam Chairman, I reserve the balance of my time.

Mr. MCCOTTER. Madam Chairman, I would like to yield 1 minute to the author of one of the letters in question, the distinguished gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I find it amazing and amusing that the chairman raises how many Republicans signed onto the two letters when, in fact, it evidences the fact that zero Democrats signed onto that letter and zero Democrats have done anything with regard to Bear Stearns for the last 2 months since this occurred. If there was even one Member from the other side of the aisle from the committee, when we invited the entire committee to sign onto it, I think the chairman would be in a stronger position, but he is not because none of them signed on then. And even earlier this evening, when I invited them to sign onto an addition to it, none of them have come across to sign onto it.

Secondly, I find it amusing when the chairman's response in the letter was that he has more confidence in Bernanke and the Fed than we do. So if your question is that we did not point out that there were problems with it, your response points out that—as I've said, I'm not quoting because I cannot get a copy of the letter back here—you had more confidence in the decisions and in the actions of the Fed and the administration. So if you had more confidence, maybe that explains why 2 months after the action we are still asking for the chairman to hold a hearing on the matter, and here it is, 2 months later, all we are getting is rhetoric from this side of the aisle.

Mr. FRANK of Massachusetts. May I inquire of the Chairman how much time I have remaining.

The Acting CHAIRMAN. Fifteen seconds for the gentleman from Massachusetts.

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

Mr. FRANK of Massachusetts. I have said repeatedly that I did not oppose the action. And I am pointing to the hypocrisy on the part of the Bush administration. The gentleman from New Jersey, like Sherlock Holmes, unearthed the fact that I wasn't opposed to it. I said that. I think they were forced into it. So, yes, I did not sign it.

As to not having a hearing right away, that is a done deal. I'm trying to prevent foreclosures now, then we will get back to looking in the rearview mirror.

Mr. MCCOTTER. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. MCCOTTER. I yield myself such time as I may consume.

First, I would like to reemphasize the point made by the gentleman from New Jersey. The distinguished chairman of the committee is right, the Republican numbers are declining, and this painful experience with arithmetic has taught us that 17 is still a greater number than zero.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. MCCOTTER. The gentleman may potentially yield, but not at this point.

I would also like to point out that the distinguished chairman is right, the bill, if this amendment is adopted, would not be for speculators, simply for Bear Stearns, for Wall Street, would not be a big, bloated government golden parachute, but again, I think in this town, I think I'm being thanked for adding deserving people to something that may or may not help.

You see, it's not the intent that we are debating, it is how we get to where we all want to go. Do we believe that this is the best way to go? I highly doubt that on our side that we would concur with that. And the reason that we cannot concur with that is, as I believe the gentleman from Georgia pointed out, there are fundamental principles at stake here that we simply differ on. That's all right. We agree on some things, sometimes we don't, but they're a matter of principle. And in the end, the fundamental principle at stake is that our side believes that Americans' prosperity does not come from government, it comes from their own hard work and entrepreneurial investment. And what we want to see with this bill is an appropriate balance for the people that we truly are trying to help, for them who have made no mistakes, for them who have managed to hang on by their fingernails, for them to be able to say that we were compassionate towards our fellow Americans, our tax dollars were wisely used, and yet they were appropriately used. We believe in better government, not necessarily bigger government. And that is the crux of what we are debating today.

All good people on both sides. And as for the chairman, I do believe he is a very honorable man. One of the places we do agree is on the Bear Stearns bailout. A lot of our colleagues on this side of the aisle screwed up their jobs and didn't get to walk away with $61 million. They walked away with far worse. And I think that the Bear Stearns issue, which is being conducted by Bernanke over at the Federal Reserve and the Secretary of the Treasury, both of whom work for the Bush administration—well, one technically does—and who both were, I think on a bipartisan basis, confirmed by the United States Senate. So at least there's one thing we have in common, we aren't to blame for that. So I would look forward to working with him on that.

But again, I appreciate the support for the amendment, and I will yield to the chairman.

Mr. FRANK of Massachusetts. I just want to repeat, Members seem to think they're scoring points by saying, oh, they discovered we weren't opposed to it. I've said a dozen times, I thought they did what was necessary. I am not critical of them.

I do want to go back and see how we can prevent this from happening again.

But there is no inconsistency on our part. We didn't say that was the wrong thing to do. The inconsistency is the administration that says yes to $30 billion to Bear Stearns and no to $15 billion here.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. MCCOTTER).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–621.

Mr. ALTMIRE. 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. ALTMIRE:

Page 36, after line 2, insert the following new section:

SEC. 15. INELIGIBLITY OF ILLEGAL ALIENS FOR ASSISTANCE.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

Page 36, line 3, strike ''**15**'' and insert ''**16**''.

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. I yield myself such time as I may consume.

Madam Chairman, I offer this amendment to the Neighborhood Stabilization Act to ensure that illegal immigrants are not eligible for the financial assistance we're providing today to individuals adversely affected by the housing crisis.

Section 214 of the Housing and Community Development Act governs the participation of noncitizens in certain HUD programs. It requires valid documentation from the beneficiary, verification of that documentation by the appropriate entity, and outlines who may and may not be eligible for financial assistance.

Under section 214, illegal immigrants are not eligible for financial assistance. Let me repeat that: Under section 214, illegal immigrants are not eligible for financial assistance. And my amendment makes certain that section 214 rules apply to the new programs authorized by the Neighborhood Stabilization Act that we are debating tonight.

With the housing crisis and economic downturn impacting the lives of hardworking Americans throughout the country, we need to make sure that targeted, fiscally responsible assistance that we are providing goes only to law-abiding citizens.

As responsible stewards of taxpayer dollars, it is our responsibility to ensure that every penny is spent wisely and is not used to benefit any illegal immigrants in any way.

I urge all of my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, I seek time in opposition, although I am not opposed to the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I would just like to express my support for his amendment. I think we have had this debate on the floor many times. And I want to say that we want to assure the American public, I think it's always good to reassure the American public that taxpayer funds are not going to help people here who have entered our country illegally and remain here illegally.

I would like to see, as we move forward in this debate on this and other bills, that we tighten down the types of identification that are full proof, that can be used to certify the legality of whoever the resident is residing, whether it's in public housing or in other taxpayer-funded opportunities.

I yield back the balance of my time.

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

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE).

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

Mr. ALTMIRE. Madam Chairman, I demand a recorded vote.

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

Ms. WATERS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Ms. BALDWIN, 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. 5818) had come to no resolution thereon.

□ 2245

CHARLTON HESTON

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1091, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended.

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

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. CANTOR. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Cantor moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed not to agree to the provisions contained in section 12808 of the Senate amendment (relating to qualified forestry conservation bonds).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CANTOR) and the gentleman from North Dakota (Mr. POMEROY) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

I rise around this motion to instruct, which is centered on an objection that I have in the Senate-passed farm bill around one particular provision that certainly raises a lot of questions in my mind and should raise a lot of questions in the minds of my colleagues.

In the bill there is, without question, a $200 million earmark that benefits one wealthy landowner. Section 12808 in H.R. 2419, as passed by the Senate, provides for a tax credit bond program. There is a scheme in this bill that was so narrowly crafted that the bonds authorized thereunder can only be used for the acquisition of one, just one, piece of land in the entire country. This piece of land happens to lie predominantly in the State of Montana and is owned by timber giant Plum Creek. According to press reports, the Nature Conservancy would be allowed to issue $500 million in bonds under this bill and then use the proceeds to purchase the land from the timber giant. Even more egregious is that the provision does not even appear to require the protection of a single additional tree or a single additional fish. If this isn't a tax earmark, I don't know what is. Mr. Speaker, this is the ''bridge to nowhere'' of the farm bill.

Now, I know my colleagues on the other side of the aisle will argue that the Montana bond provision does not fit the definition of an earmark under House rules. Their reasoning will be that many taxpayers will potentially own the Montana bonds and then get tax credits from the Federal Government. But make no mistake. This provision is designed to facilitate one land sale by one landowner.

Now, Mr. Speaker, here's my question: What in the world are we doing here contemplating the expenditure of $200 million in U.S. taxpayer money to fund the purchase of a tract of land that benefits just one wealthy landowner, all the while American families are struggling with skyrocketing gas prices, food prices through the roof, plummeting home prices, and an economy that is barrel, barely growing?

It is time for us, Mr. Speaker, to say ''no'' to these types of backroom deals that have been struck in the middle of the night that benefit a wealthy few. It is time for us, Mr. Speaker, to say ''no'' to business as usual in Washington. And it's time, Mr. Speaker, for us to put the people first.

Think about it. Imagine what we could do with $200 million. It would go a long way to help solving the problems that so many people are facing across this country. This $200 million earmark is exactly what is wrong with Washington and why the American people are demanding change. It's time for all of us to insist that the Federal Government start working for the people again.

Mr. Speaker, my motion is a very simple one. It asks that the House instruct its conferees on the farm bill to reject section 12808 of the Senate-passed bill.

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

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

Mr. Speaker, the point of the farm bill at issue with this motion deals with a concept of public interest. Will private land adjacent to forest land be protected or will it be sold off and developed into very nice, very expensive private lots, taking land out of general public access and enjoyment? That's really the issue.

I believe it's an extremely serious issue, and I'm going to introduce into the RECORD coverage of this that appeared in the New York Times October 13, 2007, under the title ''As Logging Fades, Rich Carve Out Open Land in West.'' This article cites the prospect of vast timber sales by a company named Plum Creek Timber. And I would quote from the article:

''Some old-line logging companies, including Plum Creek Timber, the country's largest private landowner, are cashing in, putting tens of thousands of wooded acres on the market from Montana to Oregon. Plum Creek, which owns about 1.2 million acres in Montana alone, is getting up to $29,000 an acre for land that was worth perhaps $500 an acre for timber cutting.

'' 'Everybody wants to buy a 640-acre section of forest that's next to the U.S. Forest Service or one of the wilderness areas,' said Plum Creek's president and chief executive, Rick Holley.

''As a result, population is surging in areas surrounding national forests and national parks, with open spaces being carved up into sprawling wooded plots, enough for a house and no noisy neighbors.''

And the article goes on to talk about the extraordinary pressure, development pressure, for the wealthy few that can spend recreation dollars buying up and carving up land adjacent to the Forest Service.

AS LOGGING FADES, RICH CARVE UP OPEN LAND IN WEST

(By Kirk Johnson)

WHITEFISH, MT.—William P. Foley II pointed to the mountain. Owns it, mostly. A timber company began logging in view of his front yard a few years back. He thought they were cutting too much, so he bought the land.

Mr. Foley belongs to a new wave of investors and landowners across the West who are snapping up open spaces as private playgrounds on the borders of national parks and national forests.

In style and temperament, this new money differs greatly from the Western land barons of old—the timber magnates, copper kings and cattlemen who created the extraction-based economy that dominated the region for a century.

Mr. Foley, 62, standing by his private pond, his horses grazing in the distance, proudly calls himself a conservationist who wants Montana to stay as wild as possible. That does not mean no development and no profit. Mr. Foley, the chairman of a major title insurance company, Fidelity National Financial, based in Florida, also owns a chain of Montana restaurants, a ski resort and a huge cattle ranch on which he is building homes.

But arriving here already rich and in love with the landscape, he said, also means his profit motive is different.

''A lot of it is more for fun than for making money,'' said Mr. Foley, who estimates he has invested about $125 million in Montana in the past few years, mostly in real estate.

The rise of a new landed gentry in the West is partly another expression of gilded age economics in America; the super-wealthy elite wades ashore where it will.

With the timber industry in steep decline, recreation is pushing aside logging as the biggest undertaking in the national forests and grasslands, making nearby private tracts more desirable—and valuable, in a sort of ratchet effect—to people who enjoy outdoor activities and ample elbow room and who have the means to take title to what they want.

Some old-line logging companies, including Plum Creek Timber, the country's largest private landowner, are cashing in, putting tens of thousands of wooded acres on the market from Montana to Oregon. Plum Creek, which owns about 1.2 million acres here in Montana alone, is getting up to $29,000 an acre for land that was worth perhaps $500 an acre for timber cutting.

''Everybody wants to buy a 640-acre section of forest that's next to the U.S. Forest Service or one of the wilderness areas,'' said Plum Creek's president and chief executive, Rick Holley.

As a result, population is surging in areas surrounding national forests and national parks, with open spaces being carved up into sprawling wooded plots, enough for a house and no nosy neighbors.

Here in Flathead County, on the western edge of Glacier National Park, the number of real estate transactions, mostly for open land, rose by 30 percent from 2003 to 2006, according to state figures. The county's population is up 44 percent since 1990.

The United States Forest Service projects that over the next 25 years, an area the size of Maine—all of it bordering the national forests and grasslands—will face development pressure and increased housing density.

But the equally important force is the change in ownership. According to a Forest Service study, not yet published, more than 1.1 million new families became owners of an acre or more of private forest from 1993 to 2006 in the lower 48 states, a 12 percent increase. And almost all the net growth, about seven million acres, was in the Rocky Mountain region.

Institutions, pension funds and real estate investment trusts have been particularly aggressive buyers. Over the last 10 years, at least 40 million acres of private forest land have changed hands nationwide, said Bob Izlar, the director of the Center for Forest Business at the University of Georgia. It is a turnover that Mr. Izlar said was unmatched at least since the Great Depression.

Here in the West, questions of clout and class have been raised by the new arrivals.

This year, the conservation group Trout Unlimited, which had been considering ending its involvement in disputes between private landowners and fishermen over public access to fishing streams, backtracked after its members rose up in protest. Some members accused the group of siding with the landowners by not fighting for fishermen's access rights.

In parts of Colorado where communities have committed tax money to preserve open space, conflicts have erupted on the borders of the public lands over whether the programs—which in many cases buy out an owner's right to develop property, but not the property itself—are simply enriching landowners who keep the land and the public off, too.

''When you're there, you're on four million acres,'' said Michael Carricarte, who bought an 800–acre property in Glenwood Springs, Colo., in 2005, and now has the place, bordered on three sides by federal land, up for sale, asking $23.5 million.

''To get to where our property touched public land would take three hours by public road, but from our house it was 10 minutes by four-wheeler or Jeep,'' he said.

Mr. Carricarte, 39, said he was now in the process of selling a conservation easement to the Aspen Valley Land Trust that would lock 600 acres, all bordering public land, into permanent preservation.

Longtime residents tied to the old timber economy are finding it difficult to keep up. In parts of New Mexico and Colorado, the timber industry has all but collapsed; log harvests in the national forests have fallen to about one-fourth of what they were 20 years ago in the Rocky Mountain region, and less than a tenth what they were in the Pacific Northwest.

Some privately owned timberlands have increased production, but in the West, where more than two-thirds of all forest land is publicly owned (compared with about one-sixth in the eastern United States) private owners, even if they want to allow logging, cannot make up the difference.

Ronald H. Buentemeier, a second-generation forester, said he struggled every day to get enough wood to stoke the family-owned mill he runs in Montana, the F. H. Stoltze Land and Lumber Company.

''There's not enough private land out there,'' said Mr. Buentemeier, a blunt-talking 66-year-old with a flat-top crew cut. ''We've been pulling rabbits out of the hat to keep going.''

In ways that would have been unthinkable only a few years ago, environmentalists and representatives of the timber industry are reaching across the table, drafting plans that would get loggers back into the national forests in exchange for agreements that would set aside certain areas for protection.

Both groups are feeling under siege: timber executives because of the decline in logging,

and environmentalists because of the explosion of growth on the margins of the public lands.

One of the most ambitious proposals is here in Montana. It would allow some logging in the Beaverhead and Deerlodge National Forests in the state's southwest corner in exchange for the designation of new areas within the forests as permanent wilderness.

Some timber companies say that gaining conservationists as allies may be the only way to get back into the national forests, and so stay in business. But both sides say that success will require a turn of the historical momentum against logging in the West that began in the early '90s.

A court decision in 1991 involving the northern spotted owl required the Forest Service to manage for more than just timber production. The national forests in the northern Rockies constricted logging, fostering expansion in other forest areas like the South.

''If there's anything the industry should have learned over the years, it's that we can't do this by ourselves,'' said Gordy Sanders, the resource manager at Pyramid Mountain Lumber, one of the mill operators involved in the Beaverhead and Deerlodge negotiations.

Many environmentalists say they have come to realize that cutting down trees, if done responsibly, is not the worst thing that can happen to a forest, when the alternative is selling the land to people who want to build houses.

Stoltze Land and Lumber, for example, which owns about 36,000 acres near the border of Glacier National Park, has said that the failure of the logging industry would leave the company no option but to sell land into the booming development market.

That prospect chills the blood of people like Anne Dahl, the director of the Swan Valley Ecosystem Center, a conservation and education group.

''I'm a former tree hugger who was opposed to everything, every timber sale,'' Ms. Dahl said, ''but now I see that the worst thing you can do is lose it all to development.''

Other new partnerships are emerging. Last year, the Confederated Salish and Kootenai Indian tribes, which have a reservation south of Whitefish, joined with conservationists to buy a square mile of land from Plum Creek that was deemed crucial to the endangered bull trout.

The tribes chipped in $4.8 million, half the purchase price, and the Trust for Public Lands put together the other half. The two parties recently completed a plan to manage the property jointly, said the Salish and Kootenai tribal chairman, James Steele Jr.

Plum Creek, based in Seattle, changed its corporate structure in 1999 to become a real estate investment trust. Some Plum Creek property has been bought by conservation groups, including about 68,000 acres in the Blackfoot Valley northwest of Helena. Negotiations continue for more conservation sales, with money surging into funds organized by groups like the Nature Conservancy and the Trust for Public Lands.

Mr. Holley, the Plum Creek executive, said that his company was committed to both the timber and real estate businesses, but that only a small percentage of its land, perhaps 30,000 acres or so, had the combination of attractions—proximity to public lands but also to other amenities, like shopping and restaurants—to make sale for development feasible.

The Forest Service, meanwhile, is struggling to find its own balance. A spokesman for the agency said that the national forests across the West were increasingly tilting toward recreation and away from logging. But, the growth in population on the forests' edge also means more need than ever to thin the trees, through some logging, if only for wildfire protection.

Tom Tidwell, the regional forester for 25 million acres of national forest that includes Montana, northern Idaho, North Dakota and part of South Dakota, said the Forest Service was eager to keep timber companies in business to help with the thinning.

''We're more in the need of the industry,'' Mr. Tidwell said. ''It's essential that we have someone to do that work so that taxpayers don't have to pay for it.''

One broiling and unresolved issue is who gets to use the land as it changes hands.

Most private timber tracts in the West, including those owned by Plum Creek, have traditionally been open to recreational use, treated as public entry ways into the vast national forests, grasslands and wilderness. areas that in Montana alone add up to nearly 46,000 square miles, about the size of New York State. But in many places, the new owners are throwing up no trespassing signs and fences, blocking what generations of residents across the West have taken for granted—open and beckoning access into the woods to fish, hunt and camp.

''Part of our character is that we have so much big sky and open country,'' said Gov. Brian Schweitzer of Montana, a Democrat who has publicly sparred with Plum Creek about its land sales. ''We're going to have to be creative. There's no textbook written on how to do this.''

So the proposal at issue here is something different. It would provide a new category of tax credit bonds and establish a national program allowing the issuance of $500 million in tax-exempt timber conservation bonds. The way it's structured, the bonds will be issued by a nonprofit organization whose holdings consist primarily of forest lands. Their board of directors would include specified representation of public officials as well as conservation organizations. The funds from the bonds will be used to purchase sizable tracts of forest lands, a minimum of 40,000 acres protected from the kind of development I was referencing earlier. And this acreage would have to be adjacent to U.S. Forest Service lands, basically leveraging the critical area already protected in Forest Service holdings. At least half of the land acquired would be transferred to the Forest Service. The development in previously forest lands not only diminishes substantially the public use and enjoyment potential of this property; it increases significantly the public cost.

We've all seen these forest fires across the West and the lavish homes they have taken out. We've also witnessed the extraordinary taxpayer dollars spent fighting to the very best effort of our talented firefighters, trying to protect these beautiful, extraordinary properties carved into areas that were previously pristine forest.

Now, an issue was raised in terms of whether this was simply too narrow a tax benefit. The bonds sold under this provision would go to numerous holders of qualified forestry conservation bonds; so there's no special earmark-type interest there. And when you consider the fact that half of the holdings have to be transferred to the United States Forest Service, we think everyone in the country is a beneficiary of this provision in that area.

We voted on this once before in the House, debated it as part of the energy bill. It passed 235–181. And at that time a discussion was held. The minority leader raised an issue in terms of whether we ought to be talking about preserving trees and fish or something like that, his argument went, in the context of an energy bill. Well, we decided to at that time—the bill did not ultimately become law; so it's back before us again. But, clearly, there can be no issue raised about its appropriateness for consideration as part of a farm bill. A farm bill is where we address forest issues. General forestry legislation is within the jurisdiction of the Agriculture Committees. We have passed farm bills that have included provisions addressing forestry, especially on private lands. In addition, the U.S. Forest Service is within the jurisdiction of the Department of Agriculture. So we think attaching it to the farm bill certainly makes sense in many respects.

But to be candid, this wasn't a provision that originated in the House. It originated in the Senate. I have been party to discussions now going over the last couple of weeks that have involved many, many issues in difference between the House and the Senate. That's what happens when you reach the final stages of bringing a bill out of conference committee. There are back-and-forth negotiations. And this ended up in the bill, a bill that, in my opinion, was improved in very substantial ways by priorities that we also have in the House. Certainly, the $10.3 billion commitment into nutrition, helping people afford food at a time when the cost of groceries has risen so dramatically, this is going to be a feature directly responsive to priorities we've had in the House. It's all part of the negotiation process. There will be stuff in this bill that I think anyone will like. There will be stuff in this bill that people will be less enthusiastic about. It's a great big bill. But in balance I believe this reasonably is in the package. I like the fact that it addresses this subdividing of this forest land adjacent to the U.S. Forest Service. I like keeping the big tracts and expanding U.S. Forest Service holdings at a time when they're under such extraordinary development pressure, which would take it out of, basically, public access and enjoyment.

So I think that this proposal is fine in the bill, and I would therefore urge a ''no'' vote on the motion to instruct.

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

□ 2300

Mr. CANTOR. Mr. Speaker, I yield to the ranking member on the Ways and Means Committee, the gentleman from Louisiana, as much time as he may consume.

Mr. MCCRERY. I thank the gentleman for yielding.

Mr. Speaker, I reluctantly rise to educate the House on a provision that was in the Senate version of the farm bill, and according to reports as being considered for inclusion in the conference report. I say ''reluctantly,'' Mr. Speaker, because my good friend, Mr. BAUCUS, is the sponsor of this provision in the Senate bill, and I certainly respect the right of any Member to try to bring Federal dollars to his district. But that is exactly what this is. And it ought to be exposed for that. It is not a tax provision really. It is a really more like an appropriation.

And my good friend on the Ways and Means Committee, Mr. POMEROY, said that, well, this is not really just for one entity, there will be lots of bondholders, so this money will be spread out among numerous bondholders. That's true. It will be. But that evades the point. The point is that the way the provision is written in the Senate bill would limit the application of these bonds to one specific piece of property in the United States.

Now I will read to you the criteria that lead us to that conclusion. First, ''some portion of the land must be adjacent to United States Forest Service land.'' Well there's lots of parcels of land like that around the United States.

But second, ''at least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be donated to a State.'' Again that's fine. Nothing wrong with that.

Third, and this is where it begins to tighten, ''the amount of acreage acquired must be at least 40,000 acres,'' a fairly large parcel. And then fourth, ''all of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.''

So upon examination of all the parcels of land in the United States, only one meets this criteria. And it happens to be a large piece of land of which about 90 percent of it is in the State of Montana. And it is owned by one landowner in the State of Montana.

So, Mr. Speaker, even though, yes, there will be scores, hundreds, thousands maybe of bondholders, they're not going to be the ones getting $500 million for a piece of property. It is one landowner. And the taxpayers will be footing about $200 million of the bill.

Now that is like an appropriation. That is a $200 million appropriation basically to the Nature Conservancy which will buy the land and give the money to the current landowner. So let's call it what it is. It's an earmark. It's an appropriation disguised very cleverly as a forest tax credit bond.

Now, this provision could have been written to apply to any property in the United States so that anybody who wanted to set aside land could utilize these bonds. But it wasn't. It was restricted to this one piece of property. It's a rifle shot. It's an earmark.

And Mr. CANTOR's intention, I believe, is to educate the House of this and to say, and I agree with him, that this has no place in the farm bill. It ought to be in an appropriations bill. It ought to be clearly defined as an earmark for the purchase of this piece of property.

Now I don't know if $500 million is an appropriate amount of money for this piece of property. I don't know what Nature Conservancy might have offered for this piece of property. But my guess is that when you have a $200 million subsidy from the taxpayers, it just might distort the market. It just might raise the value of land in that particular parcel and all around that parcel.

So I believe, Mr. Speaker, that the gentleman's motion to instruct conferees is well placed. This ought not be in the farm bill. And frankly this farm tax credit idea ought not be used to distort the market for real estate anywhere in the country, and certainly not on a piece of property this big in one location.

Mr. CANTOR. Mr. Speaker, I would just say that the Plum Creek Forest tax credit scheme is plumb wrong. This is the ''bridge to nowhere'' of the farm bill. This has no business being in the farm bill. This is clearly, as the gentleman from Louisiana said, an earmark directed at one wealthy landowner. And this is why the American people are sick and tired of the way this town does business.

We owe it to the public. They deserve better. Let's call this what it is. The Plum Creek Forest is plumb wrong. This is a ''bridge to nowhere'' in the farm bill. That is why, Mr. Speaker, I rise in support of this motion to instruct the House conferees.

I reserve the balance of my time.

Mr. POMEROY. I have enormous respect for each of the speakers, my friends, on the other side. I think they have made their points well. But I would like us to come back to really what's at stake with the issue in front of us. Essentially, we want to avoid a bridge to wealthy development communities placed into pristine forest lands adjacent to U.S. forests. I earlier referenced a New York Times article covering this extraordinary development pressure that's on these lands.

Mr. CANTOR. Mr. Speaker, would the gentleman yield?

Mr. POMEROY. I would be happy to yield.

Mr. CANTOR. I would ask my good friend from North Dakota, what is the date on that article in the New York Times?

Mr. POMEROY. October 17, 2007.

Mr. CANTOR. So clearly, Mr. Speaker, I would ask the gentleman, I would imagine that the economic times surrounding that article 6, 8 months ago certainly may have been different than they are today. We have been on the floor all day, and will continue to be on the floor tomorrow, talking about the housing crisis and the plummeting real estate values.

Let's face it. If you have got 40,000 acres of land today, and that land was scheduled for development and sale of parcels, that land is not worth what it was in the fall of 2007.

Mr. POMEROY. Reclaiming my time.

Well, my friend, I think we are talking about a different section of the economy. In fact, economic analysis of the functioning economy shows that there has been extraordinary wage growth of the wealthiest 1 percent, top 10 percent, consumptive patterns have continued unabated at the peak earning levels in our economy. And it is those people that are the customers for this land. This isn't your average Joe deciding, hey, Ma, let's move to Montana and buy a little forest land. No. There's no jobs there other than former timber industry jobs. The economy is in transition there. These are wealthy people that want to have essentially recreational property in areas we can't imagine.

One of the individuals referenced in that article has invested about $125 million in Montana. It talks about his not liking what a logging company was doing. They began logging too much of the view in front of his yard. So he bought the land. He bought all the mountain that they were mining on. That's the kind of guy that we are talking about.

They talk about another guy here. They quoted a man named Michael Carricarte who bought an 800-acre property in Glenwood Springs, Colorado, in 2005. He has got the place bordered on three sides by Federal land. And he is now asking $23.5 million for it.

This isn't the kind of property that is involved with our earlier discussion about the housing crisis. This is quite a different deal entirely. And it is for those reasons that I think it is important that we act to preserve the public interest.

We are in a recession. But it is not a recession that is diminishing the development pressure on forest lands. And we are not going to be in a recession forever. And that pressure, especially as baby boomers age and have this disposable income, is only going to continue. In fact, they talk about the pressure being extraordinary. And again, in Montana, more than 1 million acres are under threat alone.

So basically this provision has been fashioned, and if you think about it, a 40,000-acre minimum, it is entirely protected by Fish and Wildlife plans. Now my friend, Mr. MCCRERY, cites that as a negative thing. I think essentially if the goal of this is to try and preserve property, it might be a good thing. And of course there is a provision for a perpetual conservation easement. So really the aim of this, and I think it will achieve it, is to make certain we don't have private development, little lots with great big houses chunked into the pristine forest. We would like to preserve this. We would like to actually expand the holdings of the U.S. Forest

Service and have the land adjacent to it protected under perpetual conservation easement.

So all in all, there certainly is a sound rationale behind this proposal. It was included in the negotiations back and forth between the House and the Senate. And again it certainly invites the kind of questions and scrutiny that this provision has been put under tonight. But I think when you think about the importance in this country of preserving for general public use and enjoyment, we certainly come down on the right side as compared to dividing this into little lots and having that kind of development in this area.

So I think that we have covered the area. Is the gentleman ready to close? If so, I will wrap up now or I will reserve the time.

Mr. CANTOR. Mr. Speaker, I just have one additional comment to make.

Mr. POMEROY. I think that we have discussed this at the end of a long day. I will reserve the balance of my time, but if the gentleman's comments are in the nature of a close, then I'll yield back without saying anything further.

Mr. CANTOR. I thank the gentleman. And I admire him for his valiant effort to defend this provision in the Senate-passed farm bill. He did a great job.

Mr. Speaker, I just still believe that if we were serious in wanting to preserve land adjacent to Federal forest and parkland, we would have a provision here, maybe not in the farm bill, but a provision in a program authorizing some legitimate awarding of bonds, wherever the program deemed appropriate, not so narrowly drawn that the $500 million could only be used to purchase one particular parcel.

I think anyone looking at this would have to conclude that the aim was to afford the current landowner the ability to sell the land in this difficult climate.

So Mr. Speaker, the Plum Creek Forest and the bond programs associated therewith is plumb wrong. This is a ''bridge to nowhere.'' This is where America, once again, will be let down by the actions of this House if this provision is allowed to stay in.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. 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.

□ 2315

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–109)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, authorizing the blocking of property of certain persons and prohibiting the exportation and re-exportation of certain goods to Syria, is to continue in effect beyond May 11, 2008.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs including the recent revelation of illicit nuclear cooperation with North Korea, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008*.

AGREEMENT WITH CZECH REPUBLIC ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Czech Republic on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed in Prague on September 7, 2007.

The United States-Czech Republic Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Czech Republic Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Czech Republic Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008*.

FORECLOSURES AND CONSUMER CONFIDENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today, we were discussing very important legislative initiatives dealing with the Neighborhood Stabilization Act that would give $15 billion to reclaim foreclosed homes, and an important legislative initiative, the American Housing Rescue and Foreclosure Prevention Act that would revise a number of the GSEs like Freddie Mac and Fannie Mae, all to help the American people.

In my discussion on the floor of the House, I indicated that we are moving

toward a recession and a depression. The gentleman who was then managing the rule, H. Res. 1175, indicated that we as Democrats must stop telling untruths. To that I asked the gentleman whether or not he was calling me a liar.

I wish to read into the RECORD that when that inquiry was made, the gentleman responded, as I said, I assume that he was not suggesting that I am a liar. The gentleman said ''I did not suggest that at all.''

It is important to note that America is suffering. Between 7,000 and 8,000 people a day are filing for foreclosures and that consumer confidence is down. We are moving toward a recession and maybe a depression.

LET MEMBERS HAVE INPUT IN THE APPROPRIATIONS COMMITTEE

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

Mr. LEWIS of California. Mr. Speaker, I rise today to express to the House my concern about the fact that Chairman OBEY and Speaker PELOSI are very, very busy these days. If news reports are to be believed, it's apparent that they're going about doing all of the work of the Appropriations Committee as well as the House almost all alone with almost no input from Democrats or Republicans from the House.

Because of that busy schedule, I have been writing to Mr. OBEY of late. I have sent him three letters altogether. Last Thursday, I sent him a letter that was signed by the entire Republican membership of the Appropriations Committee urging him to have regular order and full hearings on the supplemental that is before us that represents a huge portion of our spending, and yet there has been no hearing whatsoever.

Just in case Mr. OBEY hasn't seen this letter because his staff is very busy, I know, working on these projects, I would like to submit that letter for the RECORD and urge the House to urge the leadership to allow us to have public hearings so that Members can have input regarding their districts' needs on this very, very important part of this year's work.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 1, 2008.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: In the absence of any response from you to my April 21st and April 24th letters, and recognizing Senator Byrd's immediate response to the Republican Senators from his Committee, we are writing to once again express our grave concerns over media reports that your leadership plans to unilaterally, and without Member input, write and take to the House floor the Emergency Supplemental Appropriations bill under a closed rule and bypass full Appropriations Committee consideration. Such action would be an historical and unprecedented abdication of responsibility for the House Appropriations Committee and would be viewed by many in both parties as a shameful power grab by House and Senate leaders.

Senator Byrd, who recognizes the slippery slope involved in circumventing the well-established rules and precedents of the Appropriations Committee, has scheduled a frill Senate Appropriations Committee markup for the week of May 5th. We urge you in the strongest possible terms to follow Senator Byrd's example and schedule a full Committee markup in the House at the earliest possible date.

It is only right and fair that you allow Members of our Committee—Republicans and Democrats—to do the work they were elected to do. We are extremely troubled by the fact that under this scheme no Member of the House will be afforded the opportunity to offer amendments in full Committee or on the House floor while Senators in the other body will be given the opportunity to let their constituent's voices be heard. We must act expeditiously to move through full Committee and onto the floor a clean Emergency Supplemental, free of extraneous funding and policy provisions, to address the urgent needs of our troops and their families.

On October 20, 2006 then Minority Leader Nancy Pelosi wrote in a letter to then-Speaker Hastert: ''We must restore bipartisanship to the administration of the House, reestablish regular order for considering legislation. and ensure the rights of the minority, whichever party is in the minority. The voice of every American has a right to be heard.''

Again, we urge you and Speaker Pelosi to stand by those words. Historical precedent and tradition dictates that this legislation be fashioned in an open and transparent process, and ensure full participation by both parties—not behind closed doors but in the full light of day. As the Speaker stated less than two years ago, every Member of the Appropriations Committee and, indeed, every Member of the House and their constituents deserve to have their voices heard.

We look forward to your timely response.

Sincerely,

Jerry Lewis; C.W. Bill Young; Ralph Regula; Harold Rogers; Frank R. Wolf; James T. Walsh; David L. Hobson; Joe Knollenberg; Jack Kingston; Rodney P. Frelinghuysen.

Todd Tiahrt; Zach Wamp; Tom Latham; Robert B. Aderholt; Jo Ann Emerson; Kay Granger; John E. Peterson; Virgil H. Goode, Jr.; Ray LaHood; Dave Weldon.

Michael K. Simpson; John Abney Culberson; Mark Steven Kirk; Ander Crenshaw; Dennis R. Rehberg; John R. Carter; Rodney Alexander; Ken Calvert; Jo Bonner.

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.)

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. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina 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 Texas (Mr. GENE GREEN) is recognized for 5 minutes.

(Mr. GENE GREEN of Texas 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 7, 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. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,889 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such

tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves 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.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the 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. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have 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 we should have given them.

Madam 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 12,889 days spent killing nearly 50 million unborn children in America is enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one 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 innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 7, 2008, 12,889 days since Roe versus 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MOORE) is recognized for 5 minutes.

(Mr. MOORE of Kansas 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 Ohio (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN of Ohio 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 Utah (Mr. CANNON) is recognized for 5 minutes.

(Mr. CANNON 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 gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

(Mrs. SCHMIDT 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 Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO 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 Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

(Mr. TIM MURPHY of Pennsylvania 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 New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey 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 gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana 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 California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER 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 Louisiana (Mr. BOUSTANY) is recognized for 5 minutes.

(Mr. BOUSTANY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Indiana (at the request of Mr. HOYER) for May 5 and 6.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for May 5 on account of district work.

Ms. KILPATRICK (at the request of Mr. HOYER) for May 5 on account of personal reasons.

Ms. RICHARDSON (at the request of Mr. HOYER) for May 6 after 7:30 p.m. and for the balance of the week on account of death in the family.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for May 5, 6 and before 2:30 p.m. today on account of business in the district.

Mr. CONAWAY (at the request of Mr. BOEHNER) for after 3:30 p.m. May 6 and today on account of attending a funeral of a soldier killed in action.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for May 5, 6 and today on account of illness.

Mr. CULBERSON (at the request of Mr. BOEHNER) for May 5 on account of official business.

Mr. JOHNSON of Illinois (at the request of Mr. BOEHNER) for May 5 on account of family business.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for May 5 and 6 on account of the North Carolina primary elections.

Mr. WAMP (at the request of Mr. BOEHNER) for May 5 on account of a family commitment.

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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. MCCRERY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 8, 12, 13 and 14.

Mr. JONES of North Carolina, for 5 minutes, May 8, 12, 13 and 14.

Mr. WELLER of Illinois, for 5 minutes, today and May 8.

Mr. FRANKS of Arizona, for 5 minutes, today and May 8.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. CANNON, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, May 8.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today, May 8 and 9.

Mr. GARRETT of New Jersey, for 5 minutes, today and May 8.

Ms. FOXX, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, May 8 and 9.

Mr. DREIER, for 5 minutes, today, May 8 and 9.

Mr. BOUSTANY, for 5 minutes, today.

Mr. KLINE of Minnesota, for 5 minutes, May 8.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3522. An act 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.

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 1, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 3196. To designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. To designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr., Post Office''.

H.R. 3532. To designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. To designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. To designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr., Post Office Building''.

H.R. 3936. To designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. To designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. To designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. To designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. To designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

H.R. 4240. To designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4286. To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. To designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. To designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. To designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. To designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. To designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. To designate 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''.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, May 8, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

STEVE SCALISE, Louisiana, First.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6443. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2007-0398; FRL-8362-2] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6444. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyridalyl; Pesticide Tolerances [EPA-HQ-OPP-2004-0306; FRL-8361-4] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6445. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerance [EPA-HQ-OPP-2007-0275; FRL-8357-3] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6446. A letter from the Chairman, Commission on the National Guard and Reserves, transmitting the Commission's final report entitled, ''Transforming the National Guard and Reserves into a 21st-Century Operational Force''; to the Committee on Armed Services.

6447. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2007 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

6448. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's report pursuant to the Buy American Act, pursuant to 41 U.S.C. 10a(b); to the Committee on Financial Services.

6449. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill that would eliminate the four-year limitation on contracts for the manufacture of distinctive paper for United States currency and securities; to the Committee on Financial Services.

6450. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, ''To authorize United States participation in, and appropriations

for, the United States to contribute to an international clean technology fund''; to the Committee on Financial Services.

6451. A letter from the Assistant Secretary for Economic Policy, Department of the Treasury, transmitting two reports entitled, ''Social Security Reform: Benchmarks for Assessing Fairness and Benefit Adequacy'' and ''Social Security Reform: Mechanisms for Achieving True Pre-Funding''; to the Committee on Financial Services.

6452. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Procedures for Debt Collection — received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6453. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Grants to States for Operation of Qualified High Risk Pools [CMS-2260-F] (RIN: 0938-AO46) received April 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6454. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Submission of Certain Reports; Technical Correction [FRL-8563-1] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revised PM2.5 Motor Vehicle Emissions Budget; State of New Jersey [EPA-R02-OAR-2008-0005; FRL-8562-1] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6456. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on International Atomic Energy Agency (IAEA) technical assistance to Iran during calendar year 2007, pursuant to Public Law 107-228; to the Committee on Foreign Affairs.

6457. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards Board; Contract Clauses — received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6458. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's study report on the Angel Island Immigration Station and the Pacific Coast Immigration Museum; to the Committee on Natural Resources.

6459. A letter from the Executive Director, Pacific Fishery Management Council, transmitting the Council's recommendations for international actions to address overfishing of Eastern Pacific Yellowfin Tuna in compliance with Section 304(i)(2)(B) the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

6460. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended [Public Notice:] received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6461. A letter from the Acting Administrator, FAA, Department of Transportation, transmitting the Department's report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2007, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

6462. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's report on the amount of acquisitions made by the commission from entities that manufacture articles, materials or supplies outside the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Transportation and Infrastructure.

6463. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the 46th Annual Report of the activities of the Commission for fiscal year 2007, which ended September 30, 2007, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

6464. A letter from the Vice President, Government Affairs and Corporate Communications, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY09 and other materials, pursuant to 49 U.S.C. 24315(a); to the Committee on Transportation and Infrastructure.

6465. A letter from the President and CEO, Pacific Maritime Association, transmitting the Association's 2007 Annual Report; to the Committee on Transportation and Infrastructure.

6466. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Department of Energy FY 2006 — FY 2007 Methane Hydrate Report to Congress,'' pursuant to Section 4(e)(5) of the Methane Hydrate Research Act of 2000; to the Committee on Science and Technology.

6467. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's views on H.R. 4847, the United States Fire Administration (USFA) Reauthorization Act of 2007; to the Committee on Science and Technology.

6468. A letter from the Chairman, National Science Board, transmitting the Board's report entitled, ''International Science and Engineering Partnership: A Priority for U.S. Foreign Policy and Our Nation's Innovation Enterprise''; to the Committee on Science and Technology.

6469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Section 965 Foreign Earnings Repatriation Directive #2 [LMSB Control No: LMSB-4-0408-021] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6470. A letter from the Acting Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA, Department of Agriculture, transmitting the Department's final rule — National Forest System Land Management Planning (RIN: 0596-AB86) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

6471. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2008 (RY 2008) [CMS-1401-N] (RIN: 0938-AO92) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6472. A letter from the Program Manager, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2009: Annual Payment Rate Updates, Policy Changes, and Clarifications; and Electronic Submission of Cost Reports: Revision to Effective Date of Cost Reporting Period [CMS-13930f] (RIN: 0938-AO94) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6473. A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security 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. THOMPSON of Mississippi (for himself and Ms. JACKSON-LEE of Texas):

H.R. 5982. A bill to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; to the Committee on Homeland Security.

By Mr. LANGEVIN (for himself and Mr. THOMPSON of Mississippi):

H.R. 5983. A bill to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BARTLETT of Maryland (for himself, Mr. BLUNT, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. MCCOTTER, Mr. HERGER, Mr. GINGREY, Mr. WELDON of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MYRICK, Mr. DOOLITTLE, Mr. PITTS, Mrs. BLACKBURN, Ms. FALLIN, Mr. JONES of North Carolina, Mr. TIAHRT, Mr. GILCHREST, Mr. PETRI, Mr. DUNCAN, Mr. SHIMKUS, Mr. CALVERT, Mr. BOUSTANY, Mr. EHLERS, Mr. PENCE, Mr. REICHERT, Mr. LATOURETTE, Mr. ROSKAM, Mr. UPTON, Mr. FRELINGHUYSEN, Mr. JOHNSON of Illinois, Mr. COURTNEY, Mr. GERLACH, and Mr. DENT):

H.R. 5984. A bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 5985. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

By Mr. BURGESS:

H.R. 5986. A bill to amend the Internal Revenue Code of 1986 to immediately terminate the excise tax on diesel fuel and the tax credits for ethanol and other alcohol fuels; to the Committee on Ways and Means.

By Mrs. DRAKE (for herself and Mr. BILIRAKIS):

H.R. 5987. A bill to amend title 37, United States Code, to guarantee a pay increase for members of the uniformed services for fiscal years 2010 through 2013 of one-half of one percentage point higher than the Employment

Cost Index; to the Committee on Armed Services.

By Mr. HINCHEY (for himself, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. LEE, Mr. KUCINICH, and Ms. WOOLSEY):

H.R. 5988. A bill to amend the Truth in Lending Act to impose a cap on the rate of interest that may be charged on consumer credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Ms. ROS-LEHTINEN):

H.R. 5989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 5990. A bill to require ratings label on video games and to prohibit the sales and rentals of adult-rated video games to minors; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 5991. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for obtaining transportation worker identification credentials; to the Committee on Ways and Means.

By Mr. SHULER:

H.R. 5992. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of real property by a first-time purchaser; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California:

H. Con. Res. 343. Concurrent resolution congratulating the Surety and Fidelity Association of America on its 100th anniversary; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas (for herself, Ms. DELAURO, Ms. KILPATRICK, Ms. CLARKE, Mr. COHEN, Mr. DOGGETT, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. WYNN, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, Mr. HARE, Mr. BRALEY of Iowa, Mr. COURTNEY, Ms. SUTTON, Ms. LEE, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. CAPUANO, Mr. LARSON of Connecticut, Mr. KIND, Mr. MCNULTY, Mr. SIRES, Mr. ARCURI, Ms. SOLIS, Mr. GRIJALVA, Mr. BACA, Mr. ORTIZ, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. BOSWELL, Mr. ENGEL, Ms. CORRINE BROWN of Florida, Mr. CARSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CROWLEY, Ms. WATSON, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Con. Res. 344. Concurrent resolution recognizing that we are facing a global food crisis; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. BAIRD, Mr. EHLERS, and Mr. GORDON):

H. Con. Res. 345. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Affairs.

By Mr. FORBES (for himself, Mr. WITTMAN of Virginia, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Res. 1178. A resolution expressing the sympathy of the House of Representatives to the citizens of Suffolk, Brunswick, and Colonial Heights, Virginia, over the devastating tornadoes of April 28, 2008; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY:

H. Res. 1179. A resolution expressing the sense of the House of Representatives that the People's Republic of China and all enterprises owned or controlled by the People's Republic of China should make proper disclosures with the Securities and Exchange Commission regarding the selective default status of certain bonds; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. EHLERS, Mr. BILBRAY, and Mr. BARTLETT of Maryland):

H. Res. 1180. A resolution recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 88: Mr. MCCOTTER.
H.R. 139: Mr. KUHL of New York.
H.R. 154: Mr. ANDREWS.
H.R. 436: Mr. SESSIONS.
H.R. 510: Mr. BILIRAKIS.
H.R. 579: Mr. FORTUÑO and Mr. FEENEY.
H.R. 618: Mr. BACHUS.
H.R. 661: Mr. KNOLLENBERG.
H.R. 769: Mr. GERLACH.
H.R. 826: Mr. ROGERS of Alabama.
H.R. 872: Mr. CARSON.
H.R. 1014: Mr. RAHALL.
H.R. 1022: Mr. SESTAK, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania.
H.R. 1046: Mr. KIND.
H.R. 1074: Mr. CARSON.
H.R. 1194: Ms. CLARKE.
H.R. 1283: Ms. VELÁZQUEZ.
H.R. 1524: Mrs. MUSGRAVE.
H.R. 1540: Mr. FILNER.
H.R. 1589: Mr. COURTNEY, Mr. JOHNSON of Illinois, and Mr. GOODLATTE.
H.R. 1606: Mr. LIPINSKI.
H.R. 1643: Ms. HERSETH SANDLIN.
H.R. 1655: Mr. JOHNSON of Georgia and Mr. WALSH of New York.
H.R. 1688: Mr. SIRES.
H.R. 1755: Mr. MICHAUD.
H.R. 1921: Mr. DELAHUNT.
H.R. 2049: Mr. GENE GREEN of Texas.
H.R. 2221: Mr. LEVIN, Mr. PASCRELL, and Ms. SCHWARTZ.
H.R. 2267: Mr. MILLER of Florida.
H.R. 2268: Mr. HALL of New York, Mr. PICKERING, Mr. FORTENBERRY, Mr. BARTLETT of Maryland, Mr. BOUCHER, Mr. EVERETT, Mr. KIRK, Mr. MCCRERY, Mr. MCKEON, Mr. TIM MURPHY of Pennsylvania, Mr. PEARCE, Mr. SHADEGG, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. UPTON, Ms. HERSETH SANDLIN, Mr. LOEBSACK, Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, Mr. MCHUGH, Mr. DEAL of Georgia, Mr. HULSHOF, Mr. CARNAHAN, Mr. ABERCROMBIE, Mr. SCHIFF, Mr. PENCE, Mr. RAMSTAD, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. STEARNS, Mr. MCCAUL of Texas, and Mr. PERLMUTTER.
H.R. 2275: Mr. JACKSON of Illinois.
H.R. 2329: Mr. GONZALEZ.
H.R. 2346: Mr. BURGESS.
H.R. 2357: Mr. FATTAH and Ms. NORTON.
H.R. 2458: Mr. FATTAH.
H.R. 2514: Mr. THOMPSON of California.
H.R. 2550: Mr. MARCHANT, Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, Mr. WALBERG, and Ms. VELÁZQUEZ.
H.R. 2580: Mrs. CUBIN.
H.R. 2611: Mr. TIERNEY.
H.R. 2677: Mr. MCCOTTER.
H.R. 2734: Mr. KING of New York.
H.R. 2744: Mr. WILSON of Ohio, Mr. HAYES, and Mr. EDWARDS.
H.R. 2809: Mr. DEFAZIO.
H.R. 2838: Mrs. GILLIBRAND.
H.R. 2965: Mr. WEINER.
H.R. 3021: Mr. SESTAK, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. INSLEE, Mr. JEFFERSON, Mr. KENNEDY, Mr. MCGOVERN, Mr. BACA, Ms. CLARKE, Mr. BOREN, Mrs. MALONEY of New York, Mr. MCINTYRE, Mr. FARR, Mr. RYAN of Ohio, Mr. CARDOZA, Ms. MATSUI, Ms. KILPATRICK, Mr. HALL of New York, Ms. BEAN, Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. CARNAHAN, Mr. RAHALL, Mr. EMANUEL, Mr. DELAHUNT, Mr. GENE GREEN of Texas, Ms. BORDALLO, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Mr. DAVIS of Alabama, Mr. HASTINGS of Florida, Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. TIERNEY, Mr. MITCHELL, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURPHY of Connecticut, Mr. MORAN of Virginia, Mr. SERRANO, Mr. HONDA, Mr. MARKEY, Mr. FILNER, Mrs. JONES of Ohio, Mr. RUSH, Mr. OLVER, Mr. DOYLE, Mr. DINGELL, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. POMEROY, Mr. THOMPSON of California, and Mr. ENGEL.
H.R. 3089: Mr. TERRY, Mr. WESTMORELAND, and Mr. GOHMERT.
H.R. 3094: Ms. SOLIS.
H.R. 3144: Mr. CARTER, Mr. HASTINGS of Washington, and Mr. BISHOP of Utah.
H.R. 3167: Mr. UDALL of Colorado.
H.R. 3202: Mr. WU.
H.R. 3205: Mr. FATTAH.
H.R. 3257: Ms. BERKLEY.
H.R. 3267: Mr. STARK.
H.R. 3289: Ms. CORRINE BROWN of Florida and Ms. WATERS.
H.R. 3544: Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. LOEBSACK, and Mr. CARNEY.
H.R. 3822: Mr. BISHOP of Georgia.
H.R. 3865: Mr. CARSON, Mr. SALAZAR, Mr. PRICE of North Carolina, and Mr. UDALL of New Mexico.
H.R. 3904: Mr. GORDON.
H.R. 4055: Mr. FATTAH.
H.R. 4061: Mrs. TAUSCHER.
H.R. 4088: Mr. GALLEGLY.
H.R. 4141: Mr. LATTA.
H.R. 4188: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. GILCHREST, Ms. BORDALLO, Ms. HIRONO, Mr. MCGOVERN, Mr. FATTAH, and Mr. SARBANES.
H.R. 4236: Mr. MARSHALL.
H.R.4237: Mr. RUPPERSBERGER.
H.R. 4344: Mr. MCHUGH.
4461: Mr. CAPUANO.
H.R. 4544: Mr. KNOLLENBERG.
H.R. 4690: Mr. SIRES.
H.R. 4807: Mr. CONYERS.
H.R. 4838: Ms. SCHWARTZ.
H.R. 4900: Mr. LINCOLN DAVIS of Tennessee, Mr. MOLLOHAN, Mr. CARDOZA, Mrs. CAPITO, and Mr. WELLER.
H.R. 5231: Mr. LOEBSACK.
H.R. 5236: Mr. UPTON and Mr. DOYLE.
H.R. 5447: Mr. FARR, Mr. STARK, Mr. CARNAHAN, and Ms. CLARKE.
H.R. 5461: Mr. COURTNEY.
H.R. 5516: Mr. FOSTER, Mr. SHULER, Ms. SUTTON, Mr. MURTHA, and Mr. DENT.
H.R. 5534: Ms. HIRONO.
H.R. 5573: Mr. BOUCHER, Mr. MARSHALL, and Ms. BORDALLO.
H.R. 5615: Mr. KING of New York.
H.R. 5629: Mr. HOLDEN.
H.R. 5632: Mr. CARNAHAN and Mrs. MYRICK.
H.R. 5648: Mr. MICHAUD.
H.R. 5669: Mr. HAYES.
H.R. 5678: Ms. LEE.
H.R. 5681: Mr. HONDA.
H.R. 5684: Mr. MCINTYRE.
H.R. 5710: Mr. PEARCE.
H.R. 5716: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5734: Mrs. CUBIN and Mr. BOOZMAN.

H.R. 5740: Mr. WALBERG, Mr. KING of Iowa, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Ms. CLARKE, Mr. GRAVES, Mr. HULSHOF, Mr. STUPAK, Mr. LEWIS of Kentucky, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.

H.R. 5741: Mr. ALLEN.

H.R. 5752: Mr. WALBERG.

H.R. 5759: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.

H.R. 5760: Mr. KELLER.

H.R. 5761: Mr. GALLEGLY.

H.R. 5762: Mr. KNOLLENBERG and Mr. FILNER.

H.R. 5784: Mr. GERLACH.

H.R. 5785: Mr. FOSTER.

H.R. 5805: Mr. BISHOP of Utah, Mr. YOUNG of Alaska, and Mr. KING of Iowa.

H.R. 5825: Mr. DELAHUNT.

H.R. 5841: Ms. HERSETH SANDLIN.

H.R. 5845: Ms. SCHAKOWSKY and Mr. BRALEY of Iowa.

H.R. 5846: Ms. SOLIS.

H.R. 5847: Mr. LATTA, Mr. HENSARLING, and Ms. FALLIN.

H.R. 5854: Mr. CARNAHAN, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARSHALL.

H.R. 5857: Mr. DAVIS of Illinois, Mr. KUHL of New York, Mr. WAMP, Mr. DENT, Mr. SIMPSON, and Mr. JOHNSON of Illinois.

H.R. 5886: Mr. HOEKSTRA and Mr. CRAMER.

H.R. 5892: Mr. SALAZAR, Mr. CUELLAR, Mr.GONZALEZ, Mr. ENGEL, Mr. ELLSWORTH, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. ARCURI, Mr. BISHOP of New York, Mr. HARE, Mr. KENNEDY, Mrs. LOWEY, and Mr. FILNER.

H.R. 5898: Ms. BERKLEY, Mr. ENGLISH of Pennsylvania, Mr. KING of New York, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. MEEK of Florida, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. HELLER, Mr. KELLER, and Mr. SPACE.

H.R. 5903: Mr. POE.

H.R. 5908: Mr. SENSENBRENNER.

H.R. 5917: Mr. TERRY.

H.R. 5944: Mr. GERLACH and Mr. FRELINGHUYSEN.

H.R. 5958: Mr. STARK and Mr. PLATTS.

H.R. 5960: Mr. TIM MURPHY of Pennsylvania, Mr. DEFAZIO, and Mr. VISCLOSKY.

H.R. 5961: Mr. HENSARLING.

H.R. 5974: Mr. COLE of Oklahoma, Mr. HASTINGS of Washington, and Mrs. DRAKE.

H.R. 5976: Mr. SIMPSON, Ms. CASTOR, and Ms. MATSUI.

H.J. Res. 79: Mr. DOYLE, Mr. KUCINICH, Ms. SOLIS, and Ms. WATSON.

H. Con. Res. 2: Mrs. JONES of Ohio and Mr. FORTUÑO.

H. Con. Res. 223: Mr. GOODE and Mr. SOUDER.

H. Con. Res. 268: Mr. SHAYS.

H. Con. Res. 296: Mr. JEFFERSON and Mr. GERLACH.

H. Con. Res. 331: Ms. SPEIER.

H. Con. Res. 334: Ms. FALLIN, Mr. HENSARLING, and Mr. LINDER.

H. Con. Res. 336: Mrs. BOYDA of Kansas, Mr. SMITH of Washington, Mr. WILSON of South Carolina, Mr. KIND, Ms. HIRONO, Mr. EDWARDS, Mr. ROTHMAN, Mr. VAN HOLLEN, Mr. KUHL of New York, Mr. SKELTON, Mr. BOSWELL, Mr. GRIJALVA, Mr. SOUDER, and Mrs. MUSGRAVE.

H. Con. Res. 338: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, and Mr. CARSON.

H. Res. 102: Mr. SHERMAN.

H. Res. 353: Mr. CARNEY and Mr. PAYNE.

H. Res. 369: Mrs. BOYDA of Kansas, Mr. FILNER, Mr. BOSWELL, Mr. SARBANES, Mr. VAN HOLLEN, Mr. CARNEY, Mr. TANNER, Mr. KILDEE, Mr. HINCHEY, Mr. COHEN, Mr. SNYDER, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BROWN of South Carolina, Ms. KILPATRICK, Mr. MAHONEY of Florida, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. RAMSTAD, Ms. HERSETH SANDLIN, Mrs. GILLIBRAND, Mr. ROSS, Mr. BAIRD, Mr. ABERCROMBIE, Mr. ETHERIDGE, Mrs. LOWEY, Ms. SLAUGHTER, Ms. WOOLSEY, Ms. KAPTUR, Mr. CARDOZA, Mr. OLVER, Mr. MCGOVERN, Ms. SCHWARTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Mr. MURPHY of Connecticut, Ms. WATSON, Ms. SUTTON, Ms. HIRONO, Ms. SHEA-PORTER, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. LARSON of Connecticut, Mr. SHULER, Mrs. DAVIS of California, Ms. TSONGAS, Mr. BARROW, Ms. MATSUI, Ms. SOLIS, Mr. ROTHMAN, Ms. BALDWIN, Mr. ALLEN, Mr. THOMPSON of California, Mr. DONNELLY, Mr. MATHESON, Mr. WALZ of Minnesota, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. MCNERNEY, Mr. CAZAYOUX, Mr. SCHIFF, Mr. MELANCON, Mr. PERLMUTTER, Ms. HARMAN, Ms. HOOLEY, Ms. DEGETTE, Mr. LANGEVIN, Ms. CLARKE, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. TAUSCHER, Mr. HIGGINS, Mr. FARR, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. CROWLEY, Mr. ELLSWORTH, Mr. DELAHUNT, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. HARE, Mr. LYNCH, Mr. MICHAUD, Mr. WU, Mr. BECERRA, Ms. CASTOR, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. HOLT, Mr. KIND, and Mr. ISRAEL.

H. Res. 896: Mr. CHANDLER and Mr. INSLEE.

H. Res. 977: Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, and Mr. LIPINSKI.

H. Res. 985: Mr. MATHESON, Mr. ALLEN, Mr. TOWNS, and Mr. GRIJALVA.

H. Res. 1012: Mr. BOSWELL and Mr. KING of Iowa.

H. Res. 1017: Mr. LEWIS of Georgia, Ms. BORDALLO, and Mr. MCINTYRE.

H. Res. 1022: Mr. BARROW, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. HALL of Texas, Mr. HARE, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. LATOURETTE, Mr. MATHESON, Mr. POMEROY, Mr. STEARNS, Mr. THOMPSON of California, Mr. UPTON, Mr. WHITFIELD of Kentucky, and Mrs. WILSON of New Mexico.

H. Res. 1026: Mr. GENE GREEN of Texas and Mr. FILNER.

H. Res. 1069: Mr. MCCOTTER.

H. Res. 1086: Mr. RANGEL and Mr. ETHERIDGE.

H. Res. 1108: Mr. GERLACH.

H. Res. 1111: Mr. ABERCROMBIE.

H. Res. 1128: Mr. WALBERG, Mr. SMITH of Nebraska, Mr. ROSKAM, Mr. CARTER, Ms. GRANGER, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. HELLER, Mr. MCCARTHY of California, Mr. LATTA, Mr. ENGLISH of Pennsylvania, Mr. SALI, Ms. FOXX, Ms. ROS-LEHTINEN, Mr. HOEKSTRA, Mr. WITTMAN of Virginia, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. REICHERT, Mr. JORDAN, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. WALZ of Minnesota, Mrs. BACHMANN, Mr. BILIRAKIS, Mr. DUNCAN, Mr. CHABOT, Mr. KINGSTON, Mr. CANTOR, Mr. LINCOLN DAVIS of Tennessee, Mr. ROGERS of Kentucky, Mr. FRANKS of Arizona, Mr. CARNEY, Mr. SHIMKUS, and Mr. CONAWAY.

H. Res. 1132: Mr. SMITH of Texas.

H. Res. 1135: Mr. BOEHNER, Mr. SESSIONS, Mr. SALI, Mr. SOUDER, Mr. DREIER, Mr. CARTER, Mr. SENSENBRENNER, Mr. WALBERG, Mr. JORDAN, Mr. MCCARTHY of California, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, and Mr. ROSKAM.

H. Res. 1143: Mr. WALBERG, Mr. KUHL of New York, and Mr. MCNULTY.

H. Res. 1144: Mr. ARCURI, Mr. BARROW, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. CASTLE, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. REGULA, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROTHMAN, Mr. WILSON of Ohio, Mr. WYNN, Mr. TOWNS, Mr. NADLER, Mr. BACA, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ENGEL, Mr. ACKERMAN, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. BECERRA, Mr. SHULER, Mrs. MYRICK, Mr. BONNER, Mr. ROGERS of Michigan, and Mr. GERLACH.

H. Res. 1152: Mr. YARMUTH, Mr. DOYLE, Mr. SIRES, Mr. ROTHMAN, Mr. PAYNE, Mr. CAPUANO, Mr. PERLMUTTER, Mr. ALTMIRE, Mr. ACKERMAN, Mr. HARE, Mr. LYNCH, Mr. GERLACH, Mr. FEENEY, Mr. SHIMKUS, Mr. MACK, Mrs. BONO MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. KIND, Mr. GINGREY, Mr. SERRANO, Ms. DEGETTE, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. STEARNS, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. STUPAK, Mr. BRADY of Pennsylvania, Mr. WILSON of Ohio, Mr. KLEIN of Florida, Mr. SCHIFF, Mr. MCNULTY, Mr. CROWLEY, Mr. DINGELL, Mr. BARROW, Mr. SARBANES, Mr. CUELLAR, Mr. REICHERT, Mr. SHULER, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. COOPER, Ms. HARMAN, Mr. CHANDLER, Mr. SKELTON, Mr. ABERCROMBIE, Mr. ISSA, Mr. LAHOOD, Mr. EVERETT, Mrs. CUBIN, Mr. SHADEGG, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. REHBERG, Mr. GOHMERT, Mr. BOUSTANY, Mr. MCCRERY, Mr. BONNER, Mr. KUHL of New York, Mr. SMITH of New Jersey, Mr. LUCAS, Mr. MCKEON, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. LATHAM, Mr. FRELINGHUYSEN, Mr. PETRI, Mrs. EMERSON, Mr. BRADY of Texas, Mr. CRAMER, Mr. MELANCON, Mr. ROSS, Mr. MCGOVERN, Mr. ISRAEL, Mr. GORDON, Mr. TIM MURPHY of Pennsylvania, Mr. HOLT, Mr. LANGEVIN, Mr. HOYER, and Mr. BOEHNER.

H. Res. 1165: Mr. WALBERG, Mr. PENCE, Mr. GOHMERT, Mr. PITTS, Mr. WAMP, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. LUCAS, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BACHMANN, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Mr. ISSA, Mr. FEENEY, Mr. GINGREY, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. BARTLETT of Maryland, Mr. SHADEGG, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. SHIMKUS, Mr. AKIN, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. KING of Iowa, Mr. BROWN of South Carolina, Mr. MCNULTY, and Mr. CULBERSON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MRS. BONO MACK

Bill Number: H.R. 4841.

Account: Bureau of Indian Affairs, Indian Land and Water Claim Settlements.

Legal Name of Requesting Entity: Soboba Band of Luiseño Indians.

Address of Requesting Entity: P.O. Box 487, San Jacinto, CA 925816.

Description of Request: Within H.R. 4841, funding is authorized for the Soboba Band of Luiseño Indians (Tribe), as well as those that were party to the Settlement Agreement in the legislation, and overseen by Eastern Municipal Water District, as they will submit a plan to the Secretary of the Interior on behalf of the Water Management Plan. The Tribe is requesting the appropriation of $10,500,000, as authorized by the legislation. Specifically, the Tribe requests $5,500,000 to be appropriated in the FY 2010 budget to the

Soboba Band of Luiseño Indians Water Development Fund to pay or reimburse costs associated with constructing, operating, and maintaining water and sewage infrastructure, and other water-related development projects. The Tribe and other local cities and Water Districts also are interested in $5,500,000 being appropriated in the FY 2010 Budget to San Jacinto Basin Restoration Fund to pay or reimburse the costs associated with constructing, operating, and maintaining the portion of the San Jacinto Basin recharge project. These Funds will be established and authorized for appropriation upon final approval of H.R. 4841.

H.R. 4841 was heard by the House Subcommittee on Water & Power on March 13, 2008. Based upon the strong testimony of Majel Russell, Principal Deputy Assistant Secretary of Indian Affairs, Department of the Interior and the statements made by Members of the Subcommittee, it is my hope that the legislation will be favorably reported by the Subcommittee and full Committee on Natural Resources.

Juistification for Inclusion in FY 2010 Budget: There are several reasons why it is important that this authorization moves forward, so that funding could ideally be reflected in the 2010 Budget. First, the groundwater basin to which the settlement applies is in substantial overdraft. Second, this shortage is further aggravated by current severe drought conditions and by new environmental restrictions on imports via the State Water Project and Colorado River Aqueduct. Finally, the Tribe, as well as the Water Districts and local communities, will incur substantial interest and opportunity costs by delays in appropriations.

CURRENT DROUGHT AND ENVIRONMENTAL RESTRICTIONS ARE IMPACTING WATER REPLENISHMENT

These current activities and situations in California will have an adverse impact on water replenishment to the region:

U.S. District Court Judge Oliver W. Wanger's May 25, 2007 determination on the inadequacy of the U.S. Fish and Wildlife Service Agency's Biological Opinion on the Delta Smelt (See Natural Resources Defense Council v. Dirk Kempthorne, 1:05–CV–01207 OWW);

Seven year drought at the Colorado River basin, according to the Bureau of Reclamation (See http://www.usbr.gov/uc/feature/drought.html (last visited March 20, 2008));

Observation of extensive Quagga Mussel growth in the Colorado River Aqueduct system, according to California Science Advisory Panel (See http://www.dfg.ca.gov/invasives/guaggamussel/does/2007–SAP-Report.pdf, last visited March 20, 2008);

Record low rainfalls in the San Jacinto Valley.

These combined occurrences have eliminated imported water replenishment into the San Jacinto Basin.

WATER DISTRICTS, LOCAL COMMUNITIES AND THE TRIBE WILL FACE SIGNIFICANT FINANCIAL AND OPPORTUNITY IMPACTS FROM A THREE-YEAR SCHEDULE

To meet the original December 31, 2007, contained deadline in the Settlement Agreement, Eastern Municipal Water District and Lake Hemet Municipal Water District, initiated discussions with the Cities of Hemet and San Jacinto to determine the equitable share of each local entity for the construction of the recharge facilities. Based on the discussions between these four local entities (which began several years ago) and the urgency to meet the December 2007 deadline set by the original Settlement Agreement, the local entities decided to initiate construction of recharge facilities in March of 2007. The local parties have been in negotiations for several years on how they would pay for these facilities. The project cost is currently estimated at $23 million, in addition to the existing facilities that are already in place. The groundwater utilization as a water supply by the four local entitles also requires the cities of Hemet and San Jacinto to pay for about one third of the costs related to this project. The timing of the project's financing is thus important to my Congressional District.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, MAY 7, 2008 *No. 75*

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.

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplin Monsignor Joseph Quinn of St. Rose of Lima Parish in Carbondale, PA.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God of compassion and mercy, we pray this day that the esteemed Members of this august Senate of these United States will continue to write into law the story of a country that measures its success by God's standard; by how well it cares for the weakest, the neediest and the most vulnerable among us.

Give this noble body and all who assist it an outpouring of Your guiding spirit that they may forever be wise in their judgments and serve selflessly the best interests of all of the people of our beloved land.

Broaden their personal concerns that they may always seek the common good and be forever attuned to the hopeful cries of the least powerful in our society. Clarify their vision each day as they work together in search of the best ideas and most impactful strategies to meet the greatest needs of our day and age.

Lord, bless all of our Senators. May their faith in You and in the destiny of our great country keep them ever humble in Your service and consciously grateful for the extraordinary privileges and creative authority entrusted to them. And may this United States Senate be always a living sign of our national unity. May it be good news to the poor and instruments of peace for this world.

Lord God, in You we trust now and forever and in Your Holy Name we pray this day and always. 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. CASEY. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2284, a bill to restore the financial solvency of the National Flood Insurance Fund.

As a reminder, the Senate will recess from 12:30 until 2:15 today for the weekly caucus luncheons.

WELCOMING GUEST CHAPLAIN

I ask for a couple moments of personal privilege.

Monsignor Joseph Quinn offered our prayer. I wish to say how proud I am to be here this morning to witness that. He is a very dear friend and someone who has, for many years, ministered to my family and to families throughout northeastern Pennsylvania in good times and bad.

We are grateful for his presence today. We are grateful he was able to offer the prayer. I will submit for the RECORD a fuller statement of some background material on his life. But he has been so much a part of the fabric of northeastern Pennsylvania.

He has often said that in large families, the joys are multiplied and sorrows are divided. We are grateful for his leadership as a priest, and now as a monsignor, but in a very personal way, for what he has meant to so many families in northeastern Pennsylvania. I am honored to be here to share a couple minutes with him and am grateful for his presence today in the Senate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

TANKER SURVIVABILITY

Mrs. MURRAY. Mr. President, I think we would all agree, especially in a time of war, that nothing is more important than the safety of our men and women in uniform. And nothing should be more important to our military commanders at the Pentagon.

But I come to the floor this morning because safety was not the priority when the military awarded the contract to build the next generation of refueling tankers. If that decision stands, if the contract goes to the European company Airbus, instead of Boeing, our servicemembers will be flying in planes that they and the military know are less safe. That has me very concerned.

During the tanker competition, the Pentagon considered numerous factors, including survivability; that is, the ability to protect war fighters when they are in harm's way. But even though they found the Boeing tanker was much safer, the Pentagon chose the Airbus tanker anyway.

Awarding a contract for a plane that is less safe makes zero sense to me. Why on Earth would our military choose a tanker that rated lower in safety and in survivability. That is the question I have come to the floor this morning to ask. It is one of the concerns I have raised in a letter I am sending today to the Joint Chiefs of Staff.

I know as well as anyone how important it is that we get these tankers up in the sky. I represent Fairchild Air Force Base in Spokane, WA. The air men and women at Fairchild fly those tankers. Refueling tankers are the backbone of our military. Everywhere we have troops in the world we have tankers. And right now our tanker fleets are in some of the most dangerous regions in the world. We know the war on terrorism will be long and it will be hard and that our servicemembers will continue to be in dangerous regions for some time to come.

We owe it to them to provide planes that will enable them to do their jobs safely and that will keep our aircraft safe as they refuel them.

But with this contract, the Pentagon did not make safety the top priority. Let me take a minute this morning to explain what I am talking about when I say that Boeing's plane was more survivable. Survivability refers to the ability to keep the war fighter safe.

According to Ronald Fogleman, who is a former Air Force Chief of Staff and a retired general: The more survivable tanker would have the systems to identify and defeat threats, avoid threats, and protect the crew in the event of an attack.

General Fogleman said he was surprised the Air Force selected the Airbus tanker, even though it ranked lower in all those areas. I wish to read you his quote:

> When I saw the Air Force's assessment of both candidate aircraft in the survivability area, I was struck by the fact that they clearly saw the KC–767 as the more survivable tanker.

He added he believes the KC–767 is better for the war fighter and for the military. That is how he put it. He said:

> The KC–767 has a superior survivability rating and will have greater operational utility to the joint commander and provide better protection to air crews that must face real-world threats.

By any measure, Boeing's tanker would be easier to operate under hostile conditions, and it would provide the crew with better protection. The KC–767 has the newest defense equipment available. According to the Air Force's own rating, it had better missile defense systems, better cockpit displays that allow our crews to recognize a possible threat, better armor for the flight crew and critical systems on the plane, and better protection against fuel tank explosion, amongst many other advantages.

But survivability is not only about the equipment on that plane, a tanker has to be able to take off and land faster. It has to be able to handle itself in a hostile environment. The best tanker is the one that is harder to shoot down. Our tankers are most vulnerable in situations in which the enemy can use shoulder-fired missiles and smaller gunfire, such as when the tankers are taking off or landing.

Compared to the Boeing 767, Airbus's tanker is massive. It is much bigger than the Air Force originally requested, and its size is problematic for many reasons. Not only are there fewer places for Airbus's tanker to take off and land, but as a larger airplane, it is a bigger target and it is easier to hit. The KC–767 is a much more agile plane, and it is safer for the crew and the aircraft that they are refueling.

Americans want our war fighters flying the best, safest possible plane. So I am asking today: Why would not the Pentagon?

Boeing has appealed the Pentagon's decision to award the tanker contract to Airbus. The GAO is now looking into that process. I look forward to seeing their decision. I think Congress has a responsibility as well. It is our job to check on the administration. We have to look out for the war fighter.

Some of my colleagues have said we need to move the process along quickly so we can get these planes in the hands of our airmen and airwomen. I agree. Refueling tankers are vital to the Air Force. But that is also why it is as important that they get the right planes, the planes that will allow them to do their jobs and keep them safe.

We have a responsibility to ensure we are making the right decision for years to come about the safety of our servicemembers and our Nation. That is why I am raising these concerns today.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill 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.

RECOGNITION OF THE MINORITY LEADER

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. Without objection, the Republican leader is recognized.

COLOMBIA FREE TRADE AGREEMENT

Mr. MCCONNELL. Mr. President, last month, Democratic leaders in the House made a truly terrible decision. They opted to kill a free-trade agreement that had already been reached between the United States and Colombia, one of our closest, if not our closest, ally in Latin America, and a nation that has made great strides at democratic reform.

At the heart of the deal was an agreement that U.S. manufacturers and farmers would no longer have to pay tariffs on U.S. goods that are sold in Colombia. This would have leveled the playing field since most Colombian goods are sold in the United States duty free.

At a time of economic uncertainty at home, the Colombia Free Trade Agreement should have been an obvious bipartisan effort to bolster U.S. manufacturing and agriculture and to expand overseas markets for U.S. goods.

Unfortunately, the House leaders decided that the support of union leaders was, in this case, more important than our relations with a close ally or the state of the U.S. economy. That decision has already had serious and far-reaching consequences, and that is not just the view on this side of the aisle.

Virtually every major paper in the country was swift in condemning the House Democrats for changing the rules and blocking a vote on this trade agreement. They recognized that the decision was bad for our relations with Colombia, bad as a matter of national security, and bad for the U.S. economy.

Here are just a few of the headlines from newspapers across our country:

''Drop Dead, Colombia,'' said the Washington Post.

''Free Trade Deal is A Winner,'' said the Charleston Post and Courier.

''Approve Pact with Colombia,'' said the Los Angeles Times.

''A Trade Deal that All of the Americas Need,'' said the Rocky Mountain News.

''Our View On Free Trade: Pass the Colombia Pact,'' USA Today.

''Pelosi's Bad Faith,'' the Wall Street Journal.

''Time for the Colombian Trade Pact,'' the New York Times.

''Historical Failure on Colombia Trade Pact,'' the Denver Post.

''Lose-Lose; House Rejection of Trade Agreement is Bad for U.S. Workers and Colombia,'' the Houston Chronicle.

''Caving on Colombia,'' the Chicago Tribune.

And in my own hometown paper, the Louisville Courier Journal, an editorial titled: ''Free Trade's Benefits.''

Here is how the Courier Journal put it:

Far from the Washington Beltway, out here in Kentucky, the U.S.-Colombia Trade Promotion Agreement would have real consequences in real people's lives—most of them good, in our view.

I could go on. In the days after the House scuttled the Colombia Free Trade Agreement, the Office of U.S. Trade Representative counted more than 75 editorials opposing that decision. It is still waiting for a single editorial somewhere in America supporting the Speaker's decision to scuttle the free-trade agreement.

A congressional resolution in support of Independence Day would probably draw more criticism than the Colombia Free Trade Agreement has from U.S. newspapers. And the reason is abundantly clear. The decision to block a vote has already had serious and far-reaching consequences. As the San Diego Union Tribune put it in yet another editorial critical of the move: ''Bashing Has a Price.''

With respect to tariffs, that price is quantifiable. According to an estimate by the Department of Commerce, U.S. goods entering Colombia have been weighted down with more than $1 billion—$1 billion—in tariffs since the Colombia Free Trade Agreement was signed—$1 billion. This is a heavy burden to place on U.S. workers and the businesses they work for.

We hear a lot from the other side about the need for fair trade. Is it fair that U.S. goods have been saddled with more than $1 billion in tariffs just in the last year and a half alone, while more than 90 percent of Colombian-made goods are sold here without any tariffs at all? What is fair about that? This, apparently, is what House Democrats in Congress regard as fair trade.

The trade imbalance between the United States and Colombia is a matter of enormous significance for the many States that rely on exports—States such as Kentucky, which exported about $67 million worth of goods to Colombia last year. Had the FTA been brought up and passed, that figure would have been all but certain to increase this year.

The beef industry is a good example of how the trade imbalance hurts the U.S. Kentucky is the largest beef-cattle-producing State east of the Mississippi River. But at the moment, prime and choice cuts of Kentucky beef face 80 percent duties once they reach Colombian ports. Obviously, an 80-percent markup on beef makes it hard for cattle farmers in my State to compete.

The House failure to take up the Colombia Free Trade Agreement puts States such as Kentucky at a serious competitive disadvantage with Colombia—despite the fact that Colombia itself wants to level the playing field. It is Democrats in the House, not Colombia, who insist on keeping high tariffs on U.S. goods in place.

At a time when the U.S. economy is struggling, we should be doing all we can to help U.S. exporters sell their goods abroad. Instead, House Democrats are burdening our exporters with high tariffs. In these economic times, we should be expanding access to overseas markets for American-made products and American-grown goods, not standing in the way.

This is a consensus view—a consensus view—not just a Republican view. The Senate is ready to vote in favor of the Colombia Free Trade Agreement on a very broad bipartisan basis. For the good of the economy, we should be allowed to take that vote. The House should take up the Colombia Free Trade Agreement and pass it, and they should do it without any further delay.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I am delighted to be able to join today with our leader, Senator MCCONNELL, in urging prompt action on the Colombia Free Trade Agreement because, as he has said, this represents one of the most important foreign policy and economic opportunities before this Congress.

It is both an economic opportunity to increase our exports, particularly at a time when our economy has slowed down—the dollar is weak—and we should be supporting policies that will create jobs and boost exports.

The U.S.-Colombia Free Trade Agreement also represents a key opportunity to strengthen an alliance with a friend and ally in a part of the world full of anti-American socialists led by, of course, Hugo Chavez of Venezuela.

I have long believed that trade and commercial ties are one of the most effective arrows in America's quiver of smart power, to build strong alliances for peace and friendship throughout the world.

But, also, as vice chairman of the Intelligence Committee, and a longtime believer in free trade, I believe this agreement is in our national security interests as well as our economic best interests.

First, let me discuss some of the geopolitical and strategic benefits and why Colombia, as a partner with the United States, has demonstrated that it is worthy of such an agreement.

President Alvaro Uribe's administration finds itself surrounded by states determined to undermine Colombia's growing democracy. These other states provide safe havens to insurgent groups, allow freedom of maneuvering in border areas, and provide monetary support for their drug and terror activities that threaten those countries and our own country.

I am sure Hugo Chavez would love nothing more than to see this deal fail. This would be a huge victory for Hugo Chavez. Such an event would embolden his support for rebels in Colombia and undercut American interests throughout the region. Our credibility would be sadly destroyed among people who should be our friends—our neighbors in the Western Hemisphere.

The question we ought to be asking ourselves is, Do we support Hugo Chavez or do we support President Alvaro Uribe? It is critical for peace and prosperity, not just in Colombia but for all of Latin America, and it is very important for our security that we take the opportunity to show we stand with President Uribe, who has done so much to move his country forward in a positive manner.

President Uribe has implemented far-reaching policies to protect labor union members—policies that have led to a general decline in violence, and an even greater decline in violence against union members.

Murders in Colombia overall have decreased by nearly 40 percent between 2001 and 2007, and murders of union members were reduced by over 80 percent. Legal reforms have been implemented under President Uribe to transform the judicial system and increase the number of prosecutions. These prosecutions and law enforcement are necessary because of the violent terrorists who are still operating in Colombia, though President Uribe deserves great credit for cracking down on them.

In October 2006, a special subunit within the Unit of Human Rights was set up in Colombia to investigate and prosecute over 1,200 criminal cases of violence against trade union members.

President Uribe has pushed back Marxist guerrillas of the Revolutionary Armed Forces of Colombia, or FARC—that we will be referring to later—and the National Liberation Army, or ELN.

Earlier this year, the interdiction of two high-value targets, senior terror planners and former operators, was a testament to President Uribe's commitment to ending terror operations in his country and stopping the threat to his democratic government posed by the socialist Marxist neighbors trying to bring him down.

It is important to remember that the FARC insurgent group holds more than 700 political and military prisoners, including three Americans.

This regime has been behind some of the most disturbing human rights atrocities over the past three decades, and it finances its operations by facilitating the drug trade. Now, that, if nothing else, ought to get our attention.

If the leadership in the House in Congress is concerned about improving

America's image abroad, fighting to keep illicit drugs off our streets, and improving America's strategic interests in its own backyard, then why don't they start by giving a helping hand to the one good friend we have surrounded by challenges?

What would the rejection of this agreement say about America's commitment to our friends around the world? It would say: Don't count on the United States. Big talk; no action. Big hat; no cattle. We talk a good game, but we can't come through. And that is a serious indictment of the United States.

Friends such as Colombia, and I might even add Korea, who are helping us fight terrorism, fighting for freedom in their parts of the world, want to open their markets to U.S. goods and embrace America's values.

Under President Uribe's leadership, tremendous strides have been made in the last 5 years. Colombia is a functioning democracy in an area surrounded by socialist anti-American vitriol.

The fact that Colombia still faces challenges and needs continued reforms should not lead us to withdraw support for this agreement. Rather, we should increase our support to help Colombia strengthen its democratic institutions, implement continued social reforms, and strengthen its legal proceedings.

Approving the Colombia FTA will embolden President Uribe to continue to make these positive reforms and keep Colombia on the right path.

As for the economic benefits, as I have said, if the strategic and geopolitical benefits were not enough, I believe the economic interests in supporting free trade are just as compelling.

As anxiety increases about what most analysts agree is the beginning of a recession, a sure way to help head it off is through increasing free trade and opening markets abroad to sell U.S. goods. Yet the Colombia Free Trade agreement, as have other negotiated FTAs, has been held hostage by shortsighted politicians and Presidential election year politics. These politics are denying American producers and exporters expanded markets.

Now, my colleague and good friend, our leader, Senator MCCONNELL, has already talked about an 80-percent tariff on beef going into Colombia. It is not just Kentucky beef producers, it is Missouri beef producers, it is America's beef producers who want to have access to that market because that is going to be an important market to them.

But look at the others. Here is what the U.S. workers have to pay for the goods they produce to export, and that is a tariff—a tax—on what they are exporting.

Automobiles: American workers pay 35 percent in tariffs put on by Colombia. They pay 2.5 percent. Furniture: a 20-percent tax on goods going into Colombia. Mineral fuels: 5 to 15 percent. There is no tax on fuels coming into the United States. Cotton: Our cotton farmers have to pay a 10-percent tariff going into Colombia. They pay less than 4 percent. Metal products: Our workers in the metal products industry are hampered by 5 to 15 percent. They pay zero. Computer products: We are taxed 10 percent on computer products we send to them. They pay no tax. They come in free.

Why is this not a good deal? It makes no sense. These are efforts that could increase by $1 billion our trade with Colombia.

I remember in 1999 going to the battle in Seattle. There were people demonstrating against world trade. There were longshoremen up there. They were out demonstrating against free trade. Without international trade, they have no job. There were workers at Boeing in Washington who were demonstrating against free trade. Over half their business is in world markets. There were teamsters up there demonstrating against free trade. The largest teamster employer in the United States, I understand—at least at the time—was United Parcel Service, UPS, but for every 40 packages UPS sends abroad, they hire another teamster.

We need to get real about economics. Free trade is in our interests.

Some people have been throwing around the term ''Hooverism.'' They are worried about Hoover economic policies, and I think they are right, because President Hoover made some disastrous decisions that kept us not only in recession but deepened it into a long-serving depression we only came out of with World War II. In 1930 he signed the Smoot-Hawley Tariff Act, setting off a wave of protectionist retaliation and damage to the world economy. He damaged it more than the initial stock market crash did in 1929. Two years later, he undid the Coolidge-Mellon tax cuts, raising the top marginal income tax rate from 25 percent to 63 percent. Now, that is Hooverism: When you are in a recession, impose protectionist barriers and raise taxes. That got us the longest depression we have had in the last century and a half.

Unfortunately, we are hearing some people in the campaign talk about raising taxes and withdrawing from NAFTA, withdrawing and stopping free trade. That is a recipe for disaster. We need to look beyond the politics and look at the economics. Free trade expands not only economic and commercial ties, but it strengthens critical cultural ties and strategic alliances.

Yet many in Congress seem to care more about improving our image by talking with rogue regimes such as those in Syria, Venezuela, and Iran than working with and completing trade agreements with friends in places such as Colombia and Korea. Their denial of the Colombia Free Trade Agreement, if we continue on that path, would irreparably damage our ability to maintain and forge new strategic alliances with countries of the world.

To close, Secretary of Defense Robert Gates recently said:

> Continued progress in Colombia is essential to stability in the region . . . the U.S.-Colombia Trade Promotion Agreement will help a neighbor and a long-time ally continue putting its house in order under very difficult circumstances. It offers a pivotal opportunity to help a valued strategic partner consolidate security gains, strengthen its economy, and reduce the regional threat of narco-terrorism. This is an opportunity we cannot—and must not—ignore.

I could not agree more. We cannot continue to delay the U.S.-Colombia Free Trade Agreement. It will disadvantage America's economy and most certainly damage our reputation in Colombia, Latin America, and damage our national security interests. I join my colleagues in urging the House to pass the Colombia Free Trade Agreement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I inquire how long remains for morning business on this side of the aisle?

The ACTING PRESIDENT pro tempore. Seventeen minutes.

Mr. CORNYN. I ask unanimous consent that I be given half of that time, and the Senator from Florida, Senator MARTINEZ, be given the other half of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I join my distinguished colleague from Missouri in talking about the Colombia Free Trade Agreement.

Last week marked the inauspicious benchmark for American companies that do business in Latin America, and there are a lot of them. Since the Colombian Free Trade Agreement was first signed in 2006—533 days ago—more than $1 billion in tariffs has been exacted against American companies that have sold their goods, their produce, to Colombia. Put another way, that is $1 billion in a missed opportunity.

The reason why that is a problem is because Columbia pays no tariffs or duty on their goods coming into the United States, of which my State is the single largest trading partner. They pay no tariffs or duty on their goods. So we have a decidedly unlevel playing field when it comes to goods and services that are exported from the United States to Colombia. It is something they are willing to level the playing field on if we will simply act, if the Speaker would call up the Colombia Free Trade Agreement for a vote in the United States House of Representatives.

I would think at a time when we are all concerned about the softening of the American economy and jobs here at home, we would want to create more jobs, producing goods for our farmers and greater markets for their produce in places such as Latin America. But

instead, we find this has become more or less a chip in a high stakes poker game. It is totally inappropriate to the responsibility we ought to demonstrate with regard to one of our best allies in Latin America and America's national security and economic interests.

As I mentioned, last year Colombia bought about $2.3 billion in goods and services from the State of Texas. This has been good for our economy, good for job creation and, as I said, Colombia has been an important ally in fighting the narcoterrorists, the FARC in particular, who have had it their way unimpeded far too long in Latin America, and particularly in Colombia.

After more than a year of being stalled by Speaker PELOSI, the President was finally left with no option but to send this Free Trade Agreement for fast track approval. But rather than Congress doing its job—acting on this Free Trade Agreement on an expedited timetable—Speaker PELOSI went to the most extreme lengths to avoid a vote on this critical agreement. The Speaker of the House, instead of following the rules, decided to rewrite the rules to avoid the possibility of this coming up for a vote in the House of Representatives.

Unfortunately, this isn't the first time politics has taken precedence over our national security and economic interests. I remind my colleagues we are still waiting for the House of Representatives' cooperation to finally enact essential reforms our intelligence community needs to timely receive accurate information through something known as the Foreign Intelligence Surveillance Act. I want to come back to that in a moment, but I think it is instructive to look at this chart to see exactly what I was referring to when it comes to the importance of this free trade agreement for the United States from an economic standpoint.

As I indicated, without the passage of this free trade agreement, American goods and services continue to bear a tariff as they are exported to Colombia and imported into Colombia. For automobiles, it is 35 percent; furniture, 20 percent; mineral fuels and coal, 5 to 15 percent; cotton, 10 percent; metal products, 5 to 15 percent; computer products, another 10 percent. If Speaker PELOSI would simply allow the Colombian Free Trade Agreement to be voted on in the House of Representatives, I am confident it would pass, and this 35-percent disadvantage for our domestic auto manufacturers, which are particularly suffering in these slower economic times, would go from a 35-percent tariff down to zero. Likewise for all of the other goods I mentioned a moment ago. This is most decidedly in America's best interests. This is most decidedly in the best interests of a strong economy. Also, as I said, it is in the best interests of our national security as well.

With the current state of the economy, we have passed one or perhaps now two stimulus packages with discussion of passing yet another. But I continue to believe the most effective way to jump-start our economy is to put more money into family budgets. One thing that is clear to me is that giving American businesses a fair path to compete in foreign markets will bring money back to the United States and back to the people, particularly small businesses and farmers who work so hard here in America to keep our country prosperous and provide for their families. Growing businesses mean growing wages, growing jobs, and a growing economy. There is no better way in these uncertain economic times to help our economy grow than to create new markets in places such as Latin America, and particularly with one of our greatest allies in Latin America, the nation of Colombia.

But in addition to helping our own businesses in America, we need to consider the additional benefits of granting a meaningful agreement to our strongest Latin American ally. This agreement would be a strong showing of our support for the reforms that are continuing in Colombia and the leadership, at great risk to President Uribe in particular, when it comes to improving its democracy, respecting the rights of all of its citizens, and fighting against the drug cartels and terrorist organizations and the like.

Unfortunately, I think we too often neglect our Latin American neighbors, both when looking for partnerships and when identifying threats. We are well familiar with the rhetoric of President Hugo Chavez of Venezuela and, frankly, I think there is nothing that Hugo Chavez would like better than for Speaker PELOSI to prevail in her attempt to block a vote on the Colombia Free Trade Agreement. After all, Venezuela is a next-door neighbor, and President Chavez, who has been host to President Ahmadinejad of Iran and who has made himself an enemy of the United States, has to be enjoying the blocking of this free trade agreement, because he can say to President Uribe and like-minded democracies in Latin America: This is what you get when you cooperate with the United States.

That is exactly the opposite message we need. We need a message which portrays that when you cooperate with the United States in terms of developing your democracy, opening your markets to our goods and produce and services, when you cooperate with the United States to fight narcotraffickers and to bring peace and stability to your country, we will be your strongest ally and we will be your best friend. Unfortunately, the message we see being sent by Speaker PELOSI is that rather than treating the nation of Colombia as one of our best friends in Latin America, they are being demeaned into being treated as nothing but a poker chip in a high stakes game of cards. It is not right.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. MARTINEZ. Mr. President, I wish to follow the comments of my colleague from Texas, Senator CORNYN, who so aptly framed this issue of the Colombia Free Trade Agreement. I wish to focus on a couple of points.

Senator CORNYN pointed out that the differential in tariffs is tremendous. Now, what does it mean to the American worker? It means if an American worker is manufacturing something that is sold overseas, when that product is being sold in the Colombian market—suppose it were a heavy piece of equipment made by Caterpillar and is going to be sold now in Colombia to build roads or other things that are happening there because the country is prospering as a result of President Uribe's leadership—that particular piece of equipment is now competing in the Colombian marketplace with one made in Japan and one made in Germany. The American piece of equipment today has to pay that tariff.

As we speak, Colombia is negotiating a free trade agreement with the European Union. As soon as that is done, they will have the opportunity to then bring their product in at a tremendous advantage over an American product. Canada is in the process of negotiating a similar type agreement with Colombia. Mexico already has negotiated one. So when it comes to American manufacturers, the advantage to the others is going to be that over time, these trading patterns will be set with other countries. Contracts will be made with the others because of the tremendous advantage. While they may prefer an American-made good, they are now going to pay an extra 35 percent for it, and as the American good goes in there with a tariff, the advantage will be to our foreign competitors.

This is a global marketplace. Colombia has other trading opportunities. As they work and create free trade agreements with other marketplaces, they will put American products at a tremendous disadvantage going into the Colombia market. That may not just be for the one particular sale. That is going to be for time on into the future because, as I say, trading patterns will be set and contracts will be made, many of which could have a long-term impact. So it is not good in that respect. It is not good because American jobs would not be created. I was in Tampa with the Ambassador from Colombia on Monday. We have an opportunity in that very important trade city, the port of Tampa, and for the American economy. The fourth largest trading partner using that port is Colombia. For that very reason, the longshoremen's union in Tampa is in favor of this agreement because they know it will mean more jobs.

In the first year this agreement is in place, our trade with Colombia will increase by $1 billion. That increase will translate to not only jobs but good-paying jobs in the cargo area of the airports, as well as in our ports and harbors. These are good-paying jobs, which pay well above the minimum wage. These are the kinds of jobs we need to create in Florida and across the United States so the American worker can benefit from this enhanced trade relationship.

There is another dimension to this problem, which I know has been touched upon, and I wish to put my two cents in. We are in an ideological battle in Latin America. The fact is the Cold War ended, and we pretty well let our guard down in terms of this ideological competition. Well, it is back in a big kind of way. We have the country of Venezuela, under the rule of a tyrant, who is less democratic every day and who has maniacal ambitions of conquering the entire region. He talks of a Bolivian revolution. That ideology is rooted in the Castro brothers in Cuba, who have given him the playbook, if you will. On the other side of Colombia is Ecuador. We know Colombia, for 40 years, has been in a fight with terrorists, with those who would subvert the democratic process. Colombia has had a long and established tradition of democracy. This tradition is now threatened by the FARC, the narcoterrorists who have been kidnapping, killing, and maiming in Colombia for a number of years.

We know, because of recent incidents that have occurred, that the Venezuelan Government, with assistance from the Cubans, has been funding and giving all sorts of resources to the FARC. The fact is the FARC is in existence today in large part because of the support they are getting from Venezuela. Venezuela now is engaging in new negotiations with Russia, and Hugo Chavez will be traveling to Russia in the near future to sign another large arms agreement. With the price of oil at $120 a barrel, Venezuela is awash with cash that it is utilizing to interfere in the internal affairs of other countries in the region, with Colombia, with the FARC, and it is also interfering in the political process in other countries, where large sums of money are being passed to the political candidates of their favor.

The United States is AWOL in the region. We need to engage there. The worst message we can send to those who look to the United States for leadership and partnership and friendship is we are an uncertain ally, that we will not even go into a free-trade agreement which, in fact, is to the great benefit of the United States, simply for politics as usual in Washington. That is unacceptable.

I submit it is in the long-term best interest of the United States, not only from an economic standpoint but also from a geopolitical standpoint, from the regional implications of the trade agreement, and what it would mean to all those in the region who look to the United States for a signal: Are you with us or will you ignore us? Are you going to support democracies or not stand behind democracies?

The time is now. I know the Hispanic community of America looks upon this agreement as a signal. I know there is a great movement afoot by those who deeply care about the region and about the need for this agreement to help create jobs in America, and it is going to be felt and heard throughout this Nation.

So I am pleased to join my colleagues in talking today about the virtues of the free-trade agreement with Colombia. It is important from an economic standpoint, and it is important to create jobs. I know it will create jobs in Florida. I know it will create jobs in other parts of the United States. I know it is good for Colombia. It will tighten and close ranks with a country that is our ally and long-time friend.

I believe the time has come for this agreement to get an up-or-down vote on the floor of the Senate and in the House. It is time for Speaker PELOSI to not play politics with something of this importance, this magnitude. I ask that the free-trade agreement with Colombia be brought to a vote and that we have an opportunity to engage with this close ally and friend.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains on our side for morning business?

The PRESIDING OFFICER. There are 1½ minutes.

Mr. CORNYN. Mr. President, I thank my distinguished colleague from Florida for his leadership on this issue. This is not one of those issues that grabs a headline, but it is certainly one that is very important to the economy of the United States, and it is important to our national security.

There is one other point I wish to make in that regard. For those concerned about the exodus of individuals from Latin America and other parts of the world who are looking for jobs and opportunities because they have none at home, this is an important part of our overall strategy to try to see that people have jobs and they have hope where they live, so they don't feel compelled to have to come to the United States in order to get a job and provide for their family. This is an important part of our strategy across Latin America.

There is another initiative that I think we will be hearing more about soon, called the Meridia Initiative, to help our ally in Mexico, President Calderon, as he fights the drug cartels down there, for the future of that country, which of course is on our southern border, 1,600 miles of which is common border with my State of Texas.

Whether we like it or not—and I know some people don't—our fate, in many ways, and our economy and our security are inextricably tied to countries in Latin America, in the Western Hemisphere. It is not smart—it is perhaps even naive—to think we can ignore what is happening in Colombia, in Mexico, and we can fail to come to the aid of our allies and people who are like-minded in wanting to establish democracy, security, and prosperity in those countries. It is naive to think we can simply turn a blind eye to things such as the Columbia Free Trade Agreement and the Meridia Initiative to help President Calderon in Mexico fight the drug cartels, in what is a fight for the future of that great country on our southern border.

I yield the floor and yield back the rest of our time. 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. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the present business of the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2284, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 2284, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Mr. DODD. Mr. President, my colleague from Louisiana would like to enter into a discussion. Before we make any additional motions, I yield the floor to my colleague.

Mr. VITTER. Mr. President, I thank the chairman and ranking member for their cooperation and help on this bill. As they know, this issue and this bill is an enormous concern for all of us in coastal regions. In particular, my colleague from Louisiana and myself and the two distinguished Senators from Mississippi have been very focused on this bill and on several amendments, also, that we believe are absolutely critical to improve it as we reauthorize this necessary program.

As we have told the chairman and the ranking member in discussions over many weeks, we have no intention to obstruct and filibuster and stand in the way of reauthorizing this important program. But we do have to have

the ability to have a fair debate and a set of votes on crucial issues, amendments that are important to us.

In that spirit, in that vein, we took all of our amendment ideas and narrowed them down dramatically to a universe of about six or seven amendments between the four Senators from Louisiana and Mississippi. We have had productive discussions in that regard with the chairman and the ranking member. I wanted to engage in this discussion to receive assurances that the chairman and ranking member will do everything possible to ensure that our narrowed-down universe of crucial amendments gets quick, efficient but fair consideration on the Senate floor and a vote.

Mr. DODD. Mr. President, first, let me thank my colleague from Louisiana and the Senators from Mississippi for their willingness to sit down and try to consolidate this so we will have a finite number of amendments that we can work through that are their particular concern. I pledge to him, as I have to his colleagues from the gulf States area as well as other coastal State Senators representing coastal areas of the country, I am determined, as I know Senator SHELBY is, to move through this bill, to give each of these amendments fair consideration, to make sure there is a full opportunity to debate them. There will be a full hearing on them. I cannot pick outcomes, but certainly the right to offer amendments, to be heard and debate them and vote on them, I am determined to make sure that happens. From my conversations with Senator REID, the majority leader, I can tell my colleague that he is determined as well to make sure there is that opportunity, that there is going to be a full discussion and debate. My only advice is the sooner we get going, the greater likelihood we get through that process. He has my assurance that I will do everything to make sure that opportunity will be there.

Mr. VITTER. On behalf of my colleague from Louisiana, my two colleagues from Mississippi, and myself, I thank the Senator and the ranking member again for their cooperation. We look forward to that very efficient but full and fair debate and vote on those amendments that are important to us. I will very quickly confer with the rest of them and make sure they do not have any outstanding issues, so we can move forward and get going.

I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum. Before I make a motion, I will wait for the Senator to let me know.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. DODD. Mr. President, it has been a half an hour since we had the colloquy about moving forward on the flood insurance bill. My commitment to the Senators from Louisiana and Mississippi was that we would move these amendments along. In fairness, I have to say, if it takes a half an hour to obtain approval on a unanimous consent to vitiate or at least to deem the 30 hours that remain on the motion to proceed to expire so we can move to the body of the bill and amendments—I know the majority leader wants to consider this bill. He would like to do it in the normal, routine way. Amendments are offered, debated, voted on, and move on to the next amendment. But here it is, a half an hour since we entered into that colloquy. We are here on Wednesday to complete the bill. There are about 20 amendments I am aware of—6 or 7 on the Republican side and easily that number on the Democratic side—that Members want to be considered.

If this bill is not done, the program expires. I can't, obviously, predict the schedule. The majority leader has that responsibility. But knowing what work we have to do in the remaining weeks, it may be difficult to get time. The majority leader has been extremely generous in providing this time so we could reconstitute the flood insurance program. In the absence of doing so, the flood insurance program will expire, as we move into hurricane season. This is the opportunity to deal with it. I have made a good-faith commitment that I will allow for these amendments to come up, be debated, and voted on up or down. But it will be hard to fulfill that obligation if I can't even move to have the time on the motion to proceed considered expired.

For those listening, I appreciate if we could get an answer quickly and then bring up the amendments. Then let's move on them.

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. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that all postcloture time be deemed expired, the motion to proceed be agreed to, the motion to reconsider laid upon the table, and the Senate now proceed to the consideration of Calendar No. 460, S. 2284, the National Flood Insurance Act amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Senator SHELBY, my ranking member, will be here shortly. We now invite Members to come and offer amendments. We would like to get time agreements, if we could, under each amendment so we could give our colleagues an indication of how much time may be necessary.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2284) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

AMENDMENT NO. 4707

(Purpose: In the nature of a substitute)

Mr. DODD. Mr. President, I call up the substitute amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 4707.

(The amendment is printed in the RECORD of May 6, 2008, under ''Text of Amendments.'')

Mr. DODD. Mr. President, again, we would like to have Members come over and offer amendments so we can move along. The leader has indicated he wants to complete this bill over the next day or so. We would like to do it and do it under the normal procedures where amendments are offered and debate and votes occur thereafter. The Senator from Alabama and I are prepared to entertain amendments. There are some 20 of which we are aware. The sooner Senators come over and offer their amendments, the quicker we will be able to dispose of them.

Again, I thank Senator SHELBY and the members of the committee. This is a matter that deserves our attention. We are only a few weeks away from hurricane season. We are literally having to pay on a debt of $17 billion. That is causing the rise in the cost of insurance to a point where people have a hard time paying, if the program exists at all. This bill forgives that debt, which we have to do, and then reestablishes a program that people will pay into so they can have that kind of coverage.

In the alternative, if we don't do that and we end up with the kind of devastation we see happen all too often—you only had to look at the morning newspaper and what happened in Myanmar, where literally thousands lost their lives, but certainly we saw it here in 2005 with the sweeping hurricanes that poured across coastal States and the damage we are still wrestling with in many areas—if we end up not adopting this legislation and getting this work done, those costs could fall on the backs of every taxpayer in the country.

That is why this insurance program exists. That is why it was created some 45 years ago. It has worked tremendously well. We need to once again put it in place. That is our goal and our purpose. The sooner we deal with the amendments, the greater the opportunity to reestablish this critical program for the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am happy we are here. Let me ask a question, if I may, of the floor manager, Senator DODD.

I just walked onto the floor from a hearing we are having in Homeland Security and Governmental Affairs. Do I understand we have agreement now to proceed to the bill? I don't have an amendment to offer, but I understand we are ready to accept amendments.

Mr. DODD. We are ready to proceed.

Mr. CARPER. That is good news. What did we have for the vote yesterday?

Mr. DODD. The vote was 90 to 1, a rare occasion.

Mr. CARPER. We are wasting way too much time on the floor. I am delighted that we finally have agreement to go to the bill. I thank you and Senator SHELBY for leading us here today.

Hurricane season in the Atlantic opens officially on June 1. Today is May 7. That is about 25 days from now—less than a month. Thousands of homes, actually tens of thousands of homes along our coast, from Florida up to New York, probably, and down around the gulf coast, are going to be at risk from flooding from what are likely to be more devastating storms. You don't have to live along one of our coasts to be at risk. Many will recall, earlier this year, parts of Missouri, parts of Illinois faced the worst flood they have seen in decades.

In Government, we are often asked to respond to terrible natural disasters, and we do, providing, among other things, emergency shelter and financial aid for people who lost a lot, maybe in some cases have lost everything. Today, we are being asked to step up before the next disaster strikes by overhauling our Nation's flood insurance program.

I was talking with a member of my staff walking over here about how long ago this National Flood Insurance Program was created. It has been 40 years. As I recall from my Bible study as a youngster, that is about how long Moses led the children of Israel through the wilderness trying to look for the Promised Land.

We have been looking for the ''Promised Land'' with respect to the right balance of premiums, risk abatement, flood mapping—you name it—we have been looking for the ''Promised Land'' for the National Flood Insurance Program for about 40 years.

For the first 25, maybe 35 years, 37 years of the program, we kind of muddled along. The program pretty much paid for itself but not entirely. There were some efforts back some 20 years ago to actually change the program to try to bring it into the 21st century, and we ultimately were not successful.

About almost 3 years ago—remember the story of the Red Sea, the children of Israel going through the Red Sea in hot pursuit by the Egyptians? The Israelis made it through and the Egyptians did not, as I recall. About 3 years ago, as to the National Flood Insurance Program, we did not make it through the ''Red Sea.'' In fact, we did not make it through Katrina. In fact, the program was engulfed by water, by floodwaters, and to the tune of about $20 billion. That is the amount of money FEMA had to borrow from the Treasury in order to try to write this program. Now we are spending more money. The program is marginally self-supporting. We have a huge interest payment to make on it, the $20 billion loaned by the Federal Government.

So, in any event, enough of my Biblical analogies today. But actually it is not a bad one. We need to find the ''Promised Land.''

I am encouraged today by the debate on this bill. It is a good bill. It was worked on a year ago in the Banking Committee. It was reported out. It got through the House, got through the Senate, and died. We cannot let that happen again.

But when the flood insurance program was established some 40 years ago, it was established as a three-pronged program involving three things: One, insurance; two, mapping, flood maps; and, three, smart land use.

Today, that same flood insurance program provides insurance to more than 5 million property owners across America.

Before Hurricane Katrina, as I said earlier, the flood insurance program was marginally self-supporting. But the now famous 2005 hurricane season, which included Katrina—not only Katrina but other big storms as well—caused the folks at FEMA to go out and borrow $20 billion from the Treasury. When the Treasury lends $20 billion to FEMA, they do not say: Here, take $20 billion tax free or interest free.

You have to pay the interest. The interest on that debt eats up a big part of the premiums paid by those 5 million property owners.

For 20 years prior to Katrina, the flood insurance program needed to be reformed. It needed to be overhauled. This week, finally, at long last, we can do that, and I hope we will.

Some 20 years ago, I was in the House of Representatives, a Congressman and a member of the House Banking Committee. At that time, Hurricane Hugo was bearing down on the east coast. I was part—along with some of my other Banking Committee colleagues in the House—of an effort to overhaul the National Flood Insurance Program two decades ago.

At the time, we were concerned about a couple matters. We were concerned about the low participation in the flood insurance program. We were concerned that too few people were participating. That meant too big a risk, in my book, for the homeowners as well as the Federal Government, which often bore the cost.

At the time, I proposed to increase participation by requiring mortgage lenders to escrow flood insurance payments, just like they escrow payments for homeowners insurance.

In addition to the low participation rate, we were also concerned that a small percentage of properties had been responsible for more than one-third of all claims, costing roughly $200 million each year to rebuild or repair properties.

To help correct this, our proposal back then included a call for floodproofing or removing from the program high-risk properties, while reserving a small amount of funds collected from the flood insurance premiums to pay for this.

In addition, in 1988, 1989, we sought to limit new construction in coastal areas that were quickly eroding. Our proposal also sought higher risk-based premiums for those who lived in the most vulnerable locations.

In 1989, a bill to reform the flood insurance program passed both the House and the Senate. It was not as far-reaching as the original proposal I and others worked on. I called it at the time ''flood insurance reform lite,'' but it was, nonetheless, a step in the right direction. But, unfortunately, that modest bill never made it to the President's desk, and for almost another 20 years the flood insurance program has continued pretty much as it was—broken and in need of repair.

Last year, the Senate Banking Committee, under the leadership of Senator DODD and Senator SHELBY, approved a truly comprehensive flood insurance reform bill. This is not ''flood insurance reform lite.'' This is the real deal. There is nothing ''lite'' about it.

Unfortunately, the bill we approved was reported out, came to the Senate floor and stalled and was withdrawn. I think I said earlier our legislation a year ago passed the House and Senate. I was thinking about 20 years ago. That legislation passed the House and Senate, only to die, as I recall, in conference. This flood insurance reform initiative started last year made it to the Senate floor and stalled out.

Today, the Senate has the opportunity to breathe new life into this badly needed legislation. It is imperative we seize the day or, as we say in Delaware, carpe diem: seize the day.

Where are we today? Today, almost 3 years after Hurricane Katrina, and almost 20 years since our attempts in the late 1980s, we have another chance to put the National Flood Insurance Program on solid footing.

So what are our main concerns in 2008? Well, the low subscription rate, for one. The relatively small number of properties that continue to flood year after year is another. And the subsidized premiums that do not reflect the vulnerability of many properties insured under the program remain a big concern.

We need legislation that will require us to better consider where we build

and rebuild in this country, how we build, and how we allocate risk.

The bill that is before us today, the Flood Insurance Reform and Modernization Act of 2008, is a bipartisan bill, reported unanimously out of the Senate Banking Committee about a year ago.

I wish to take a moment, if I can, to highlight some components of this bill, some of the major aspects of this bill.

The devastating 2005 hurricanes resulted in FEMA, as I said earlier, borrowing almost $20 billion from the Treasury to pay flood claims. That is more than the flood insurance program has paid out in its entire history. In order to pay their claims, Congress increased FEMA's statutory borrowing authority from about $1.5 billion to some $20 billion. Annual interest on this debt owed by FEMA to the Treasury is about $1 billion a year.

In order to pay the interest on the current debt, flood insurance premiums would have to increase significantly. To prevent that, this bill takes the step of forgiving $20 billion of debt owed by FEMA to the Treasury. This bill also requires that FEMA set aside in a reserve fund an amount equal to 1 percent of all insurance in force to serve as a financial buffer for future disasters. This bill mandates that more property owners be required to purchase flood insurance, including those who live behind levees and dams and property owners in the 100-year flood plain.

Homes in flood plains are in greater danger of flooding, even if there is a levee. Families need to be protected whether the levee works or not. This bill requires that property owners pay the actuarial rate.

No longer will vacation homes and businesses be allowed to pay a subsidized rate, as they have been under the program for years. This is a fair and needed change. Why should vacation homes and businesses pay less than the residents who sit adjacent to them?

Perhaps, most importantly, this bill will compel FEMA to modernize its flood maps. Technology now allows the creation for exact detailed flood maps. Because many of these maps are now decades old, we do not even know who is in danger of flooding and who needs flood insurance in many cases. This has to change. Under this bill, it will.

Again, this bill is a bipartisan product. It seeks to move the flood insurance program to the 21st century before the next ''Katrina'' strikes.

We have been joined on the floor by Senator SHELBY. I know it is something that is near and dear to his heart. He and I actually served on the House Banking Committee a few years ago. I think he may have actually come to the Senate by the time we were working on this legislation in the House at the time. I know this is something he cares a lot about, and he has been heavily involved in shaping this legislation that is before us today. I especially commend him for the good work he has done.

But for almost 20 years I have worked, along with a bunch of my colleagues, to make some meaningful reforms—badly needed meaningful reforms—to the flood insurance program.

Katrina exposed the problems with this program. Actually, we were aware of them before that time, but it showed the problems for what they are. Now it is time for us to roll up our sleeves and finally fix this program.

Abraham Lincoln used to say: The job for Government is to do for people what they cannot do for themselves. This program is a good example of that. People cannot go to the private sector—homeowners, businesses cannot go to the private sector—and get the kind of flood insurance this legislation provides. This is taking Lincoln's admonition to do for the people what they cannot do for themselves and actually put it into law. It has been part of the law for 40 years. We can do better, and we need to do better with respect to this program. That was driven home very clearly in the summer of 2005.

Going back to my Old Testament example, it has been 40 years since this legislation was passed. For 40 years, those children of Israel were following Moses, trying to find the Promised Land. We have been looking for it too in terms of actually the right kind of language, the right kind of legislation, the right kind of law to meet the insurance needs for folks—businesses, homes, and residents—who face the danger of floods. It has taken us 40 years to get it right. This is an effort I have been involved in for 20 of those years.

Looking out across from the ''mountaintop'' today, I see the ''Promised Land,'' and I see the ''Promised Land'' written on a piece of paper that we are going to be voting on today and tomorrow. My hope is a couple days from now—if we do not finish this legislation today—we are going to pass it and we are going to send it over to our friends in the House of Representatives and they will take it up and move it expeditiously.

We can do good for the taxpayers of this country who are literally having to underwrite the cost of this program, and they should not be doing that. We are going to better protect the folks whose businesses and homes are at risk, and we will do it in a way that harnesses common sense, harnesses economic forces and market forces. That will be a very good result.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to make note before the Senator steps aside that last year Senator CARPER of Delaware held a very good hearing on the subject matter, and as chair of the full committee I am very grateful to him, one, for doing that but also for bringing his sense of knowledge and understanding to this issue. It is reflected once again in his comments this morning. So I did not want the RECORD to not include his contribution to this effort. I am very grateful to him for that.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, the distinguished Senator from Ohio, Mr. BROWN, be granted the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAAR ACT

Mr. HATCH. Mr. President, I rise today to speak in support of S. 2313, the Strategies to Address Antimicrobial Resistance, or STAAR Act. I am proud to have introduced this legislation with my colleague from Ohio, Senator SHERROD BROWN. Similar legislation is being championed in the House of Representatives by Representatives MIKE FERGUSON and my dear colleague and fellow Utahn, Representative JIM MATHESON.

For more than 60 years since their discovery, antibiotics have saved millions of lives and helped patients of all populations cope with suffering related to infection. But as we have seen, our country increasingly faces a number of troubling questions about whether we are prepared to address the growing problem of drug-resistant, bacterial infections.

Data from the Centers for Disease Control and Prevention indicate resistant strains of infections have spread rapidly. While antibiotic resistance is an elevated problem for those with compromised immune systems—individuals with HIV and patients in intensive or critical care units, for instance—these infections can strike anyone. Further, this alarming trend continues to worsen and treatment options are sorely lacking.

Antibiotic resistance is not a new development. The news is this: Infections that were once easily cured with antibiotics are now becoming difficult—in some cases, impossible—to treat. National surveillance data and studies show antibiotic-resistant bacteria have multiplied and spread at disquieting rates in recent years.

For example, consider a common bacterial cause of hospital infections—Staphylococcus aureus, also called staph—which can spread to the bloodstream, heart, lungs and bones with potentially fatal results. In the early 1940s, penicillin effectively combated staph infections. However, penicillin-resistant staph bacteria were identified as early as 1942. Subsequently, methicillin was introduced in the 1960s to fight staph-resistant infections, and shortly thereafter methicillin-resistant staphylococcus aureus—or MRSA—was discovered. In 1974, 2 percent of staph bacteria found in our country's hospitals were methicillin-resistant. By 2002 the number had jumped to 57.1 percent, according to CDC data.

And it is not just happening in hospitals. Public health experts are increasingly finding infections developed in the home or community as well. Thus, infections in both settings are increasing and the resultant drug resistance shows no sign of lessening.

The recent problems with MRSA are but one striking example; we are also seeing increases, in extensively-drug resistant—XDR—tuberculosis. There are also numerous reports of soldiers returning home from Iraq with Acinetobacter—a resistant infection that is especially difficult to treat, and the only option is a very toxic antibiotic.

While recent media reports have raised the visibility of this issue, infectious disease doctors have been sounding the alarm for years.

In its 2004 report, ''Bad Bugs, No Drugs,'' the Infectious Diseases Society of America, or IDSA, said: Drug-resistant bacterial infections kill tens of thousands of Americans every year and a growing number of individuals are succumbing to community-acquired infections. An epidemic may harm millions. Unless Congress and the administration move with urgency to address these infections now, there is a very good chance that U.S. patients will suffer greatly in the future.

Resistant infections lead to higher health care costs because they require more expensive treatment and care. According to estimates from the Institutes of Medicine—IOM—and the former Congressional Office of Technology Assessment, the economic burden placed on our national health care system as a result of resistant bacteria totals billions of dollars annually.

IDSA, which represents more than 7,500 physicians, scientists, and other health professionals who specialize in infectious diseases, has issued a stern warning and recommendations. The I0M, CDC, NIH and the FDA have also warned that drug-resistant bacteria are a serious public health threat.

It is time to act.

That is why my good friend Senator BROWN and I introduced S. 2313, the STAAR Act. Our bill is not the sole answer to the complex problem of antibiotic resistance. There are several avenues to address the problem. But our bill focuses on just one: providing adequate infrastructure within the government to collect the data, coordinate the research and conduct the surveillance necessary to stop drugresistant infections in their tracks.

We believe that jump-starting a greater, stronger organizational focus at the Department of Health and Human Services will help our government and scientists develop an infrastructure that can grow as science develops. The STAAR Act lays out the framework by which we can begin to take action against this serious public health threat. At a minimum, we need better testing, hospital controls, medications and funding to support these efforts, particularly the work of the Centers for Disease Control and Prevention.

In an effort to create this organizational focus, the STAAR Act establishes a new Office of Antimicrobial Resistance at HHS in the Secretary's office. This will give the issue the prominence and the focus it deserves.

Our bill also renews the interagency Antimicrobial Resistance Task Force which expired in 2006. It creates an advisory board of experts to advise the new office and the task force, which was created in 1999, to coordinate Federal efforts to combat antimicrobial resistance and was comprised of representatives from the Centers for Disease Control and Prevention, the Food and Drug Administration, the National Institutes of Health and also includes the Agency for Healthcare Research and Quality, the Health Care Financing Administration, the Health Resources and Services Administration, the Department of Agriculture, the Department of Defense, the Department of Veterans Affairs, and the Environmental Protection Agency.

That task force developed a public health action plan to combat antimicrobial resistance; however, implementation of the plan fell by the wayside. There were no personnel specifically dedicated for executing the plan because all task force members already had full-time responsibilities at their respective Federal agencies. In short, this very important job was assigned to people who already had very important jobs. So our bill recharges that effort. These new bodies will work together to develop a plan to combat antimicrobial resistance, to keep that plan updated and to advise the Secretary on research that should be conducted.

The distinguished Senator from Ohio, Senator BROWN, and I have found that it is difficult to understand the magnitude of the problem because data are sorely lacking. Spotty data exists from many States—for example, from a hospital or a hospital chain—but not data statewide or nationwide. We need to change that. Our bill addresses that problem. The STAAR Act directs drug sponsors and appropriate government agencies to collect data and share them with the Office of Antimicrobial Resistance as the main depot for such data to facilitate interagency planning on antimicrobial resistance. That will provide us with the information we need to begin addressing the real problem of drug-resistant infections.

Finally, we authorize grants for at least 10 Antimicrobial Resistance Clinical Research and Public Health Network sites to strengthen our national capacity to develop the information necessary to assess the extent of the problem and look at effective ways to address it. Currently, there is very little capacity to quickly monitor, assess and address the spread of new or particularly resistant microbes. These network sites will work with the CDC to establish a surveillance system to allow tracking and confirmation of resistant microbes in almost real time. Also, with support from the CDC and the NIH, these sites will conduct research to study the development of antimicrobial resistance. With data from this research, we can better prevent and control and, ultimately, treat the threat of antimicrobial resistance.

I wish to take a moment to stress the real importance of this issue. I mentioned earlier that drug-resistant infections can affect anyone at any age—the young, the old, the healthy or ill, I have read stories about newborns, high school and college athletes and NFL football players who have battled with these resistant infections, and many of them lost the fight.

I would like to read a short excerpt from one of these stories, which I think really stresses the need for attention to this issue. This was written by a woman from New Jersey named Linda Lohsen, who lost her daughter Rebecca to MRSA in August 2006. Ms. Lohsen writes:

> Why do I want to share all of this with you? Because for 15 years I was a public health nurse—I heard all about the diseases that might happen. And, perhaps like some of you, I became jaded. I felt that public health was all about sounding the alarm for things that never come to pass. I'm here to tell you this is real, this does happen and it destroys lives.
>
> Rebecca's death has changed me, and has changed all of us. Once I believed that the dangers that were out there would stay out there. That modern medicine can avert these dangers. I no longer have the confidence in medicine that I did. I believe we have made great advances, that there are cures to be had, but I've watched the dismay in the faces of doctors who are supposed to be the best in their field as they told me they didn't have any more 'cures in their bag.' And I know that it truly is a practice of medicine, not a finished product.

Mr. President, Federal agencies, physicians and scientists who specialize in infectious diseases, and public health nurses like Linda Lohsen, are telling us there is a pressing need to address the problem of antimicrobial resistance. We do not have time to wait, and we cannot quickly fix something that we do not yet understand. As Mrs. Lohsen wrote, the dangers that are out there will not simply stay out there. We need to be aggressive in creating a strategy to prevent loss of life or a serious public health epidemic, and lift the economic burden on our health care system caused by antimicrobial resistance.

The STAAR Act is not the whole answer, but it is a good bill and an important step in the right direction. In addition to IDSA, the STAAR Act has been endorsed by more than a dozen highly regarded professional healthcare associations.

I am very pleased to sponsor this bill with Senator BROWN, and I commend him for his work on this bill, for his interest in national health care, and for the hard work he performs in the Senate. It is a privilege to work with him on this matter.

Of course, I urge my colleagues to support this bill. It is long overdue, and we should do everything in our power to make sure we solve these particular problems.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank my colleague, Senator HATCH, for his leadership on this issue and on so many other health issues. He has had a terrific career in public service, especially on public health issues such as MRSA, and we are all appreciative of that all over the country.

In the last year, as we know, we have seen news reports about outbreaks around the country of a dangerous infection commonly referred to, as Senator HATCH said, by the acronym MRSA. MRSA is a strain of staph infection that is resistant to penicillin and related antibiotics. While MRSA was previously thought to occur only in hospital settings—bad enough—Americans have begun to contract it in schools and communities.

Last year, the Journal of the American Medical Association reported that MRSA infections occur in approximately 94,000 people each year and are associated with approximately 19,000 deaths. Think about that. On September 11, 3,000-plus people were killed in New York, Washington, DC, and in Pennsylvania. Tens of thousands of people die in car accidents. We are talking about 19,000 deaths from MRSA infections, not to mention other kinds of related deaths from similar infections.

That article in the Journal of the American Medical Association is a wake-up call that we must not ignore.

In my State of Ohio, there were 12 outbreaks of MRSA last year alone. Ohioans contracted MRSA in health care settings, in the workplace, on sports teams, and in corrections facilities. The head of the Centers for Disease Control told me on the phone several months ago that high school students sharing towels or getting burns from artificial turf at football practice or coming into the gym and sharing a towel that might have been used the day before that wasn't washed—some students contracted MRSA from that. It is fairly rare that way, but it happens. Most students recover fine from it, but occasionally some do not.

MRSA outbreaks took place in counties across the State of Ohio, including Franklin, Gallia, Madison, Cuyahoga, Allen, Portage, Vinton, Fairfield, and Miami. If you look at a map of Ohio, outbreaks happened in all sections of our State.

Robert Totsch died in his hometown of Coshocton, a community in southeast Ohio, after contracting a hospital-acquired MRSA infection. Here is what happened to him. He was a kind and loving husband, father of two and proud grandfather of five. He was a retired guidance counselor, a Korean war Navy veteran who had served his country during that war. In September of 2006, Robert Totsch suffered a heart attack and needed triple bypass surgery. Once the procedure was over, his doctors told him the surgery couldn't have gone better. They said Robert would be home by the following Saturday in time to watch his alma mater Ohio State playing football on his own TV in his own house.

But Robert had contracted a surgical site MRSA infection that spread to his blood stream. The surgeon told him ''5 or 6 others in the intensive care unit had MRSA.'' Robert was given numerous antibiotics, including an antibiotic of last resort. While he was in the ICU on life support, Robert and his wife celebrated their 50th wedding anniversary.

Robert should have gone home. While he went into the hospital for a heart condition, it was not his heart problems that took his life. Robert's wife and children miss him every day and are still recovering from watching him suffer during those last days of life.

This story is painful, especially because we know this infection, and the deaths that have resulted from it, don't have to happen. MRSA outbreaks are part of the larger problem of what we lay people call ''superbugs'' that are resistant to antibiotics, which are the cornerstone of modern medicine, but they are under siege.

Over time, fueled by antibiotic misuse and overuse in farm animals and human beings, bacteria mutate to develop resistance to those antibiotics.

In response to this health care crisis, Senator HATCH and I introduced the Strategies to Address Antimicrobial Resistance Act, also known as the STAAR Act. That bill is meant to reinvigorate efforts to combat the so-called superbugs—efforts that accelerated in the late 1990s, and then stalled.

We need to respond more quickly to this problem because it will only grow with time, reversing years of progress in the fight against debilitating and deadly illness.

We know what antibiotics have done to save lives since the discovery of penicillin. Our bill will launch a coordinated effort to prevent outbreaks of MRSA and other dangerous drug-resistant infections. It would jumpstart research on the superbugs and explore strategies to ensure a robust pipeline for new antibiotic drugs.

Drug-resistant bacteria sets back the clock on medical progress. It costs more and, more importantly, it costs lives. No one should go into a hospital for one problem with their health and leave with another—or not leave at all.

We need to take antibiotic resistance seriously and fight it with as much passion as we fight any potential killer.

I thank Senator HATCH for his leadership on this issue and for introducing this bill with me. I look forward to working with him to help get it passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, in a few moments, I will call up amendment No. 4719. I have been asked to withhold on that until the distinguished chairman arrives. At this point, I will simply describe to the Members of the Senate what my amendment does. May I proceed on that, Mr. President?

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. WICKER. Mr. President, my amendment No. 4719 would add an amendment to the National Flood Insurance Reauthorization Program to provide for multiple peril insurance. It would create a new option under the National Flood Insurance Program to offer coverage of both wind and flood risk in one policy. It is an idea that certainly makes sense to most Americans, particularly those along the gulf coast who have suffered the ravages of Hurricane Katrina and are still doing so 2½ years later.

The proposal requires that premiums for this new coverage be risk based and actuarially sound so that the program would be required to pay for itself.

The Congressional Budget Office has issued a statement about similar language that was included in the House legislation. I will come back to that in a moment or two.

CBO estimated that the multiple peril program would increase premium receipts and additional claims payments by about the same amount, resulting in no significant net budgetary impact. By covering wind and flood risk in one policy, the multiple peril option will allow coastal homeowners to buy insurance and know that hurricane damage would be covered.

I am pleased to announce to my colleagues that the Wicker multiple peril insurance program amendment, which I will call up in a few moments, has the backing of the National Association of Realtors. They have endorsed my amendment to add multiple peril insurance to the flood authorization bill.

Now, when we are embarking on a major change to a program, there are concerns that are voiced and need to be discussed. A number of people have expressed fears that multiple peril insurance would cause the displacement of jobs from the property insurance marketplace. In fact, I would contest that allegation and state to my colleagues this: The program will not create a sales force for Federal insurance agents. Indeed, in coastal communities, local insurance does not write wind insurance today. Of course, the local agents do write the traditional fire, theft, and liability insurance, and they earn commissions for the Federal policy, as they do now with the National Flood Insurance Program coverage. They will be able to continue to do so under the Wicker amendment.

Others have expressed concern that wind storm coverage is widely available and Federal involvement is not necessary. I would say this to that assertion: There is a difference between being able to purchase wind insurance

under a very expensive, limited State wind pool, which people are able to do, theoretically, and being able to purchase wind insurance and still be able to pay your mortgage because it is so expensive that the typical American family is not able to do so.

Indeed, wind premiums are increasing exponentially because the risk is contained in geographical boundaries of a given State. My amendment would correct that problem. Also, I think another myth with regard to multiple peril insurance is that it would dramatically increase the exposure of the National Flood Insurance Program and the Federal Government to catastrophic loss.

That is where I want to get back to fully quote the Congressional Budget Office in this regard. The explicit language of the Taylor amendment, adopted in the House of Representatives and adopted overwhelmingly in that body, on a bipartisan basis, provides that the premiums coming to the program will be actuarially sound and risk based. I don't think we can be any more explicit than that. If a Member of the Senate would like to come forward and make that a little clearer, I would be happy to have an amendment in that regard.

The House of Representatives said the premiums are based on risk, and they must be actuarially sound. Here is what the CBO had to say about the proposal as it was offered and adopted in the House of Representatives, which is virtually identical to the amendment I am offering today:

H.R. 3121 would direct FEMA to offer such multiple peril coverage at an actuarial, i.e., unsubsidized rate. Because of the uncertain nature of actuarial pricing, FEMA might collect more receipts than necessary to pay future claims, resulting in a net reduction in direct spending. It is also possible that FEMA might collect less premium income than would be necessary to cover future liabilities from multiple peril policies, which would likely result in the need for additional borrowing authority from the Treasury. In the latter case, the legislation would prohibit FEMA from entering into or renewing any multiple peril policy until such borrowing is repaid.

That is the one difference in my amendment and the House-passed amendment. But, specifically CBO goes on to say:

CBO expects that the new coverage offering under H.R. 3121 would increase premium receipts and additional claims payments by about the same amount, resulting in no significant net budgetary impact.

Mr. President, so we enter into a debate today on a commonsense proposal to allow the insurance consumer to know when he or she purchases hurricane insurance, there will not be a debate between wind and water in the courtroom, and the insurance customer, homeowner, property owner can purchase insurance with the knowledge that he or she is covered regardless of the nature of the peril and pay a premium that is adequate to purchase such coverage.

AMENDMENT NO. 4719 TO AMENDMENT NO. 4707

Mr. President, at this point, I think it is appropriate—and I am told the chairman has no objection—to call up my amendment No. 4719, which is at the desk. I do so now.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 4719 to Amendment No. 4707.

Mr. WICKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the optional purchase of insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm)

At the end, insert the following:

SEC. _____. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

''(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

''(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

''(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

''(A) cover losses only from physical damage resulting from flooding or windstorm; and

''(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

''(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

''(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

''(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

''(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

''(C) the classification, limitation, and rejection of any risks which may be advisable;

''(D) appropriate minimum premiums;

''(E) appropriate loss deductibles; and

''(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

''(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

''(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

''(i) for any single-family dwelling, $500,000;

''(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

''(iii) $150,000 per dwelling unit for—

''(I) any contents related to such unit; and

''(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

''(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure; and

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

''PROHIBITION AGAINST DUPLICATIVE COVERAGE

''SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

(2) by adding at the end the following new subsection:

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 4720

Mr. MCCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4720.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending McConnell amendment to S. 2284.

Mitch McConnell, Pete V. Domenici, Robert F. Bennett, Judd Gregg, Chuck Grassley, Mike Crapo, Johnny Isakson, Norm Coleman, John Barrasso, John Thune, Michael B. Enzi, Lisa Murkowski, Orrin G. Hatch, Jon Kyl, John Cornyn, Lamar Alexander.

Mr. MCCONNELL. Mr. President, I support the flood insurance bill that has been reported out of committee. I think it is a good bill.

However, as important as it is that we strengthen the flood insurance program and get it back on sound financial footing, we cannot continue to ignore the No. 1 issue on the minds of the American people, and that is high gas prices.

Two years ago, Democratic leaders told us they had a ''commonsense'' plan to lower gas prices. But since they took control of the Congress, gas prices have risen by $1.29 a gallon, according to AAA.

At home in Kentucky, the average price of a gallon of gasoline is now $3.58. Diesel fuel—which runs our trucks and farm machinery—is now $4.11. This creates incredible hardships for families, small businesses, and farmers.

Apparently, the Democrats' commonsense plan is not working so well. In fact, the general thrust of their plan is to increase taxes on energy companies which would raise, not lower, gas prices. But Republicans do have a plan to reduce gas prices over the long term by increasing our supply of energy, American energy and American jobs, right here in our own country.

In last year's Energy bill, we passed a number of provisions that most of us supported to reduce the demand for oil, increasing fuel economy standards for both cars and trucks and increasing the use of alternative fuels. All of that was important and needed to be done. Those were important provisions. I certainly supported them and most of the Senate did as well, but we cannot seriously address the root cause of today's high gas prices without also addressing the issue of supply.

The senior Senator from New York, for example, said last week that 500,000 more barrels of oil per day on the world market would bring relief at the pump—500,000 barrels of oil per day would bring relief at the pump. I agree with him. The difference is, I believe we should produce those additional barrels of oil right here in America, with American jobs, to bring prices down. The fact is, if President Clinton had not vetoed a bill to open the Arctic National Wildlife Refuge 13 years ago, 1 million barrels of oil would be flowing from ANWR to American consumers every day—twice what the senior Senator from New York said would bring relief at the pump.

We will have a good debate on the flood insurance bill, and ultimately we will pass it. I certainly support that. But first we are going to discuss the only real plan that would address the root cause of today's high gas prices by increasing America's supply of oil and supporting American jobs here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4721 TO AMENDMENT NO. 4720

Mr. ALLARD. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 4721 to amendment number 4720.

Mr. ALLARD. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. ALLARD. Mr. President, I compliment the minority leader for stepping forward on the issue of meeting the energy needs of our country and the provision he has just proposed as an amendment to this particular bill.

I think it is very important that we move forward with creating more sources for energy. We have done a lot in this Congress to encourage and promote the development of renewable energy resources. In fact, as chairman and founder of the Energy Renewable Caucus, I have pushed that personally. I think it is extremely important. We have done a lot to promote this new technology, but the reality is, if we want to see pain at the pump immediately relieved, we have to do more.

What we do in the particular amendment that was introduced by the minority leader, we begin to open the more traditional sources of energy that we have here in this country—sources that are supported by an infrastructure that is already in place. Although we do need more of it, there is some degree of it already there. Also, it is supported by technology we have already pretty well developed, to one extent or another, although more technological advances need to be done. Those are the

traditional sources we find in the Arctic National Wildlife Refuge, where we have more than 1.2 trillion barrels of oil, and the Outer Continental Shelf, the extent of whose value and resources is huge. I don't know as anybody has ever been able to really anticipate how great are the resources we have, because we have a huge amount.

The provision also provides for opening the oil shale reserves we have in the State of Colorado—it is not only the State of Colorado, it is in the State of Utah and Wyoming. I am told we have well over a trillion barrels of petroleum that could be extracted from this resource. There is a total of somewhere around 1.7 trillion in that basin. Totally in the United States, we have well over 2 trillion barrels of shale.

The technology has been developed now where, in my State, the companies that have been working on it—primarily Shell—have indicated they have come up with a pretty high-quality jet fuel. It needs some additional refining, with sulfur and nitrogen. This particular amendment begins to address that.

In addition, we suspend the filling of the Petroleum Reserve. Right now, I am told there are about 70,000 barrels of oil being put in that Reserve on a daily basis. That will reduce the consumption of the petroleum products we have.

Also, it repeals permitting and drilling fees that have acted as a disincentive for oil companies and gas producers when this particular provision was passed in the 2008 Omnibus appropriations bill. Also, it encourages coal-to-liquid fuels and also talks about increasing our refinery capacity.

Right now, with all the various blends of fuel—some States have mandated 15 percent, in some cases as high as 20 percent—each time you have a different blend requirement mandated by a State, you have one refinery that gets dedicated to that particular blend. So we have a number of different States that are driving different blends of fuel. Then you have a different requirement for diesel fuel. What you do is you create a shortage of refiners. It kind of funnels down, and then, even if you increase production, you don't have the refineries available to kick out the particular blends we need to meet demands.

We need to do a lot in advancing our battery technology. Where you have intermittent renewable energy sources such as wind and solar, the Sun doesn't shine all the time, the wind doesn't blow all the time. We need to have a good battery technology that will carry and supply energy at the times we don't have the adequate supply of wind and solar to carry on the demands on that particular system.

We need to work more on biofuels. I am very excited. We put in incentives in this particular amendment to address that. I am excited; in Colorado, we have a biodiesel plant that takes the oil and grease and fats from restaurants, puts it together, and comes out with a biodiesel. It is a self-sustaining plant; they use the diesel they generate back into the plant to run their own electricity. It could be independent of the power lines, could be a stand-alone facility. It also helps us get rid of a byproduct out there that is a problem for our county dumps and whatnot. The exciting thing about this particular technology is it is to the point where they do not have to have government subsidies, which I think is a huge jump.

I mentioned the oil shale moratorium, removing that, which was in the fiscal year 2008 omnibus bill.

It also provides some reasonable approaches to the regulatory process so we can increase production on an emergency basis because we are facing an emergency situation in this country with the high prices we are facing here in America—and all over the world, as a matter of fact.

We all know the Senate has limited time left this year to debate important legislation. It is becoming more apparent and more clear to me that the Democratic leadership is staunchly opposed to doing anything that would alleviate the seemingly endless upward pressure on energy prices. That is why I am so excited about the fact that the minority leader has introduced this amendment.

Given their unyielding desire to increase taxes on much of the energy industry, I can only assume that the Democrats in Congress believe that steadily increasing energy prices provides political fodder upon which they can capitalize. Democrats in both Chambers appear beholden to the environmentalist agenda, a radical agenda that wholly disregards America's economy. Oblivious to prices at the pump and indifferent to from whom we import our oil, far-left environmentalists and their cohorts in Congress are failing their duty to the American public. The Congress has stymied efforts to produce trillions of cubic feet of natural gas, trillions of barrels of oil, and prevented the construction of new refineries, new powerplants, and hydroelectric facilities. This is bad policy.

America's economy may be struggling, but despite hard times, American businesses and consumers still demand energy. In oil alone, we consume over 20 million barrels a day. Since we only produce over 8 million barrels a day, the gap must be made up by purchasing oil from hostile and undemocratic nations such as Venezuela, Saudi Arabia, and Nigeria to meet our energy needs. We spend over half a trillion dollars each year importing foreign oil and it is far past time to rectify this unhealthy dependency.

The global price for petroleum reaches new highs every day and petroleum-related import have caused our trade deficit to increase by billions of dollar, According to a study by the Congressional Research Service in 2005 and 2006 alone, our trade deficit rose by $120 billion. As oil prices continue to rise and domestic energy production is further obstructed, America's trade balance will only fall deeper into the red.

As a senator from energy rich Colorado, I am on the front lines of the battle to increase our domestic energy production.

The Democrats continue to delay efforts to tap into a natural gas reserve below the Naval Oil Shale Reserve—often referred to as the Roan Plateau—that contains approximately 8.9 trillion cubic feet. We need this clean source of energy now.

Moreover, below the vast lands of Colorado, Utah and Wyoming lies roughly 1.5 trillion barrels of potentially recoverable oil. This amount dwarfs the reserves of Arabia and other petro-rich nations and new technologies that are continually emerging would allow us to responsibly extract this oil to help meet our demands. The benefits to Colorado and the American economy would be tremendous.

Something else that I don't believe we're talking enough about is the economics of this. Colorado, just like every other state is trying to find a way to pay for the many responsibilities and priorities set by the state legislature. Taxpayers are tapped out and there are still shortfalls. I would think that an infusion from a steady income source would be welcome. The BLM estimate that Federal royalties from production of natural gas within the Naval Oil Shale Reserve would be $857 million to $1.13 billion over the next 20 years.

Because these royalties are split with the state we are talking about—probably conservatively—$400 to $500 million going to Colorado. I think our school districts benefits from that kind of money.

I think that local police forces, fire departments, hospitals, roads and other state and community services benefit from that kind of money. I think the taxpayer benefits from that kind of money.

All of us here also know that national environmentalist groups have succeeded in pressuring members of Congress to mandate a lock down of what could be an immense treasure chest of oil in the Arctic National Wildlife Refuge. Not only have these groups subverted the widespread local support of Alaskans by prohibiting the potential extraction of oil, environmentalists stubbornly resist even moving forward with comprehensive testing that could result in the environmentally responsible development of parts of the ANWR.

There could be 5 to 15 billion barrels of recoverable oil there. There could also be much more, or much less. The point is we do not know because extremist environmentalists have convinced their friends in the House and the Senate to prevent us from finding that out. It makes one wonder what they are afraid we might find.

Moving to another part of the country, in April, the U.S. Geological Survey announced that 3 to 4 billion barrels of technically recoverable oil exists below North Dakota and Montana's Bakken Formation. This is 25 times more than what was estimated to exist in 1995.

These numbers are staggering and there are other examples where our aversion to responsible development defies common sense. Of course, we must continue our dedicated efforts to explore alternative sources of energy to meet our demand.

We have long advocated for a more diversified energy portfolio. But I do believe it is possible to develop sections of the Arctic National Wildlife Refuge, extract natural gas from the Rocky Mountains west and harvest resources in economically feasible ways that also protect our natural wonders.

We should not take increased production of any domestic energy source off the table. The longer we completely deny access to domestic supply, the more we exacerbate our current energy shortages. Possibly most concerning to me is the fact that the less we are able to produce our own energy sources, the more we will rely on foreign and possibly hostile sources for it.

We cannot solve the problem of soaring gas prices facing Americans today with any one solution, but we certainly should not allow the relentless push or environmentalists' narrow agenda to make this crisis even worse.

Mr. President, I ask unanimous consent for an additional 2 minutes to wrap up my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Yesterday the national average for a gallon of gasoline was $3.62. What will the average gallon of gasoline in America have to cost for the leadership in Congress to step up to the plate with a comprehensive solution for consumers?

It is time for Congressional leaders to be a part of the solution and not the problem. It is time to put every idea on the table and responsibly develop some of the vast energy resources we have right here at home. It is time for common sense to prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, we are about to go into recess here for the weekly lunches. I say to my colleague from Mississippi, Senator WICKER, and those who are interested in the addition of wind coverage in this flood insurance bill, I am not sure of the fate of this bill now in light of some of the motions that have been filed on a bill where I hoped we could deal straightforwardly with flood insurance issues. So it may all have come to naught, anyway, in all of this, which I regret deeply. But putting aside that possibility, I want to respond briefly on the wind request. I am very sympathetic to this request. It is a very legitimate issue to be raised about the damage that wind does. There was some $17 billion in claims on flood, of course; in fact, more than that. We are in arrears in that amount. We have no idea what the cost of this program would be with wind, if we add wind.

That is my problem with agreeing to the amendment of Senator WICKER and others. All of us who live in coastal States are fully aware of the kind of damage wind can produce. But in candor to my colleagues, if they turn to me and say to me: ''How much does this cost?'' I cannot answer. I am stymied in a sense to respond to the question. The estimates run high and low. What I am committed to doing—and I want my colleague from Mississippi and others to know this—we have a commission we have adopted in this legislation specifically for the purpose to getting at the bottom of this so we can develop a program that clearly would cover those kinds of circumstances.

There will be more debate and discussion. But I say to him, in candor, I am sympathetic. He makes a point I have made and others have made over the years, to those of us who live within 100 miles, as so much of the country does, of our coastal regions.

I have listened to GENE TAYLOR, a Congressman from Mississippi. He has come to my office and laid this out for me in detail. Senator SCHUMER of New York has talked about it, as well as Senator MARTINEZ has talked about it, the damage done in their respective constituencies as a result of wind damage.

The simple problem I have, if one of my colleagues turns to me and says: Can you tell me what this will cost under the program? I cannot answer the question. We are right now trying to, of course, excuse the $17 billion worth of debt that FEMA owes. That is part of the premium costs people are paying in. We need to get a program in place, because on June 1 hurricane season starts. In the absence of any program at all, this entire expense can fall in the taxpayers' laps.

We are all painfully aware of how damaging Mother Nature can be. The headlines of every newspaper in the country today are of course about the devastation in Myanmar where thousands have lost their lives. I presume with 120-mile-an-hour winds that ripped through these communities, it was not only flood damage that caused the tremendous destruction.

This can happen. It is happening all over the globe these days. So we need to address this. But in terms of this bill and trying get this piece done, it poses a significant burden for me as the chairman of this committee. This bill passed out of our committee unanimously and not without expressions being made by Senators SCHUMER and MARTINEZ about the wind issue.

Again, I am sensitive to their concerns. The flood program covers 5.5 million homes and businesses, and the wind program would substantially increase the number of policies provided by the Federal Government, taxing the administration of the program and putting taxpayers on the hook for greater losses, without any question.

In 2005, the hurricanes resulted in $17 billion in flood claims, an amount that completely overwhelmed the flood program. We collect $2.5 billion in premiums each year. About $1 billion of that is administrative costs. So when you are down to a fraction, you get $17 billion in claims on flood, how much would you have to raise those premiums to include the potential wind, where wind damage was five times that of flood in 2005, in those hurricanes that ripped through?

Again, I do not know the answer to those questions in terms of cost and what it would be. But it could literally price the program out of the possibility of people affording it. And what makes the program work is that people pay into it here that allows us to deal with these kinds of catastrophes without going to the Federal Treasury to pay for them. So an expansion of this size could literally overwhelm this program, the flood insurance that is at a significant risk of sinking under the weight of wind. Flood insurance is already in a precarious position. I want to make sure anything we do here will work to stabilize that program.

I am committed to finding a solution. In fact, had it not been for the housing crisis I have been literally spending 98 percent of my time on—and the Presiding Officer is a member of our committee—we are consumed with this issue of how we deal with foreclosures, which is also a problem, I might add, in some of the very States we are talking about that are facing these problems coming to hurricane season.

We would have spent a substantial amount of our time on these related issues, the catastrophic issues our colleagues from Florida talk about, my good friend, BILL NELSON, raises all the time that the people of Florida care deeply about. We will get to that. The problem is that the window is closing on our time to do things. This program expires in September, the flood insurance program—there is no program. So we have a limited window to get this right.

I deeply regret that people have come over offering cloture motions. The energy issue is huge. But when you end up messing up a piece of legislation such as this, despite my offers to everyone to have up-or-down votes on related amendments, to wind and flood and these problems here, it does not help.

An awful lot of people are going to get hurt. An awful lot of costs are going to go up. A lot of damage is going to be done because we cannot spend 24 hours around here doing one thing, and that is deal with flood insurance.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the acting president pro tempore.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—Continued

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in support of the Wicker amendment, the multiple peril insurance provision. I want to share some thoughts with the Senate on this provision.

As a Senator from the State of Florida, little is of more importance to the average homeowner than their home insurance and the cost of that insurance.

The multiple peril insurance provision will create a new option in the National Flood Insurance Program to offer coverage of both wind and flood risk in one policy.

The program requires premiums for the new coverage to be risk-based and actuarially sound.

CBO estimates the multiple peril program ''would increase premium receipts and additional claims payments by about the same amount—resulting in no significant net budgetary impact.''

By covering wind and flood risk in one policy, the multiple peril option will allow coastal homeowners to buy insurance and know that hurricane damage would be covered.

The reason we have to consider this is because in Florida, the gulf coast and throughout the region we have experienced constricting effects in the market.

Insurance companies are pulling out. They are dropping coverage. State Farm, for instance, stopped writing residential, rental, and commercial policies just 2 months ago.

People in my State are finding it increasingly difficult to secure insurance, especially policies that cover both wind and flood damage. People who have paid every premium and never filed a claim are simply locked out of the market.

But insurance is only part of the solution. We also have to encourage mitigation.

The multiple peril program would strengthen coastal mitigation efforts by making the new coverage available only where local governments have adopted building codes consistent with International Code Council standards.

Most of the State-sponsored plans are not able to spread risk efficiently and not able to build up sufficient reserves to cover a major hurricane.

They are forced to charge higher and higher premiums to buy more overpriced reinsurance to keep up with their increasing liability.

The Federal multiple peril program will spread coastal risk geographically, in a much more efficient manner than the state pools.

I strongly support the Wicker amendment, and I encourage my colleagues to do the same.

I remind my colleagues that CBO expects that the new coverage offered under H.R. 3121, the Wicker amendment, would increase premium receipts and additional claim payments by about the same amount, and the CBO claims that the result would be no significant net budgetary impact.

For those reasons, I strongly support the Wicker amendment and urge my colleagues to vote in favor of it.

I yield the floor and 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. VITTER. 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. VITTER. Mr. President, I rise in very strong support, with so many of my colleagues, of the Wicker amendment. As Senator MARTINEZ has talked about Florida, Senator WICKER has talked so eloquently about Mississippi, so, too, in Louisiana it is an absolute imperative that we address the wind liability coverage issue in this larger debate.

The single greatest obstacle to recovery in both of our States hit by Katrina and Rita is insurance. For so many of my constituents, insurance on the wind liability side is unavailable or, if it is available, completely, absolutely unaffordable. This Wicker amendment will give folks a new option. It won't mandate it, it won't push them into that program, but it will give them an option. Most importantly, it will give them an option without increasing any burden or risk to the taxpayer.

I want to repeat something that has been said, but it is vitally important for everyone to understand before we vote; that is, the CBO has made perfectly clear this amendment does not make the bill more expensive. It does not make the program more expensive. It does not cost the taxpayer for a very simple reason: There is a mandate in the language that premiums be set in an actuarially sound way to cover the risk.

I strongly support the Wicker amendment.

AMENDMENT NO. 4722 TO AMENDMENT NO. 4707

Having said that, I ask unanimous consent to set aside the pending amendment and call up Vitter amendment No. 4722.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 4722 to amendment No. 4707.

The amendment is as follows:

(Purpose: To increase maximum coverage limits)

At the appropriate place, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$670,000''; and

(B) by inserting before ''; and'' the following: ''; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)''.

Mr. VITTER. Mr. President, this amendment is basic and straightforward. This amendment would increase the coverage limits for flood policies under the National Flood Insurance Program. Why do we need to do that? For a very basic reason. Those dollar limits have not been changed in 14 years. They haven't been changed at all, adjusted for inflation or anything else, since 1994. So it is way past overdue to update these coverage limits in a reasonable way. This Vitter amendment 4722 would do just that. But, in fact, it wouldn't even fully take into account inflation since 1994. It would fall a little short of that. We chose the increases because my increases in amendment 4722 are exactly what the House of Representatives has already passed, merely updating those limits to take into account most but not even all of inflation since they were last set in 1994.

I share with the chairman and ranking member the goal of making this program more fiscally sound, more actuarially sound. But we will completely frustrate that goal if we have a program with extremely low coverage limits and people can't buy the coverage they need. What will happen if we allow that? More and more storms

will hit, and people who have flood insurance coverage will not have nearly enough coverage, so there will be pressure—every event, every storm—to come to Congress for emergency measures above and beyond the flood insurance program. That isn't a path to fiscal soundness. A path to fiscal soundness must include some reasonable updating of coverage limits. This amendment would do that.

Finally, this was included in the House version of the bill. It did pass the House overwhelmingly. In the context of the House bill, the Congressional Budget Office said it did not add to the cost of the bill in any way because increased premiums go along, of course, with increased coverage limits. The CBO said, in light of those increased premium payments, which go along with increasing coverage limits, there isn't an addition to the cost of the bill. It is a net wash in terms of the cost to the taxpayer and to the bill.

I encourage all of my colleagues on both sides of the aisle to look hard at this amendment. It is a sound, modest amendment to update the program. It is perfectly consistent with fiscal soundness. I would hope we can get a strong resounding vote in favor of the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise to oppose the Vitter amendment and oppose it very strongly. The goal of flood insurance legislation is to move the program to more actuarially sound prices. This amendment would undermine that goal. The Vitter amendment would add significant new liabilities to the program without ensuring the necessary premium increases to cover such liabilities.

I want to remind my colleagues that we are forgiving in this bill nearly $20 billion of debt incurred as a result of failures of the flood insurance program to date. The changes we are making are an attempt to ensure that taxpayers never have to pay off such a debt ever again. This amendment runs contrary to that goal, making it much more likely that we will be back bailing out the program in the near future.

Furthermore, there are currently numerous private insurance carriers providing flood coverage for losses that exceed the maximum amounts provided by the Federal program. In other words, unlike basic coverage, where no private insurance exists, there is a private insurance market available for additional coverage. While I recognize this insurance is expensive, that is because it is actuarially priced. The premium is commensurate with the risk.

This program was designed to address the fact that the market stopped providing primary flood insurance coverage. It was not intended to socialize risks that were otherwise being handled by private markets. The only reason to increase the coverage limits of the program is to crowd out risk-priced private insurance to provide socialized subsidized insurance. I believe it is largely due to the existing subsidies that this program has such problems. We do not need to add more subsidies at this time.

For all these reasons, I oppose the Vitter amendment and urge my colleagues to do the same.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, in response, I respect very much the views of the ranking member. But, No. 1, at least with regard to the House bill on which I have seen the CBO analysis, the CBO said it did not add to the cost of the bill because higher premiums obviously come with a higher coverage limit, if folks choose to buy that.

Secondly, if we have coverage limits which are way too low and a big event hits, that is going to shove us in a direction away from fiscal soundness because it will make extraordinary emergency measures necessary in response to that event by this Congress, rather than having an insurance system capable of covering the loss.

AMENDMENT NO. 4723 TO AMENDMENT NO. 4707

I ask unanimous consent to set aside the pending amendment so I may call up amendment No. 4723.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment No. 4723 to amendment No. 4707.

The amendment is as follows:

(Purpose: To allow for a reasonable 5-year phase-in period for adjusted premiums)

On page 11, line 6, strike ''Any increase'' and all that follows through the second period on page 11, line 11, and insert the following: ''Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.''.

Mr. VITTER. Mr. President, in the interest of moving this bill along and moving through as many issues as possible efficiently, I will explain the amendment briefly.

This amendment deals with those properties which have an increased risk because of the issuance of new flood maps. Every time there is an event, of course, whether it is a small event or a huge one, such as Katrina and Rita, there are new flood maps developed over time by FEMA. If a property is a greater risk under those new flood maps, under this underlying bill premiums would go up. I have no objection to that. They should go up. But I do think we need to temper that with a reasonable time period over which to spread out that increase. This underlying bill says that increase would happen all in 2 years. My amendment would change that to mirror the provision in the House bill and would spread that increase over 5 years instead of 2.

This is a reasonable, modest measure to make this movement toward fiscal responsibility and actuarial soundness reasonable and manageable by the premium payer. Some of these changes, particularly after an event such as Katrina or Rita, can be quite dramatic. To say that all of that change, all of that premium increase happens over 2 years is going to be a huge, whopping bill that is going to stop a lot of folks from being able to be insured over time.

I think this change to have that phased in over 5 years is reasonable. It does not lose sight of the goal of fiscal soundness and actuarial soundness, but it is a reasonable accommodation to folks who are in a very different circumstance because of a brandnew flood map.

With that, Mr. President, I encourage my colleagues on both sides of the aisle to support the measure, and I yield back the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank my colleague from Louisiana for offering these amendments and handling them as efficiently as he said he would. I appreciate that very much. We are trying to move legislation here, so I am grateful to him.

As to this idea, this last point that was made—like the first amendment he offered—there is value and merit in what he is suggesting. But, as Senator SHELBY has pointed out, we are trying to strike balances. We have an obligation, one, to get this program up and running again. There is $17 billion on which we owe a debt, which is going to raise the cost of premiums if we do not forgive that debt, which is the major thrust of this legislation, as well as trying to deal with some other related issues—but to try to keep this within prudent fiscal conditions.

What we do in this bill—and the point the Senator from Louisiana raises is a valid one. Certainly, we do not want this to occur in 1 year. So what Senator SHELBY and I did with our committee members is to do a 2-year phase-in of this program. It is not 5 but it is 2 years, to try to exactly accommodate the legitimate concerns raised by the Senator from Louisiana. Obviously, it all occurring at once would probably be more than some people could tolerate. If the property is newly mapped in a flood plain, the rates are phased in over a 2-year period to ensure that a home or business can plan for flood insurance costs, obviously. It is not as long as 5 but we think 2 helps.

The bill and this provision are part of our overall effort to balance the need to reform and strengthen the flood program with the need to ensure people can afford to purchase needed flood insurance. Striking that balance is what we are trying to achieve. It is hard not

to make a case—we could make it 6 years, 7 years. That would be easier. But the problem is, at the same time we would not be getting the revenue coming in to accommodate covering the additional properties we want to cover with the new mapping. So how do we do that? We thought 2 years would be an adequate amount of time to give people a chance to phase that in and simultaneously meet our obligation of seeing to it that this program would be there to cover the 5.5 million homes we are talking about. I think we struck that right balance.

As to the other members of the Banking Committee, again, we unanimously adopted these provisions, and not without debate and consideration of the very point being raised by the Senator from Louisiana.

I wish to remind my colleagues, again, this bill results in significant savings in the flood program. The bill forgives $17 billion in debt. We are paying interest payments on that $17 billion. That is part of that premium cost. That is a huge cost. Without this debt forgiveness, which is a part of this legislation, policyholders would see rates increase many times over. In fact, rates would have to almost double just to pay the interest on the debt FEMA owes. So that is a major thrust of what we are trying to achieve. So we are saving all policyholders and all homeowners at risk from being priced out of this program with the debt-relief provision.

In exchange, however, the bill contains provisions to move the program to actuarially sound rates to ensure the long-term viability of the flood program, which is also our responsibility with this legislation—to make sure that actuarially this program will have the revenues coming in to support and sustain the risks it tries to cover against.

These reforms stabilize the flood program to make sure that when the next flood hits, homeowners will have flood insurance to be able to rebuild their homes and their lives.

I am concerned that further subsidies in the program undermine our efforts to put this program on sound financial footing. Those are the reasons I would oppose the second Vitter amendment as well. I say that with respect. Again, these are a lot of ideas that neither Senator SHELBY nor I would say lack merit. It is a question of what we can afford to do, where the balance is, where the actuarial soundness is. That is more the thrust of our argument than whether we agree or disagree with the goals stated by the proponents of these amendments.

I make the same point I made earlier as to the amendment offered by Senator WICKER from Mississippi. I would be hard pressed to make a case that we should not try to do something about wind damage. It is a legitimate issue. I will point out in this morning's papers, if you read about that incredible devastation created in Myanmar: 25,000 people lost, 120-mile-an-hour winds ripping through that country, clearly flood damage, clearly water damage, clearly wind damage.

The problem Senator SHELBY and I have is, I could not answer the question. My friend from New Mexico asked me: How much is that going to cost, Senator? I cannot answer you. You have a right to know the answer to that question, so we are trying to find that out. We have asked for a study to look at the wind issue. The Acting President pro tempore comes from a coastal State as well. He knows what can happen with these issues. I think wind is a legitimate issue for us to sort out. But I cannot honestly answer the question actuarially. We are told it is five times the cost. If you take in the four hurricanes in 2005, the $17 billion in flood damage, wind damage would have been five times that cost. Of course, we have a flood insurance program here that puts $2.5 billion into that account on an annual basis.

So we are talking about something we are really not capable of managing under the present circumstances—a legitimate issue. The Senator from Mississippi is absolutely correct in raising it. I pointed out earlier that Senator SCHUMER of New York talked about this passionately. Senator MARTINEZ from Florida talked about this as well. Anybody from a coastal State will tell you what this can mean. But I have to be able to answer—as Senator SHELBY and I do—the question of whether you can actuarially account for this, whether we can have a program that is sustainable, and we cannot answer those questions. In the absence of doing that, we reluctantly oppose these amendments, and because of the importance of getting this program accomplished, in place.

In 3 weeks, or less than 3 weeks, the hurricane season starts. Any of us who live in these eastern coastal areas, the Gulf State areas, Florida, coming up that coast all the way up to New England, know that at any given point over that period of time, we could be hit. We need to have this program in place to begin to take care of these costs. That is why we are here today to try to get this done.

I am going to respectfully say and urge colleagues to come over with their amendments so we can get this work done—to listen to what they have to offer and say, to consider where we can, but we need to complete this bill, and we are going to be most reluctant to be supportive of ideas that violate the actuarial soundness of what Senator SHELBY and I and the other 18 members of our committee endorsed last year when we adopted this bill.

Mr. President, I see my colleague from Alabama on the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

AMENDMENT NO. 4719

Mr. SHELBY. Mr. President, I would like to take a few moments. I rise in opposition to the Wicker amendment that the Senator from Mississippi offered earlier and has spoken to. I recognize that property casualty insurance availability and affordability is a serious concern in some parts of this country, perhaps all parts. The addition of wind coverage, however, to the financially insolvent flood insurance program is not the solution to this problem.

I think we should put this amendment into context. According to the Insurance Information Institute, this amendment would add an additional $10 trillion to $12 trillion in exposure to the bankrupt Federal flood program, as well as annual Federal program deficits that could reach $100 billion or more. Just think about it.

On this, in the Banking Committee, we have had no hearings. We have established no record. We have no understanding in any way, shape, or form as to what the true consequences of the Wicker amendment could be—nothing at all.

Perhaps we should consider this amendment in the context of flood insurance. The National Flood Insurance Program does not charge actuarial rates for anyone within the program. There are direct subsidies to many homeowners and indirect subsidies to all others because the underwriting criteria do not accurately depict the risk. The program is currently bankrupt and has no ability to pay back its $17 billion debt obligation at this point. With a model such as this, I am not convinced that another Government-managed insurance program will well serve the American taxpayer.

There are other considerable flaws to the approach contemplated by the Wicker amendment. Private insurers minimize exposure to catastrophic risk through diversification. The Wicker amendment would concentrate the risk. It provides no ability for reinsurance, retrocessional insurance, or any other means to diversify and lay off risk.

In addition, the Federal wind coverage would face operational challenges that have not been addressed through the Wicker amendment. The flood program currently takes advantage of efficiencies created by the use of public and private resources. No private insurance company would ever sell or solicit a policy that would directly compete with itself. Therefore, the wind portion of this insurance will be marketed, underwritten, and serviced directly by the Federal Government, if you will. This will add significant administrative costs and bureaucracy to the process of claims handling.

The capital markets have begun to show strong willingness to underwrite the risks associated with natural disasters. New innovations, such as catastrophe bonds and sidecar agreements, have been created recently. By allowing more Federal Government involvement, many of the innovative techniques for transferring risk will be crowded out in the marketplace.

While there are some parts of the country where insurance coverage problems have occurred, most of the property casualty insurance market is functioning well in this country. In order to fully understand the problems associated with coverage lapses, I believe we must work to understand the root causes of the problem so we can debate solutions and address the problem without hindering the rest of the market itself.

Our legislation creates a commission intended to provide us much of the necessary information we need to understand the problem of catastrophic risk. For instance, the commission would study ''the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country.'' It would also consider ''catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population,'' as well as many other issues directly relating to the cost and availability of insurance for wind damage.

Given the potential exposure to the taxpayer, I believe we owe them a better process. At a minimum, Mr. President, I think we need to further study this problem prior to committing the resources of the American taxpayer.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President: What is the business before the Senate?

The ACTING PRESIDENT pro tempore. The Vitter amendment is the pending business.

Mr. DOMENICI. Mr. President, that is because we had unanimous consent to set aside the Domenici amendment, or the Allard amendment?

The ACTING PRESIDENT pro tempore. There was a unanimous consent to set aside the pending amendment.

Mr. DOMENICI. Mr. President, I am going to speak on the underlying Domenici amendment for about 15 minutes, and then time will be arranged for that between the leaders for later in the day, so we will not have to have any further interruptions, as I understand it. I do not seek to interrupt your bill. I say to Senator DODD, there will not be any further interruptions until some agreement is reached, perhaps between the leadership.

Mr. DODD. Mr. President, I say to my colleague, I am trying to arrange—we now have three amendments. There may be some people who want to be heard on them, the Wicker amendment and the two Vitter amendments. My hope was to have a vote at around 3:15 on those three amendments.

I am trying to move a bill—Senator SHELBY and I. We are running out of time here. There are about maybe as many as 17 amendments we are going to have to consider. We could be in here late tonight. If that is the case, I would like to do that in order to get this done. I am going to let staff know here—and I am not going to make the motion at this time—just to let them know I would like to make a unanimous consent request that, say, at 3:15 we vote on the Wicker and the two Vitter amendments and to notify the leadership of that so they can consider whether they want to agree to that. But that way, we could move along, if Members want to be heard on these amendments.

The concern, I say to my good friend from New Mexico—and he is one of my best friends here—I am trying to get this done.

Mr. DOMENICI. Sure.

Mr. DODD. If you have 15 or 20 minutes, it will blow me back from 3:15.

Mr. DOMENICI. Mr. President, 3:30 would be early enough. You would be making good time at 3:30 and let me have a little time. This is a big amendment and we have to have some understanding of it before you get your bill finished. You are going to have a vote on it—I won't use more than 15 minutes at this point—on a very big proposition on behalf of almost all of the Republicans. I don't know about your bill in detail, but I think you are doing a terrific job.

Mr. DODD. Here is my problem. If I don't have a vote at 3:15, it will be a lot later than that, and I will be notified by staff and the leader. That is my problem. I know my colleague wants to be heard on the bill and he has every right to be heard. I would like to vote at 3:15, stacking three votes at 3:15.

Mr. DOMENICI. If you get that agreed to, can I have consent to be recognized after those votes for 15 minutes?

Mr. DODD. I am happy to do that.

Mr. DOMENICI. Mr. President, I ask unanimous consent that if votes are called for on the three amendments alluded to by Senator DODD, the Senator from New Mexico would be recognized after those votes for 15 minutes to speak on the energy amendment which is attached to this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. We have a request to see whether we can have the three stacked votes at 3:15.

Ms. LANDRIEU. Mr. President, reserving the right to object, what are the three votes?

Mr. DODD. Senator WICKER and two amendments offered by Senator VITTER. I don't have the numbers in front of me.

The ACTING PRESIDENT pro tempore. The unanimous consent does not deal with stacking those three votes at this point. The unanimous consent only dealt with the Senator from New Mexico having floor time if there were three votes.

Ms. LANDRIEU. OK. That is the only unanimous consent agreement. That is fine.

Mr. DODD. Pending the agreement on that, at the conclusion of those three votes, the Senator from New Mexico be recognized for 15 minutes to talk about his amendment—assuming we can get an agreement to have a vote at 3:15.

Mr. DOMENICI. If we don't get agreement on that, then I ask that I be recognized at 3:30 for my 15 minutes.

Mr. DODD. Let me try to get an agreement here. One step at a time.

The Senator from Louisiana wants to be heard.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I wish to speak for a moment, if I could, about the wind amendment that is pending that Senator WICKER, myself, Senator VITTER, and Senator COCHRAN have cosponsored. Several of us have been working on this for months now, and our colleagues in the House, particularly from Mississippi and Louisiana, have been very engaged, but there are other delegations that are engaged in this issue as well. The reason is because flood insurance, while it has been helpful—very helpful to some degree—throughout the southern part and coastal areas of the country, is not sufficient. We have to provide some opportunity for our homeowners and businesses to have access to affordable wind insurance, and the operative word here is ''affordable.''

That is why we have offered this amendment to modify and expand the insurance bill regarding flooding. That is why we have held this bill up—one of the reasons this bill has been held up by several of us for several months now—until we could try to get an opportunity to fix this bill which is still, in my view, greatly flawed in a number of areas, and this is one. This bill is not providing what people need—not just in Louisiana and in Mississippi but in Texas, in Alabama, in South Carolina, in North Carolina, in Florida—in many places around this country that may be subject to storms, particularly along the lines of Katrina and Rita and other storms that have hit recently and are projected, obviously, to continue.

We are making some significant changes. People are building stronger. There are new building codes being adopted county by county, parish by parish, and State by State. There are new ideas about designs and building more safely. Even some communities are moving to higher ground. Neighborhoods are making tough decisions about where we should build and where we shouldn't. All of that is going on throughout many parts of the country.

I wish to read a couple of letters—because I think my colleagues have explained this issue very well—that we are receiving from constituents who have been struggling to get themselves back in their homes and to pay not just their mortgage but their insurance costs as well as the rising cost of fuel and the rising cost of groceries. This is exacerbating a very tough economic situation that we are experiencing in the gulf.

This is an e-mail I received from Chet in Metairie:

Hello. I live in Old Metairre. My home did receive wind damage from Katrina, with a total insurance claim of just under $30,000. I share my mortgage costs with my mother who is a 79-year-old retired Jefferson Parish school teacher. This year, our homeowners insurance tripled. Thanks to this, the total amount we pay to our mortgage company has almost doubled in 2008. Our monthly payment of loan, property tax, and insurance has gone from about $1,200 before Katrina to $2,093 post-Katrina. My income has not increased. My mother's pension has not increased at all. My brother in Mandeville has experienced similar increases. We know that insurance companies reported record profits in the year following Katrina.

It is very interesting to me that so many people on this floor are screaming and yelling about record oil profits. I didn't hear anyone come to the floor to talk about the strange and unusual situation of after one of the greatest catastrophes in the history of this country, or at least recent catastrophes, the insurance profits hit a record high, but no one from the committee came down to talk about taxing or curbing insurance profits. Yet we can't even get any kind of expansion or affordable rates for wind coverage.

I am not blaming all insurance companies, but there is something to be said for in the same year that there is the largest catastrophe in the country, the companies that are covering the catastrophe had record profits. I don't understand it and most of my constituents don't understand that. So there is a plea from constituents everywhere to try to do something about affordable insurance coverage.

Here is another e-mail from Kim in New Orleans:

Dear Mary, I'm not really sure what category this falls under. I have owned a home in New Orleans for the past three years. My insurance has gone from $995 a year to $5,133. I am a single mother with one child. I cannot afford an insurance premium of $995 to $5,135. What are we going to do?

Another from Mandeville:

My homeowners insurance has just increased $1,000. Since my insurance company decided not to cover hail and wind anymore, I will have to buy insurance from the ''Fair'' plan—

Which is our State's pool—

at a higher premium.

In addition to keeping the premium low enough to afford my mortgage, I cannot cover everything inside of my home.

Now, again—I know the Presiding Officer has been down to Louisiana—I am not talking about second homes on beaches. I am not talking about homeowners who live on the water. I am talking about people who live in the city, a port city, similar to Baltimore. We have New Orleans, a great port city, that services not just the millions of people who live in and around the metropolitan area and all up and down the lower Mississippi River, but a port city that benefits the whole entire Nation. So basically, with the bill that the committee has brought to the floor, which I have objected to, their basic philosophy is everybody who lives in and around a port that generates profit can pay high rates, so everybody else can pay extra low rates, and the people in the port cities can basically absorb the difference.

I understand about risk. If you are living in Florida on a beach in a condo as a second home or maybe even your first home or you are living on a beach in Alabama or in Mississippi, maybe you should pay a little bit extra. But the people whom I am representing—we only have two beaches. There are only two, 3 miles long, and you can't even get to them basically without a boat. I have people in Mandeville, in St. Tammany Parish, in Tangipahoa Parish and in the city of New Orleans 5 minutes from the Superdome who are seeing their rates quadruple. These people are not living in a vacation area.

This committee is having a hard time understanding this issue. That is why the Members, both Republicans and Democrats, have brought this bill, to try to say what are we going to do to give affordable wind coverage to people who live in and around these port communities.

This is from Robert in Slidell:

This will be an increase from $500 to $3,887 or an increase of 775 percent. My dwelling coverage increased by more than 21 percent in June of 2007 and another 21 percent in June of 2008. This is in addition to my deductible increasing 775 percent.

He says:

I am confused.

Well, let me tell Robert that I am confused too, because this is supposed to be a reform bill coming through to give people better insurance and better coverage and it leaves wind out of it completely. That is why we put on a wind amendment. I ask my colleagues to please support the amendment that will allow us to include wind.

This is a final e-mail from Theresa in LaPlace, LA, again, 75 miles from a beach:

I just received notice from my mortgage company that due to the skyrocketing insurance premiums for my landlord policy, the house note is increasing from $312 per month to $725 per month. The monthly insurance premium is more than the monthly house note. If something is not done, I am going to be forced to sell my house.

Now, I have been to this floor many times before. I am very sensitive to the foreclosure problems going on around this country. I know the counties that are experiencing very high foreclosure rates. Some of them are because lenders speculated. Some of it is because a few home builders got greedy—not all, because most home builders are doing the right thing, but they maybe speculated in a market.

Mr. President, I ask unanimous consent for 3 more minutes.

Mr. DODD. Can I interrupt you for a minute?

Ms. LANDRIEU. Yes.

The ACTING PRESIDENT pro tempore. Does the Senator from Louisiana yield at this time?

Ms. LANDRIEU: Yes, for 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that at 3:15 p.m., the Senate proceed to a vote in relation to the following amendments: Wicker amendment No. 4719, the Vitter amendment No. 4722, and the Vitter amendment No. 4723.

Further, I ask that there be 2 minutes of debate equally divided between the two votes and that there be no second-degree amendments in order prior to the vote. Finally, I ask unanimous consent that the first vote be a 15-minute rollcall vote and the remaining votes be 10-minute votes.

Ms. LANDRIEU. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

As I was saying, the letter goes on to say:

I have paid enough in insurance premiums to rebuild my house out-of-pocket had it been completely destroyed.

But again, when we try to get decent, affordable coverage for people, both for flood and wind, we are having a difficult time on this floor and in this Congress.

So I hope as we continue to discuss through the afternoon the importance of this that people will understand and recognize that this amendment—there are several but this amendment regarding wind is very important so we can continue our recovery in the gulf coast.

As I was saying before I was asked to pause for a minute, I recognize the foreclosure difficulties throughout the country, and I have said I am sensitive to the concerns of those communities. But I want to please remind everyone again: The people of the gulf coast do not have a foreclosure problem brought on by themselves. In fact, our foreclosure rate is lower, much lower than any—much lower than the national averages. But our people are getting their homes foreclosed and taken away from them because Federal levees that should have held failed and an insurance system we should have regulated has gone in large measure unregulated, and programs such as this that are supposed to be helping people afford insurance are not doing so. It is not right.

Our people have nowhere else to go other than to Congress to help them get a better system in place. That is why I and many of my colleagues have held this bill up for 2 years in committee. We may or may not get to vote on it this afternoon, depending upon how many e-mails I decide to read into the RECORD.

I wish to talk about an amendment I am going to offer and send up, amendment No. 4706, as modified.

The ACTING PRESIDENT pro tempore. Is the Senator requesting to set aside the pending amendment?

Ms. LANDRIEU. Yes, and I will offer another one.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Ms. LANDRIEU. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue with the call of the roll.

The bill clerk continued the call of the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 4719

Mr. NELSON of Florida. Madam President, I want to speak to the Wicker amendment. This amendment, which will add wind coverage to the flood insurance policies, is a major policy change with regard to the Federal Government. Wind coverage has always been handled by the private insurance sector and/or the quasi-government sector, covering wind through a catastrophic insurance fund as we have in Florida, or a quasi-insurance company such as we have in Florida.

This is a major policy shift. The bottom line is, I support this amendment because it is an important symbolic amendment. Our people are hurting and they need some help with regard to the potential catastrophic wiping out of not only their lives but their property as well.

What has happened in this day and age of the huge natural catastrophe first came to the fore in the example in 1992 by the monster hurricane, Hurricane Andrew. Andrew—now they think it was a category 5, which is winds upwards of 150, 155 miles an hour—had insurance losses in 1992 of $16 billion. That was by far the largest insurance loss through a natural catastrophe in the history of the United States. In today's dollars that would be somewhere around a $22 or $23 billion insurance loss.

What really shook up the insurance marketplace at that time was, had Andrew turned 1 degree to the north and drawn a bead on the city of Miami or Fort Lauderdale instead of the city of Homestead—which is way to the south in a relatively undeveloped part of Miami, Dade County—had it turned 1 degree to the north and hit that other area, it would have been a $50-billion-loss storm, and that would have taken down every major insurance company in the country that was doing business in the path of that storm. That is what shook up the markets.

Then we had a few others—not anything upwards of category 4 or 5—in the latter part of the decade in the 1990s. Then along comes 2004 and we get four hurricanes in Florida within a 6-week period. There was virtually no county in the State of Florida that did not have hurricane damage. The only good news coming out of that year was none of them were above category 3—in the range of 120 to 125 miles per hour. Of course, the damage goes up exponentially as winds increase in miles per hour above 110, 115. When you get on up into the range 130, 140, 150, the damage goes up exponentially.

The insurance marketplace was just roiled, and insurance companies could not find what is known as catastrophic coverage, or in this case insuring against catastrophe to insure the insurance company against that catastrophic loss.

Of course, right on the heels of 2004, then we had the awful mess with Hurricane Katrina. That is an interesting storm because it was a typical category 3 storm that can cause the amount of damage that you would expect a storm to do hitting the Mississippi coast with category 3 winds. What people did not expect was, on the back side of that hurricane—remember the hurricane is counterclockwise in the northern hemisphere—the back side of those winds coming across Lake Pontchartrain, as the eye of the hurricane moved over the coast to the east in Mississippi, those winds brought the rain, and that started filling up the canals in New Orleans. The pumps did not work or were inadequate to pump out the canals. The water rose, the water pressure rose, it breached the dikes, and it filled up the bowl of New Orleans so you get so much more water damage, flood damage, with a lot of the people in New Orleans not having flood insurance when, in fact, they were below sea level in the location of their homes.

What the amendment of Senator WICKER, and a companion side-by-side of Senator SCHUMER, is doing is adding wind to the flood insurance policies. Symbolically it is important because our people are hurting. They cannot find available hurricane wind insurance, and they can't find it affordable. That is why I am going to support it.

Now, let me tell you what is wrong with it. Should this legislation pass, it would have to be fixed down the line. It has two major flaws. The first is that it sets up a standard that says the rates for this wind insurance have to be actuarially sound.

That sounds real good. Rates ought to be actuarially sound. But the problem is, there is no check and balance on the person or persons who are going to be doing that as there is in the regulation of insurance by the insurance commissioners of the 50 States. Therefore, what I fear with legislation like this is that some secretive group or Star Chamber outside the normal government in the sunshine, making mathematical calculations that are actuarially sound, would suddenly enact rates that would go through the roof, and the very purpose of what we are trying to do—to have available and affordable insurance for people in the face of hurricanes—would be for naught. It would have exactly the opposite result with no accountability and no insurance regulator that would crack the whip on them.

The other flaw in the requirement of actuarially sound rates is, if a loss occurs and you are covering both wind and flood, the wind losses may well absorb all of the available reserves in the Federal flood insurance program and there is no money left in order to pay the flood insurance claims.

What it does is it translates into higher premiums and a potential loss of flood subsidies. The requirement in the bill that the multiperil rate be actuarial could cause the current flood policyholders, who are eligible to receive subsidized rates through the standard National Flood Insurance Program, through their flood policy, to lose the subsidy that is already there in the National Flood Insurance Program. If this policy in this amendment were to be enacted, it could certainly lead some States with existing wind coverage options—such as my State of Florida—to discontinue that coverage, which would further provoke policyholders to have to purchase the expensive but actuarially sound National Flood Insurance Program multiperil coverage.

This would essentially shift the liability from the State to the Federal Government while at the same time actually limiting consumers' access to affordable wind coverage—exactly the opposite of what is intended by the offeror of the amendment. Nevertheless, it is a logical conclusion unless you clean up this language.

Now, the next concern I have with it is both the Wicker and the Schumer amendments could destroy the financial integrity of the National Flood Insurance Fund. In both these amendments being offered, the multiperil policy would be offered as an optional coverage under the National Flood Insurance Program.

Because the proposals do not expressly separate the premium from the standard flood program, there is a potential for the entire flood fund to be drained without paying the claims for the wind damage. This would put the flood insurance program right back in the situation it finds itself now: relying on borrowing from the U.S. Treasury to pay the claims to flood policyholders.

So this is a complex problem. But as we try to solve it, we must ensure that we do not inadvertently undermine the viability of the National Flood Insurance Program and fail to fulfill the promise we made to 5.5 million current policyholders, and, oh, by the way, 40 percent of all those flood insurance policyholders are in my State of Florida—40 percent of them.

All of us along the gulf have struggled with availability and affordability of homeowners insurance. But, Members of the Senate, this is not only a Florida problem and it is not only a gulf coast problem; insurers are cancelling coverages from Texas to Massachusetts, and those who say the Federal Government does not belong in the catastrophe insurance market are mistaken.

Because when the big one comes, and mark my word, the big one is coming, the big one is a category 5 storm that hits at a high-density urban concentration population on the coast, be that anyplace on the gulf or Atlantic seaboard, when that big one comes, the availability of private markets to handle that natural disaster is not going to be able to be there. And the Federal Government keeps denying the fact that we ought to face this problem.

The Senators in the Midwest say: Well, Hurricanes are Florida's problem or earthquakes are California's problem. What they do not recognize is, no, it is everyone's problem. Because what typically happens when a natural disaster of this magnitude hits, it is the very same Federal Government that picks up the tab.

I remember my first year as a young Congressman back in 1979. I had to vote for what were Federal disaster funds and the cleanup of a natural catastrophe that was the blowing of Mount St. Helens, which spewed ash all over several cities.

I thought to myself at the time, when others were trying to kill that disaster assistance saying: Well, that is not our problem; that is the problem of the State of Washington. No, it is all of our problem. The Federal Government does have the disaster funds to come to that aid.

If you take a State such as Louisiana in the aftermath of Hurricane Katrina, that full hurricane now is something like a $200 billion economic loss. The Federal Government has picked up at least half of that, $100 billion. And we say we do not think there is a Federal responsibility to try to plan ahead for that catastrophe by providing some kind of catastrophe insurance if the States cannot provide it?

This whole instability has repeatedly forced the Federal Government to absorb billions of dollars of uninsured losses, including the most recent ones of Hurricanes Katrina, Rita, and Wilma, just those hurricanes alone.

So as we go on down the line, we have a must-pass bill. We have to reauthorize this Federal Flood Insurance Program. I wish to thank the chairman and the ranking member in that what they have done, if we do not pass anything else—and I have a couple amendments on trying to arrange for a loan program from the Federal Government. It has already passed the House—a loan program at fair market rates; in case the State catastrophe fund, which is a reinsurance fund against catastrophes, in case that goes belly up, that there will be a loan program from the Federal Government at market interest rates.

But if we fail on all these, at least in the bill, thanks to the chairman and to the ranking member, is the setting up of a commission that would have to report back, a commission composed—and the ranking member is coming on the floor. I have been singing his praises, along with the chairman's, of putting in the bill a commission made up of experts, broadly representative of the communities that are affected, to recognize we have a problem on covering catastrophes in the insurance business.

That commission would have a certain day on which to report. What that will signal, if that is the only thing we can get in here, I hope we can get this loan program that I talked about for a State insurance catastrophe fund. If it goes drain dry, that Federal Government would lend money to it at market rates so that at the State level, they can try to take care of that catastrophe.

But if we cannot get that, there is a question of germaneness; therefore, I would have to get a 60-vote threshold to have the amendment considered. But if we cannot do that, at least we have in the bill, in a must-pass bill, the Federal flood insurance bill, for the first time, the Federal Government will have on the table the recognition that we have to understand and do something about the response from the Federal Government when the big one comes. And it is coming.

Madam President, I made a commitment to the Senator from Louisiana that when I yield the floor I will ask for the quorum call. So I would merely take my instructions from the Senator from Louisiana if she wanted me to entertain a question from any Senators standing, without losing my rights to the floor.

The Senator from Louisiana has so indicated. So I would certainly yield for the purpose of a question without losing my right to the floor to the distinguished chairman.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I do not have a question for my colleague. I wish to thank him. For those who want to understand this, I think he is rather eloquent and knowledgeable. As a former insurance commissioner of the State of Florida, he has more than a passing familiarity with these issues. He has described it, made the case more eloquently than I did about the difficulty we have with the wind amendment; not on the substance of whether we ought to do something about it but whether we can and what the effects of this amendment could be.

I commend him as someone who understands that, for laying it out and the problems inherent with it. As he and my colleagues know, the ability to then alter that kind of amendment then becomes almost impossible in this process.

As I said earlier in the presence of my friend from Mississippi, we, Senator SHELBY and I, are deeply involved in the foreclosure issues, as we have been over the last number of months. As our colleagues are aware, this subject matter of catastrophic insurance would have been the major subject matter of the Banking Committee. I regret we were caught up in the foreclosure situation, for obvious reasons.

But that does not minimize at all the situation my colleague from Florida faces—or that other States do. It is not only a Florida issue, this is an issue that affects all of us in this country, and we need to have a far better plan in place on how we deal with it.

I mentioned earlier: Pick up this morning's newspaper. You read the headline in the local newspaper and every newspaper, I presume, across not only this country but around the world on what happened in Myanmar; 120 mile-an-hour winds, devastation, loss of life. These problems are occurring around the globe. We would be naive at best to think it cannot happen here. In fact, it has happened and could happen even worse in this country. So we need to get to those points. I thank him very much for his eloquence and his understanding of these issues.

Mr. NELSON of Florida. Madam President, I would yield for the purposes of a question, without losing my rights to the floor, to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I thank my friend, the Senator from Florida, for yielding.

I, too, wish to commend him for his statement about the complexity of this issue. I appreciate the reservations he has expressed, while at the same time expressing support for the Wicker amendment today. I would hope the Senator would agree that support for this amendment today, though it might not be a perfect amendment, would send the signal he suggested—that there needs to be a Federal response to this issue.

We know this bill will go to conference. There will be additional work on it. But I would like to send a signal to the executive branch, to the insurance industry, to the homebuilders, to the realtors, we need to get busy on this issue.

Because, as the Senator said, the insurance for wind coverage is not there anymore in the private market at an affordable rate. And the wind pools are not affordable, because the pool is so small that we cannot spread the risk, whether it is Massachusetts, Connecticut, New York, Maryland, North Carolina, Virginia, South Carolina, Florida, Texas, Louisiana, Alabama, or my home State of Mississippi.

This is a problem for people when the next big one comes, as my friend has said. We do not know where or when it will come, but what we do know for a certainty is it will indeed come.

So I appreciate the thoughtfulness of the Senator's remarks. I appreciate his

bottom indication that he supports the amendment as a vehicle to move this issue forward.

I yield the floor.

Mr. NELSON of Florida. Madam President, I indicated in my opening remarks that not only do I support the Wicker amendment but the similar Schumer amendment. It is important, symbolically, to get something done.

Now, the Senator from Mississippi has suggested another idea, that at the end of the day, when it is very difficult to enact a national catastrophic fund, what the Federal Government can do is encourage, by giving incentives to the States, enactment of a regional catastrophic fund.

Florida, of course, had to take the lead because we were the ones who got devastated in 1992 by Hurricane Andrew. Florida set up this fund called the Florida Hurricane Catastrophe Fund. It is a reinsurance fund to insure against catastrophes.

But that cost is spread over 18 million Floridians. Does it not make a lot more sense to spread that hurricane catastrophic risk over 50 million Americans, by getting all the Gulf States and the Atlantic coast States to combine in a regional catastrophic fund, since at the end of the day, it is going to be very hard to get a national catastrophic fund?

So as we get on down the line, with the commission, if that is the only thing that survives this legislative process, then certainly that should be an item on the table that the commission would consider when they would report back to the Congress.

I am hopeful for the first time now, we have something on the floor that is going to address this, and I am grateful I can speak out on behalf of 18 million Floridians who are hurting because what they want is available and affordable homeowners insurance.

Right now many times it is not available, and they have to go to a government insurance company such as Citizens or it is unaffordable. Remember, if you can't have homeowners insurance, you can't build homes, make loans on homes, or sell homes. The necessary component for all three of those industries—real estate, construction, and banking—is an available and affordable homeowners insurance policy. We have reached the point that it is either not available or it is not affordable. Finally, we are beginning to address it, right here. I am grateful for that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAP AND TRADE REVENUE

Mr. GREGG. Madam President, I rise on a separate subject that is coming at us that is of even greater significance in many ways because it is going to impact the entire structure of the economy and the lives of everyone in the United States, and that is how we get a handle on the issue of global warming and the issue specifically of the emission of toxic materials from plants which generate energy. The term ''cap and trade'' is applied to a bill that is going to be brought forward supposedly in early June. Cap and trade is a concept of basically creating areas where energy companies are required to start reducing their emissions but the manner in which they do so is tied to the trading of rights of basically emissions and what sort of chemicals can be emitted through a trading process between different regions and within different communities of emitters.

This cap-and-trade proposal, which is known as the Warner-Lieberman bill, is a huge readjustment of our economy. It represents a massive cost to our economy as well as, hopefully, a massive improvement, if it would work right, in the amount of toxic emissions which we incur and which occur as a result of our production of electricity specifically. The cost of the cap-and-trade program, through the purchasing and selling of allocations of what can be emitted, is estimated to be about $1.2 trillion over the first 10 years of the proposal. This cost, obviously, is going to have a major impact on our economy. It is going to have a major impact on the people who consume the electricity, because the cost is going to be passed on to the people who use electricity in their homes, primarily, and businesses. There are a lot of issues raised by this bill on the substance of whether cap and trade can work—for example, issues of foreign competition, whether the technology necessary to meet the conditions for reduction will be available in time, issues as to whether certain segments of our industrial society are going to be unnecessarily handicapped and create a rush to move jobs offshore. These are big policy issues. I didn't want to address those. I don't want to address the substance of how the actual cap and trade will work. What I want to address instead is the ancillary, sidecar issue of the generation of this huge cost of $1.2 trillion, and it will go on 40 years. So we are talking about literally trillions of dollars passed on to consumers through higher energy costs. It is estimated those energy costs will increase anywhere from $30 to $500 a month.

In any event, the costs are dramatic, and that has two effects. One, the Federal Government is going to make a massive amount of income as a result of these costs. Two, the consumers, the homeowners are going to see their electrical rates go up which is essentially a tax as a result of these costs. So the way I conceive of this is that the Federal Government is going to get a lot of new revenue, and what do we do with that revenue is the first question. Secondly, what about the consumers who are going to have to pay this new consumption cost through the increase in the price of electricity which is essentially a consumption tax.

The bill itself that is being discussed in committee and is supposedly going to be reported on the floor will take the $1.2 trillion over that 10-year period and essentially spend it all, spend it all in a variety of ways. But a large amount of that spending would involve the expansion of Government. It would be a huge infusion of funds into the Federal Treasury at the expense of the consumer who pays those funds.

BARACK OBAMA, who is running for President, who appears to be close to successful in winning his quest for the nomination, has suggested he would pay for an additional $300 billion in new spending annually. He has proposed over $300 billion in new spending annually. He would pay for a large amount of that through generating $30 to $50 billion annually in taxes as a result of cap and trade. It is estimated by some that that revenue to the Federal Treasury might exceed that number and be actually up to $100 billion a year annually of income to the Federal Treasury. But BARACK OBAMA has already suggested that we spend it on the expansion of the Federal Government.

The bill itself proposes that it be spent on the expansion of Government as well as on various other initiatives which the bill suggests we should pursue.

I suggest a different approach. I suggest that if we go down the path of cap and trade and if we end up raising well over $1 trillion over a 10-year period from consumers, we should return those dollars to consumers in some way. I believe since we are basically creating a consumption tax and we are essentially shifting the burden of the Government significantly onto the user of electricity, especially the homeowner, they should receive a commensurate reduction in taxes that they pay in other places. It makes sense to me that if you are going to shift what amounts to a $1.2 trillion increase in consumption taxes, you ought to take those revenues and use them to reduce income taxes to working Americans by pretty much an equal amount. I believe if we did that, if we took the revenue from the consumption tax and moved it over and reduced the income taxes so working Americans could benefit from that reduction in their income taxes, you could end up dramatically reducing income tax rates on working Americans.

That should be our goal with these dollars. We should not use these dollars to significantly expand the size of the Federal Government. If we are going to create this brandnew consumption tax in order to try to energize the effort of the marketplace to control emissions which may be causing global warming,

then we ought to use the revenues which are the result of a new tax burden, a consumption tax burden on people using electricity, to reduce the tax burden on working Americans in other places. We should not use it as a windfall to the Federal Government which would expand the size of the Federal Government and expand the size of Government. It is not right to do that.

The overall tax burden on the American people is already significant. It is going to grow, regrettably, over the next few years. If we listen to some of our colleagues on the other side of the aisle, it is going to grow a lot. In fact, the budget that passed this Congress suggests it will grow by almost a trillion dollars over the next 5 years. We don't need to throw on top of that increased burden of taxation, which Americans are already paying, a brandnew consumption tax, the revenues from which are then taken to expand the size of the Federal Government. Rather, let's take those revenues and put them toward a reduction in income taxes. In fact, there are many people who look at tax policy and would argue that this is an intelligent way to structure this, to basically begin the shift from an income tax system to a consumption tax system is a much more efficient way for us to collect revenues and, secondly, a better way to collect revenues from the standpoint of energizing a strong and vibrant economy. But independent of that argument, which has been raging for years, whether a consumption tax makes more sense than an income tax, what doesn't make sense is to raise consumption taxes through cap and trade by $1.2 trillion over 10 years and then spend it to increase the size of Government. Let's use that money to reduce the tax rate on working Americans, to reduce the income tax. That should be our goal as we move forward and debate the issue of cap and trade and how we are going to use the revenues which that bill will generate.

I appreciate the courtesy of the Senator from Louisiana and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4706, AS MODIFIED, TO AMENDMENT NO. 4707

Ms. LANDRIEU. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment 4706, as modified, at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4706, as modified.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To improve the Office of the Flood Insurance Advocate)

Strike section 131 and insert the following:

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

''(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

''(B) be appointed by the Director without regard to political affiliation;

''(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

''(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

''(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, accounting, auditing, financial analysis, law, management analysis, public administration, investigations, or insurance.

''(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

''(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

''(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

''(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

''(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

''(2) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

''(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

''(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

''(5) conduct, supervise, and coordinate—

''(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer for sale insurance policies against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

''(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

''(C) examinations to ensure that insurance companies and associated entities are properly compiling and preserving documentation for independent biennial financial statement audits as required under section 62.23(l) of title 44, Code of Federal Regulations; and

''(D) any other audit, examination, or investigation that the National Flood Insurance Advocate determines necessary to ensure the effective and efficient operation of the national flood insurance program;

''(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

''(A) promoting economy and efficiency in the administration of such program;

''(B) preventing and detecting fraud and abuse in the program; and

''(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

''(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

''(8) investigate allegations of consumer fraud.

''(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section;

''(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

''(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

''(4) require by subpoena the production of all information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence

necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court, provided, that procedures other than subpoenas shall be used by the National Flood Insurance Advocate to obtain documents and information from any Federal agency;

''(5) issue a summons to compel the testimony of any person in the employ of any insurance company or associated entity, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

''(6) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the National Flood Insurance Advocate shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(7) have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

''(8) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(9) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

''(10) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

''(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

''(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

''(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

''(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

''(e) OTHER RESPONSIBILITIES.—

''(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate shall—

''(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

''(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

''(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

''(2) ANNUAL REPORTS.—

''(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

''(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

''(ii) describe the nature of recommendations made to the Director under subsection (i);

''(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

''(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

''(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

''(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

''(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

''(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

''(xii) identify fraud and abuse in the national flood insurance program; and

''(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

''(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

''(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

''(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

''(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

''(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

''(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

''(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

''(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

''(g) PERSONNEL ACTIONS.—

''(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

''(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

''(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

''(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

''(h) OPERATION OF REGIONAL OFFICES.—

''(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

''(A) shall report to the National Flood Insurance Advocate or delegate thereof;

''(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

''(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

''(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

''(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

''(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

''(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

''(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

''(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

''(A) whether such recommendation was followed;

''(B) why such recommendation was or was not followed; and

''(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

''(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

''(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

''(k) COORDINATION.—

''(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

''(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

''(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

''(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

''(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

''(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—In addition to any other action that may be taken by the Attorney General, upon a finding in any investigation or audit conducted by the Office of the National Flood Insurance Advocate under this section, that any insurance company or associated entity has willfully misappropriated funds under the national flood insurance program, the Director may levy a civil fine against such company or entity in an amount not to exceed 3 times the total amount of funds shown to be misappropriated.

''(m) DEFINITIONS.—For purposes of this subsection:

''(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

''(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

''(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

''(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

''(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

Ms. LANDRIEU. Madam President, Senator WICKER, Senator VITTER, myself, and Senator COCHRAN to some degree have been working for months literally on this bill. It is a very important bill—as has Senator NELSON of Florida—a very important bill to Mississippi and Louisiana that felt the brunt of these last storms that we will be marking the third anniversary of this August, not too far from today, and in September for Hurricane Rita. As I was saying earlier this morning, thousands and thousands and thousands of homeowners are having a difficult time, the causes of which are very different. In some parts of the country people extended debt beyond what was wise and reasonable and find themselves losing their homes and in some instances it is partly their fault.

In some places, some consumers had bad deals thrust at them, and maybe through fraud or some other abuse they find themselves losing their homes. The people I represent didn't do either of those two things. The people I represent in Louisiana and along the gulf coast did nothing but basically play by the rules, have insurance if they were required to, didn't have insurance when they were not required, for the most part. There were some families who should have had insurance who did not, but that is another subject for another day. But the bulk of the people did exactly what they were supposed to do, and they are still going to lose their homes because of two reasons: The Federal levees that should have held didn't and the insurance paradigm we have established is not sufficient. That is what this bill is about.

To describe this in very clear graphics, I wish to put up this poster that shows why we are on the floor today: $17.53 billion; that is a lot of money. That is why this bill is on the floor today, because we have to ''reform the system'' because it is obviously not working. We set up a flood insurance program and for years it would basically break even because of the way it was structured. Then in 2004, it went into debt a little bit, $225 million. Then we went into debt a little bit more, $300 million, but still manageable. Then Katrina and Rita hit and the debt goes up to almost $20 billion. So make no mistake about it, that is why this bill is on the floor. This is a taxpayer bailout of $20 billion. At the same time the taxpayers are bailing out the insurance industry, I wanted to show you what the insurance industry profits are. Everybody—some Republicans and a lot of Democrats—has been on this floor talking about oil companies. I guess I can understand why oil companies are making profits, because prices are high. That is a whole other subject for another day. But I wonder how insurance companies can make profits when you are supposed to have a record loss. I understand profits when prices are high; I don't understand profits when losses are great. There is something wrong with this system.

So, in 2005, the insurance profits went up to $48 billion. Katrina and Rita hit; they don't go down. The profits go up. Because it is basically a system where insurance companies just cannot lose money. People can lose money. People can lose their houses. Businesses lose their businesses. Businesses lose their contents and their markets. But for some reason, in this insurance bill we are operating under, insurance companies make money in the middle of a disaster. Some of my constituents, including myself, would like to know how this happens.

As to the National Flood Insurance Program, the GAO did a report that says: ''Greater Transparency and Oversight of Wind and Flood Damage Determinations Are Needed.'' They just issued this report. I would say so, since the taxpayers are going to pick up the $20 billion bill.

You heard the Senator from Florida, Mr. NELSON. They were so desperate in

Florida, the State had to sort of insure itself, which, thank goodness, Florida is big enough and maybe wealthy enough to do. It is very risky for the State of Florida to do that. If they have four our five hurricanes in one season, like they did a couple seasons ago, it could bankrupt the State. I am sure this debate went on in the Florida Legislature. But they were so desperate, they actually had no recourse because the Federal Government will not come up with a plan that will work for everyone.

So Florida had a choice: They could either shut down every commercial business, shut down every homebuilder, completely stop the housing market in Florida, or they could self-insure themselves. It was a pretty desperate situation, so Florida went ahead and did that.

But let me explain, Louisiana is not a rich State, and we are not a big State. We cannot insure ourselves that way. If we had another Katrina, the whole State would go bankrupt and our kids could not go to universities, our hospitals would shut down. I know people think I am making this up, but it is the truth. We cannot assume that risk onto ourselves, and neither can Mississippi, and I would suggest neither could Alabama. Maybe California could do it, maybe New York could do it, maybe Texas could do it, and maybe Florida could do it because they are big States, but our little States would go bankrupt.

So our GAO says the insurance business needs some more transparency and oversight. I will tell you why. As shown on this chart, this is what is in the report. As you know, maybe by word of explanation, under the current system—as unbelievable as this might sound—you have the real estate agents who are in the private sector writing wind insurance for their companies, which they can make a profit on. It is private. They are writing the flood insurance policies. So it is ''write your own'' policy. So the same people who write the Federal, taxpayer-guaranteed flood program write the private program.

So right now—and this bill does not fix this; this bill does not do anything to fix this—right now, according to our own GAO, Government Accountability Office, which is completely neutral, not political:

In certain damage scenarios, the WYO [write your own] insurer that covers a policyholder for wind losses can have a vested economic interest in the outcome of the damage determination that it performs when the property is subjected to a combination of high winds and flooding.

Which, hello, most often happens in a hurricane. You have winds and water. So it always happens that way.

In such cases, a conflict of interest exists—

Let me underline ''a conflict of interest exists''—

with the WYO insurer as it determines which damages were caused by wind, to be paid by itself. . . .

So if a house is destroyed and the person comes in and says: This house was destroyed by wind 85 percent—if that is the case—then I have to pay it out of my pocket. If it is actually 85 percent flood, then the Government can pay it. The poor taxpayers can pick up this tab, so the insurance companies move their liability to the taxpayer.

I know, Madam President, as a former auditor, you can most certainly appreciate and understand this situation.

So it says:

In such cases, a conflict of interest exists with the WYO insurer as it determines which damages were caused by wind, to be paid by itself, and which damages were caused by flooding, to be paid by NFIP [the National Flood Insurance Program].

Which is basically the taxpayers.

Moreover, the amount WYO insurers are compensated . . .

In addition to that obvious conflict of interest, which is not corrected in this bill, the insurers are compensated for servicing a flood claim, and it increases as the amount of the flood damage increases. So their compensation, their percentage is increased. So if the flood insurance is more, they get a little bit of a premium.

So this bill has been in committee being worked out through the House and Senate, it is finally on the floor, and this problem has not been corrected. So that is why I offer my amendment to try to correct some portion of it.

Let me show you one of the actual transactions we have uncovered. This is an actual blowup of a claim, the paperwork that was done. It talks about the flood that occurred on August 29. Damage appears to be the result of the general condition of flooding. The first inspection revealed an exterior waterline of 15 to 20 feet, an interior waterline of 8 to 12 feet. Damage was extensive. It lists this.

That sounds wonderful and great. That is kind of what one of these documents would look like. The problem is, the adjuster who turned in that document said—this is under oath in one of the court proceedings that is slowly moving through the courts—''I did not put those numbers in there.'' ''There was no house to measure a waterline.'' ''I did not prepare that letter.'' ''They didn't call me about that letter.'' ''That is the document that is sent to the Federal Government.'' This is an adjuster. We have blocked his name out because he would probably get in trouble if they knew he was sharing this information with us.

So, in other words, again, this is not complicated, because I know insurance can be complicated. I do not really like the subject very much, but I have had to learn more about it than I care to know because of what we are going through.

But we have a system which we are getting ready to vote on right now that allows the same insurance companies to write their own personal policies or their own business policies, and they do the Government a ''big favor'' by writing the flood insurance policies. They decide when their houses are destroyed, how much they have to pay out of pocket, if it was done by wind, or how much we have to pay if it was done by flood. These documents are barely ever audited, or this system is barely ever audited.

When we went and checked, as shown on this chart, this was the house that supposedly had a water line. Of course, you can see this address. There was no house. There could not possibly have been any measurement because there are no walls to measure. So this is just an example of hundreds that are coming out as these court cases move forward all along the gulf about the very serious problems related to the way the U.S. flood insurance program works.

Now, I know we need a flood insurance program. My State benefits tremendously from having one that is fair and equitable to the people who are paying the premiums, to the homeowners and businesses who rely on it. I also have an obligation to taxpayers generally in this country to support a program that is honest and fair. What I am suggesting is that the bill we are about to vote on—which is probably why I am going to vote no—does not do anything to change this.

So I am going to put up my ''$20 billion'' sign again. This $20 billion debt exists in large measure because of this system I have just described. Now, this bill is going to pass, and magically the Federal Government is going to just absorb the $20 billion so we kind of get back to even. The bill, then, generally said, to make up for that, we are going to raise rates. But do you know on whom they raise rates? Not on the insurance companies that have already made record profits. Do you know on whom they raise rates? People who cannot afford the rates today. In the underlying bill, they can raise rates 15 percent a year or 25 percent a year.

When we ask the committee to please consider that the people of Mississippi and Louisiana and Alabama cannot afford higher insurance rates, couldn't we possibly consider some kind of catastrophic plan—because we might have hurricanes, but Memphis is going to have an earthquake someday, and Seattle is going to have a tsunami; in 1938, a hurricane 5 slammed into Long Island—we are told no. We cannot even consider such a thing.

So there are many things wrong, and I really cannot correct them. I tried to hold this bill up as long as I could, and everybody decided we needed to have a flood insurance bill, so I said: Fine. Let the bill come to the floor, but I am going to talk against it. That is what I plan to do.

So the purpose of this bill is for the taxpayers to eat $20 billion, to let insurance companies have record profits, and the end result is the people of Alabama, Mississippi, and Louisiana get rates raised every year from now until who knows. And I am supposed to just

sit here and say this is a great bill the committee came up with?

So the amendment I am offering—which is not going to fix this bill, but it might fix one problem with this bill—is to establish an ombudsman.

Oh, and this is really ironic, what is in the underlying bill. In the underlying bill, there is a provision that establishes an office to register complaints. It is a flood insurance advocate section of this bill. If I had the section, I would read it. But in the underlying bill, there is a section that talks about that if anybody has a complaint, they could call a 1–800 number and complain.

Now, I have e-mails up to my ceiling in my office from people—not complaining, crying—not complaining, crying because they are getting ready to lose their business or lose their house. But they could, in the underlying bill, call a 1–800 number and make a complaint. But the language is so weak and flimsy, there is really not anything they can do other than complain.

So I have taken that section and strengthened it. That is what my amendment does. It does not just establish a complaint counter. It establishes an office that has some teeth. It establishes an ombudsman's office. We kind of took the language from some of our IG legislation which will allow the establishment of an office with some significant funding attached to it that can review and audit more carefully this National Flood Insurance Program.

I would hope the leaders of this committee would look carefully at this amendment and know that I offer it in very good faith. Again, I do not believe the underlying bill, in this provision just establishing an office to complain, is enough considering the gravity of the situation we are dealing with.

I offer this amendment in good faith. I offer it with Senator NELSON from Florida as a cosponsor. It establishes an office that would conduct audits to ensure that only flood losses are being allocated to the flood insurance program. It ensures that write-your-own insurers are preserving the necessary documentation to justify their payments, to conduct any other examinations to protect the financial integrity of the program, and to prevent fraud and abuse and conflicts of interest.

Now, again, our Government Accounting Office has already established there is an inherent conflict of interest in the current program. So we are not guessing that there might be a conflict of interest; there is a conflict of interest. It says so according to the GAO:

In certain damage scenarios, the insurer that covers a policyholder for wind losses can have a vested economic interest in the outcome of the damage determination that it performs when the property is subjected to a combination of high winds and flooding. A conflict of interest exists, as it determines whether it says your house was damaged by wind.

So let me go ahead and pay your claim on it, or the insurer says: No, I think it was damaged by flood, which then the taxpayers can pay for, and my insurance company gets off Scot-free. And maybe, just maybe, that might explain why in the worst disaster in the history of the United States, at least recently, taxpayers have to pick up $20 billion and insurance companies file record profits.

Is there anything in this underlying bill that might suggest that we could watch the taxpayers' money a little more carefully? No. They put in an office, a 1–800 number where people might complain.

So instead of the 1–800 number where people might complain, I would like to put in an office where, if something is wrong, people can be criminally prosecuted. If there is fraud, people can be penalized with civil penalties and criminal penalties.

I know this is very tough language, but I am not suggesting this particular document suggests that there is any stealing or any crime. But there is something wrong in our system of justice where somebody goes into a grocery store and steals $100 and gets 3 years in jail, and we have companies that—''fudge'' is the word. They didn't really use the word ''steal,'' but they will fudge a little and take $20 billion out of the Treasury and they get nothing—not a slap on the wrist, not a fine. The only thing that happens is the poor homeowners and businesses get increased premiums. So that is one of the things this amendment does.

I hope my colleagues, whether they vote for the bill—I probably will not vote for the bill unless it is amended substantially, which it may be between now and the time we vote on final passage—but I hope my colleagues will look very carefully at this amendment that I offer with Senator NELSON. It establishes basically an IG ombudsman within this program to make sure the taxpayers don't pick up another $20 billion in costs.

I know people will say: Well, Senator LANDRIEU, if we don't have this bill, your people won't have flood insurance. Well, I understand that, but our people have—we are between a rock and a hard place. We need flood insurance, but we need flood insurance that we can afford. We would like to believe we have a flood insurance program that operates honestly. I am not sure that we do. So that is what this amendment does, amendment No. 4706.

AMENDMENT NO. 4705, AS MODIFIED, TO AMENDMENT NO. 4707

I have one final amendment to offer. If I can, I would like to send the amendment, as modified, No. 4705, to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. PRYOR, and Mrs. LINCOLN, proposes an amendment numbered 4705 to amendment No. 4707.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, strike line 3 and all that follows through page 10, line 16, and insert the following:

(c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.

(2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—

(A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

Ms. LANDRIEU. Madam President, I send this amendment to the desk, which is actually on behalf of myself, Senator LINCOLN, and Senator PRYOR, that addresses the mandatory coverage requirements in the underlying bill. I hope my colleagues will not think again that this bill only affects the gulf coast because there are some provisions in this bill that are going to affect the entire country.

One of the provisions is, it is going to be mandatory as FEMA maps home and businesses located beyond levees and dams and floodwalls and other manmade structures into residual risk areas. Once these homes and businesses are mapped into such areas, the legislation would require them to purchase flood insurance.

Now, levees and dams don't just exist in New Orleans, although we have quite a few of them because we are a low-lying area. But we have 14,000 miles of Federal levees throughout the country along many rivers. In fact, I see the Senator from North Dakota, and he himself has had very significant experience with one of his towns being demolished, devastated, almost completely destroyed, I think it was maybe 15 years ago, when their levees broke. So he is well aware.

Whether you are in Michigan or Illinois or Missouri or in many places where there are levees and dams, there are 14,000 miles of Federal levees, 79,000 dams, and 22 percent of all counties

and parishes have a levee. So it is one out of every four that will be affected by the underlying bill; that is, once FEMA finishes mapping the whole United States, which they are doing and which we need to do. We need to have better maps using new technology to try to determine who is near sea level and who is above sea level and who is at risk. I have no problem with that. But this bill will mandate that everybody behind those levees pays insurance.

So my amendment will basically establish before that requirement goes into place—and, again, it may be necessary—that there be adequate study about the issue. The amendment strikes the mandatory purchase requirement. In its place, it requires the GAO to study the cost, the regulatory, financial, and economic impacts of extending the mandatory purchase on the cost of home ownership, the actuarial soundness to this program, to the local communities, insurance companies, and local land use; the effectiveness of sending such a purchase requirement in protecting homeowners from financial loss and protecting the financial soundness of the program.

Now, I know this was debated in committee. I am not sure that it has gotten a lot of coverage, but my phone has been ringing off the hook from other Senators who are just waking up and saying: Well, Senator, I thought this flood insurance program only affected those places along the coast, and now I am realizing this flood insurance ''reform'' bill is going to raise fees—not necessarily taxes but premiums—on thousands and thousands and thousands of homeowners and businesses throughout the country.

We may have to do that. We may have to do that. But let's do it after GAO has studied and laid out what the impact and ramifications are, and let's do it in a system that is fair so it is not just the homeowners who have to pay premiums, the taxpayers who bail them out when there is a problem, and insurance companies that can't lose money under the current system. That is basically the system that we have.

So, again, 43 million people are affected by the underlying bill with this new provision. Twenty-two percent of all counties in the country, and in our case parishes, have levees; 79,000 dams and 14,000 miles of Federal levees.

So these are the two amendments that I offer. This has been done in a package with Senator WICKER and Senator VITTER. We have offered a package of amendments trying to fix and expand wind coverage to this bill, to lift the coverage limits.

Again, a big problem with this bill is it has not kept pace with inflation and only covers homes valued up to $225,000. That might sound like a lot, but it is not keeping pace with inflation. Our amendment would lift the coverage to homes over $325,000.

Then my ombudsman amendment and this mandatory coverage reprieve would be the other amendment.

Mr. DORGAN. Madam President, I wonder if the Senator would yield for a question.

Ms. LANDRIEU. Yes, I will.

Mr. DORGAN. The last amendment that the Senator sent to the desk, my understanding is that it is an amendment very similar to something I was intending to offer, but I am not certain I understand your amendment, so if I could just work through it with you.

My concern about the underlying bill with respect to the mandatory coverage areas is that it requires the expansion of areas of special flood hazards to include areas of residual risks, including areas that are behind levees, dams, and other manmade structures.

Is your amendment designed to strike that provision?

Ms. LANDRIEU. It doesn't strike the mapping requirement. It doesn't strike the mapping requirement, but it strikes the mandatory coverage provision until there is a study done about what the economic impact will be to people living behind those levees and dams.

Mr. DORGAN. But, if I might inquire further, is it the intention of the amendment to provide that there shall not be mandatory requirements on all of these levees, dams, and other manmade structures, which the underlying bill would require?

Ms. LANDRIEU. Yes, it does. That is the intent of the amendment.

Madam President, there are many Senators who feel as though this is a very abrupt requirement. They are not sure of what the outcome of these premiums might be to people who are already struggling with higher costs. And because there is no estimate to my knowledge, we thought it would be better to offer an amendment that would basically require a study so more discussion can be had, and then perhaps later we could insist on mandatory coverage or phase it in as is appropriate. But is that the Senator's concern?

Mr. DORGAN. Madam President, I believe I looked at the amendment, and it does not strike what is in the underlying bill—all of section 7—which I was intending to do with my amendment. I didn't quite understand the consequences of striking just a portion of it. But if the Senator from Connecticut who is on the Senate floor—when the Senator from Louisiana concludes, I would like to make a couple of comments about the reason for my concern about this matter, and perhaps we can visit. If our amendments have exactly the same impact, there is no reason for me to offer mine.

Ms. LANDRIEU. I would be happy to. I appreciate the Senator raising it. I will review the way this amendment is structured. But, again, I would be happy to work with the Senator so we could offer something together because there are many Senators who are concerned, and rightly concerned, about this particular section.

If the Senator would allow me to finish, I will be happy to yield the floor for further discussion because I am about ready to finish my remarks. There are no votes scheduled. There are other amendments that are going to be offered. But, again, a package has been put together by several Senators, both Republicans and Democrats.

I have to say again, in conclusion, I don't like the underlying bill. I did a great deal to keep this bill bottled up in committee for over 2 years. But I have been convinced the better way to proceed is to have this bill come to the floor, which is what I allowed with Senator VITTER and Senator WICKER, as long as we can offer amendments and have some time to air our grievances. The chairman of the committee and the ranking member of the committee have been men of their word and allowed us to do so.

So at some point, Madam Chair, I would request that the Senate vote on these amendments together as a package, but individually the one regarding wind, the one regarding the increased coverage, the one regarding the ombudsman, and the amendment regarding the mandatory coverage, and then the additional coverage options. So there are five amendments in this package that we have been working on. At some point, when that can be agreed to, we can move this bill forward.

In the meantime, I will be happy to work with my colleague from North Dakota to see if the language he has suggested is the same as ours. If not, perhaps we can modify our amendment to accommodate that, or perhaps he will offer the amendment with our acquiescence.

With that, I yield the floor to my friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I was surprised by what is section 7 in the underlying bill. I understand the substitute at the desk has it on a different page. I am talking about the same provision the Senator from Louisiana spoke about briefly; that is, an expansion of the requirement to have flood insurance in areas of special flood hazards, to include areas of residual risk, areas that are located behind levees, dams, and other manmade structures.

I am not surprised we want people to buy flood insurance if they are at risk of being flooded. That is not my point. But let me give you a case study, if I might, and talk about Grand Forks, ND. Eleven years ago—in fact 11 years ago about this time—the city of Grand Forks, ND, a city of nearly 50,000 people, was nearly completely evacuated. It was the largest evacuation of a city since the Civil War, and it was because of a flood on the Red River. It was a very significant flood; some said it was a 500-year flood.

All of us who went to that city and spent time there and went to the Air Force base—a major Air Force base—15 miles west of the city and visited with the citizens who had been evacuated—

tens of thousands of people—we will never forget that. So what happened in the last 10 years—by the way, let me speak about the memory of not only a city being flooded and evacuated, but in the middle of that city there was a raging fire. So there is a flood, and then buildings in the middle of the city that are inundated by water caught fire, and there was a major fire in the middle of the city. To watch firefighters work in a flood to try to see if they can't, in the middle of a significant city, put out a fire that is consuming a number of businesses in the downtown district is quite extraordinary.

Fast forward 10 years, and I think we have spent close to $400 million over a decade to provide unbelievable flood protection for that city. That is not going to happen again. There is a flood protection plan in place for that city that is very significant. That flood protection plan protects against a 250-year flood. The provisions in this bill talk about a 100-year flood. We have now flood protection for a 250-year flood. It is blue ribbon, first rate, brandnew flood protection for this city. So it is a little surprising to me to see a bill that says, by the way, we have just finished spending a lot of money to provide very significant 250-year flood protection and now we have one other decision; we want you to understand you should now buy flood insurance. It is only $1 a day, $300 or $400 a year, they say.

That is going to be pretty surprising to a lot of people who are still paying debts to fix up their houses from 10 or 11 years ago from that flood. They are going to ask the question: Why are we asked to buy flood insurance when you have built a very significant flood protection plan, with 250-year flood protection for our city, and now you say to us we all should go buy flood insurance. Are you daft? What are you thinking of? They would not understand this. I am trying to figure out what the requirement is.

I understand there are some manmade levees and dams and other circumstances that perhaps have risk attached to them, which are old structures. I understand that. There are some circumstances where those who take a look at this believe that more should participate in the flood insurance program. I understand all that. But to simply say that in every circumstance, including areas located behind levees, dams, and other manmade structures, everybody should have flood insurance, that doesn't make any sense to me.

I don't know how you explain that to somebody who was told we completed a terrific flood protection program that gives you a 250-year flood protection, but you need to pony up some money to buy new flood insurance. I think this is not a good provision, and I hope we will be able to remove it.

Ms. LANDRIEU. Will the Senator yield?

Mr. DORGAN. Yes.

Ms. LANDRIEU. I don't know how this will be resolved. I certainly can appreciate that, and I agree with the Senator, because one size doesn't fit all, which has been part of the problem with this bill—that it is pushing everyone into a one-size-fits-all requirement. It is not the appropriate response to our situation. I hope the Senator will consider either modifying the amendment I have laid down, or I would be happy to actually support a narrower amendment that any communities that can establish that they have created protection that is over and above the average, which is 100-year flood protection, might not be subject to this requirement.

As the Senator knows—because he is chairman of the Appropriations Committee that funds levees in the country, so he most certainly is one of the leading experts—the standard in America right now is not sufficient, and it is 1 storm out of 100. Very few communities can boast of being as protected as his community can. I suggest that most certainly I would not object as the main author of the amendment, but there are several cosponsors. I am sure we could work something out.

Mr. DORGAN. Madam President, in my subcommittee that I chair on appropriations, dealing with energy and matter, we spent $2.2 billion on Corps of Engineers construction alone, to say nothing of maintenance, remediation, and other expenses. Just the construction in fiscal year 2008 was $2.244 billion. So we are spending a lot of money working on levees and dikes and other areas of protection. It seems to me—my colleague from Connecticut indicated this and he is absolutely correct—levees do fail, and I understand that. He is absolutely correct about that. Levees do fail. Manmade structures, from time to time, will fail. But it is also the case that some risks are substantially lowered, and there are some risks that are substantially elevated because of the condition of the levy and so on. My colleague from Louisiana is correct when she says let's not do something that is one size fits all.

Again, I will use the example I think is clear. If you just finished a new flood control program that you have worked on for 10 years with a 250-year flood protection, which is more than double the protection normally required to protect against a 100-year flood, at least understand the difference between what you have done there with public funding and what might exist somewhere else, where there is higher risk. It is hard to tell somebody, by the way, you have a new flood control plan, it works, it is terrific and it is new and it costs a lot of money; it will protect you against a 250-year flood, but you must buy some flood insurance, please, because we are worried that you are going to be hit by a 100-year flood. That is the kind of thing I hope we can avoid.

Earlier, I used a word I don't ever use. I don't know why I used it. I used the word ''daft.'' I wasn't applying it to anybody who wrote this legislation. I should quickly explain that.

It appears to me that, if this would pass, we may have to explain to some people something that is not able to be explained. You now have terrific flood protection, but we want you to buy flood insurance, even though we protected you with public funding, with a first-class flood protection system. It is not difficult for me to go to someone in a circumstance where there is risk and say I understand why you have to have flood insurance. You have to have a large number of people paying in. You have risk and you are going to have to buy flood insurance. I understand that.

The Senator is correct that sometimes levees do fail. We should not, it seems to me, with this small section in the bill, on page 9, subsection 2, under (b), we should not say, anyplace in America where you have a levee, a dam, a manmade structure, you are all in the same boat. That is not the right thing for us to do.

I hope that with the concurrence of the Senator from Connecticut, perhaps, we can talk through this as we move along and make some changes to that, which are thoughtful and address the issue of risk.

I thank my colleague from Louisiana, and I thank my colleague from Connecticut for his patience. As I conclude, I am going to visit with the Senator from Louisiana to see whether my amendment is sufficiently similar to hers so maybe we can deal with one amendment. If so, I will not add my amendment. I have filed it, but I will not call it up. If it is not sufficiently similar, I will call up my amendment later today.

I yield the floor.

Mr. DODD. Madam President, now we have had five amendments that will be pending at some point. At an appropriate time, after my colleague from Alabama arrives, in consultation with others and with the leadership, we will work out a time when we may have consideration of these amendments and have votes. Many Members are curious about votes this evening. We would like to give a clear indication of when the votes are likely to occur. Let me take a few minutes and respond.

First of all, all of us in this Chamber, including myself, have expressed ourselves over the years in terms of what has happened when people have been devastated by natural disasters, including those in the gulf area. I have traveled down there reviewing the area and seeing what happened. We all care deeply about what happened to people in the Gulf State areas, in terms of the devastation that occurred. Let me point out quickly that is not the debate, in the sense whether we understand it. It is what we can do about it.

The bulk of this legislation, as presently written—it is a given that most of the 5.5 million properties that are going to be covered are in the Gulf State areas. FEMA borrowed money

from the Federal Government to pay the $17 billion in claims. The flood insurance program generates about $2.5 billion each year as a result of premiums as part of the fund, and about $1 billion of that goes to administrative costs. There might be a legitimate amendment as to why there is so much administration in that program. That is how it breaks down. You are left with $1.5 billion to cover this. As a result of natural disasters and floods, here we are left with a debt of $17 billion, which FEMA owes to the Federal Government. In the process of paying that debt, they are increasing the premium costs, unless we take action. So you can have a choice. We can drop the bill, basically—defeat it, as some suggested, who may vote against it—in which case the very people we are concerned about are going to end up with a larger cost because somebody has to pay that debt. That is a bailout otherwise, if we don't do something about it. So the idea is, how do you do that?

The major thrust of the bill is to forgive that debt, take it off the books, so the people who pay these premiums will not have a surcharge added to their costs to meet that obligation. That is the fundamental purpose of the bill, to forgive that $17 billion, which otherwise becomes a cost to the very people paying the premiums. So I began the discussion by saying the thrust of this bill was to do that.

The second part—Senator NELSON has it exactly right, the author of the second part. He came to the committee a number of months ago and asked to include a commission to deal with catastrophic natural disasters. There is a significant debate as to how to handle this. A significant percentage of our population lives within 100 miles of the coast of the United States. Obviously, there are natural disasters that occur inland as well. But how we deal with catastrophic costs, how we set up the mechanism to deal with it is a significant debate, with hardly unanimity around it. Rather than trying to pretend that one committee can solve all that, Senator NELSON suggested a commission made up of people who would bring knowledge about all this and report back to us in 9 months their recommendations as to how we might deal with catastrophic disasters that occur in our country.

That is the second part of this bill. There are a lot of other ideas. I addressed some of them earlier—wind issues and the like. I don't argue about the legitimacy of the issue. The question is, we have a responsibility to be actuarially sound. I know that is not something we have a great reputation on, but we try to do that occasionally, to insist upon having a system that will allow us to collect revenue, pay for a program, keep the costs down, and cover the kind of catastrophe people face.

Our bill does a number of things that are more than just vague terminology in dealing with the insurance industry. I, for one, believe we ought to do more in this area to try to get greater accountability. That is not an issue for debating here.

Let me mention some things we have included in the bill before we accept the notion that nothing is here at all. No. 1, in the program we require the insurance companies to participate in State-sponsored mediation.

We require the insurance industry to submit all data on costs to operate this program and require FEMA to conduct rulemaking so the insurance companies are only paid for actual costs.

We created a flood advocate to help consumers who have problems with the flood program so they can have direct access to it. That was one of the major problems a few years ago.

We also direct FEMA to collect information from the insurance industry on claims where there is both wind and flood damage. I might add, this gets exactly at the problems raised by our colleagues from Louisiana and the other gulf State areas. FEMA will now be required to look at how insurance companies are dividing damages to ensure that companies are not improperly shifting costs to the Federal flood program.

I know others may want to add other things. But to suggest we did nothing to require greater accountability is not to be terribly honest about what is in this bill. Obviously, there are those who would like to get rid of the industry altogether and maybe just have a Federal program where FEMA becomes an insurance company. That is an option, if people want to do it. I don't know there is a will here to do it, but that is one option.

There is no requirement in law that an industry provide this kind of coverage. You have to be somewhat careful that if you become so onerous in your requirements or your indictment of them that getting these very companies to write the policies becomes harder. If they don't write the policies, who does? Does the Federal Government then become an insurance company? I don't think there is a will to do that. Maybe there are some who would like to.

Before you decide to beat this horse into oblivion, be careful about how far you go. If you do it to such a degree there is no one there to write the programs to begin with, we may find ourselves in deeper trouble. But to say they ought to be able to do exactly as they want to do, and not be mindful of some of the egregious examples my colleague from Louisiana referred to, would also be wrong.

In this bill we tried to identify some specific areas that were the subject of hearings that informed us where there were matters clearly the industry and those responsible for overseeing them could demand more and get more out of them.

I believe we have done a good job in this bill on those issues. Could you add some more things? I am not going to argue that. We did try to do our best. Again, we had a unanimous vote in our committee after significant debate on this bill. But the idea of having an ombudsman going in and basically drawing a conclusion about things before actually determining it—be careful what you wish for. If in fact we don't end up with people coming in to provide the coverage, we could find ourselves in even worse shape than we are in today. I invite my colleagues to look at the legislation and the specific provisions I just mentioned that we have included in the legislation to require greater accountability out of the industry.

Now let me address the second point, and that is the mandatory requirement that people within certain high-risk areas be required to pay some premiums. I ask my colleagues to think about the consequences of this amendment should we strike the portion of the bill that requires people who live in areas behind levees or downstream of dams to purchase flood insurance. Currently, home and business owners in these residual risk areas, as they are called, are at great risk of flooding. There are over 122 levees and dams that have already been categorized as weak, failing.

With all due respect to my colleague from North Dakota—and I have been to his community where these problems exist—these manmade projects do not always work. So the fact that taxpayers in Connecticut and elsewhere have paid to build them is a good thing. Maybe we ought to be talking about how those costs of premiums ought to reflect the quality of the levee or the dam that has been built in those areas. But to suggest somehow that since we built the levee anybody living in that residual risk area should not assume any responsibility if it breaks down is maybe going to far.

Let me tell you what we are talking about. Most cost less than $1 a day to cover this. What you get for that is roughly $250,000 to cover structures and $100,000 to cover the contents. That is $350,000 in most cases for less than a dollar a day, for living in a residually high-risk area where a levee or dam exists. This idea somehow that we all can get our levees built and dams built and we bear no other responsibility for trying to cover against those risks and the costs, when they occur, if that levee or dam breaks and it gets flooded out and there is no insurance requirement in those areas—who pays for that damage? Again, we are right back here draining the Treasury instead of requiring an insurance program. A dollar a day for roughly 350,000 dollars' worth of coverage, I do not think that is overly burdensome.

I know people don't like any additional cost. But if you are asking me to craft a program that is actuarially sound, that allows us to build up that fund so we do not have to drain the Treasury or forgive a debt that is now

owed by FEMA to the National Government, then requiring some responsibility—I have it in my own State of Connecticut. The Connecticut River in Hartford, we have a huge levee, a dam there. I certainly think my constituents who live along that have to pay something. They made the choice to be there. Some don't make the choice. They live there. But asking for less than $1 a day for over $350,000 in coverage for structure and contents in order to bear some responsibility—Lord forbid it breaks down—I don't see that as being overly burdensome, as some would suggest.

What percentage of problems occur in this area? We are told here—again, I am relying on data that has been given to us—we all know that dams fail, levees fail. What better evidence than what happened to our colleagues from Louisiana, the failure of the levees and the problems that ensued from it. I will provide the lists and put them in the record of the 122 levees we know are failing today. One percent of all flood policies are outside the 100-year floodplain, many of these in residual risk areas. This 1 percent of policies accounts for 25 percent of flood claims. Let me repeat that. One percent of the policies accounts for 25 percent of the flood claims. So 1 percent of policies not currently in mandatory purchase areas are responsible for 25 percent of all the claims that come in—one-quarter of them.

You could just persist in this and say we are not going to have anybody pay anything at all. Yet 25 percent of the entire fund is going off to provide coverage in areas where, again—it is only 1 percent of the policies that are being written. Clearly, the risks outside the 100-year floodplain are significant—25 percent of all claims are coming from them, despite the dams and the levees we have here. We should ensure that adequate insurance coverage for all homes and businesses in these risky areas are covered. That is what we are trying to do.

Flood insurance should not be viewed as punitive. It is a cost to insure against a known risk. Flood insurance premiums for homeowners in these residual risk areas are not prohibitively expensive. The maximum amount of coverage—$250,000 for structures and $100,000 for contents—will cost less than $1 a day. That is the maximum insurance. For a majority of people, the cost will be much less, less than $1 a day to ensure a family can rebuild from a flood.

I ask my colleagues to look at recent experiences in New Orleans, as well as the recent flooding in Missouri along the Black River, in Nevada near Reno, and in Lake County, IN. These are just a few examples, but each caused devastation when levees did not provide the needed protection.

I also ask my colleagues to look at the U.S. Army Corps of Engineers review of levees last year. That review identified 122 levees at risk of failure in the country. Surely, people who believe they are protected should know of their risks and should carry affordable insurance to hedge against those kinds of devastating events that occur even when significant efforts have been made to protect people in those areas.

No one likes to vote for something where you have to have a fee charged. We bear the responsibility of having a program that works, that is actuarially sound, that makes a difference, that doesn't put us in a position of having to constantly bail out—in this case FEMA—as a result of these claims coming in. If there were a way of doing this where I could wave a magic wand and no one would have to pay a nickel and somehow this would all be done by someone else, I would love to achieve that. But miracles do not exist when it comes to costs. We tried to minimize those costs and have a good program that doesn't drain the Treasury and doesn't expose all taxpayers to these costs and asks people to contribute in some degree to get the kind of protection we are looking for. That is what we have designed.

If this bill fails—and there are those recommending by their vote it ought to fail—then those premiums are going to go up, and the very people we are talking about bear a tremendous financial burden. In the absence of this bill, they will pay a tremendous amount to pay off that debt to FEMA. It is not a free charge unless we take action to excuse that obligation.

Then, second, that commission to examine these other very important issues, and then the provisions in this bill itself to achieve greater accountability within the insurance industry—that is why this bill passed unanimously out of the committee, Democrats and Republicans, people from coastal States and noncoastal States working together to craft the legislation that Senator SHELBY and I put together.

I realize we are not going to write something that everybody agrees with every dotted i and crossed t. That is beyond my capabilities. What you have asked me to do as chairman of the committee, with Senator SHELBY, is craft a bill that will allow people to have reasonable costs, get some real help and relief, protect against these kinds of problems that are obviously going to occur again, but this time we will have done something about it ahead of time instead of waiting for it to happen and be back here again trying to come up with some supplemental appropriation where billions of dollars are being asked for out of the Federal Treasury to pay for the damages that might have otherwise been paid for under an intelligent insurance program, balanced and sound.

I apologize if I can't make everybody happy with this bill, but we did our very best to craft legislation that I think accommodates the fundamental points.

If you want me to craft legislation that allows money to be spent and no one has to pay a nickel for it, you are going to have to find someone else. I can't do that for you. I have a proposal of less than $1 a day for 350,000 dollars' worth of coverage. I do not believe that is unreasonable for people living in residual risk areas, particularly where 25 percent of the claims are coming out of those areas where only 1 percent of the policies are being provided for.

With that, at the appropriate time we would like to have some votes on these amendments. I will be urging my colleague to reject these amendments. I appreciate the intentions behind those who offer them, but in good conscience we need to pass a bill that can make some sense, become the law of the land, and provide some protection we are seeking with this legislation.

Madam President, I ask unanimous consent the list of levees of maintenance concern be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ARMY CORPS OF ENGINEERS LEVEES OF MAINTENANCE CONCERN, FEBRUARY 1, 2007

District	Project Name	Segment Name	State	City
Detroit	Erie Township / Grodi Road	Grodi Road	Michigan	Erie Twp.
Detroit	Labo Island	Labo Island	Michigan	Brown Twp.
Detroit	Milliman Island	Millman Island	Michigan	Brown Twp.
Detroit	Sebewaing, MI Flood Control Project	Sebewaing Flood Control Proj.	Michigan	Sebewaing.
Huntington	Levisa and Tug Forks and Upper Cumberland Basin	Matewan, WV LPP	West Virginia	Matewan.
Huntington	Maysville, KY	Maysville, KY, LPP	Kentucky	Maysville.
Louisville	Brookport Local Flood Protection Project	Brockport LFPP	Illinois	Brockport.
Louisville	Levee Unit No. 8	Levee Unit No. 8	Indiana	Plainville.
Louisville	Shawneetown Local Flood Protection Project	Shawneetown LFPP	Illinois	Old Shawneetown.
Nashville	Loyall, KY Local Protection Project	Loyall, KY Local Protection Project	Kentucky	Loyall / Rio Vista.
Nashville	Pineville, KY Local Protection Project	Pineville, KY Local Protection Project	Kentucky	Pineville.
Nashville	Wallsend, KY Local Protection Project	Wallsend, KY Local Protection Project	Kentucky	Pineville.
Pittsburgh	Kittaning	Kittaning LFPP	Pennsylvania	Kittaning Borough.
Pittsburgh	Oil City	Oil City LFPP	Pennsylvania	Oil City.
Pittsburgh	Vintondale	South Branch Blacklick	Pennsylvania	Vintondale Borough.
Memphis	White River Levees	Augusta to Clarendon, AR	Arkansas	Agriculture.
Baltimore	Anacostia River	Left Bank Anacostia River	Maryland	Town of Bladensburg.
Baltimore	Anacostia River	Right Bank Anacostia River	Maryland	Town of Hyattsville.
Baltimore	Washngton, DC	National Park Service Section	District of Columbia	Washington, DC.

U.S. ARMY CORPS OF ENGINEERS LEVEES OF MAINTENANCE CONCERN, FEBRUARY 1, 2007—Continued

District	Project Name	Segment Name	State	City
Baltimore	Washington, DC	Potomac Park Levee	District of Columbia	Washington, DC
Baltimore	Washington, DC	US Naval Air Station Section	District of Columbia	Washington, DC.
Baltimore	Wiliamsport-South Williamsport	South Williamsport	Pennsylvania	Borough of South Williamsport.
New England	East Hartford, CT	East Hartford, CT	Connecticut	East Hartford.
New England	Lincoln, NH	Lincoln NH	New Hampshire	Lincoln.
New England	West Springfield, MA	West Springfield, Ma	Massachusetts	West Springfield.
New England	Canton, MA	Canton, MA	Massachusetts	Canton.
New England	Chicopee, MA	Chic Riv Dike/Wall	Massachusetts	Chicopee.
New England	Lowell, MA	Lakeview	Massachusetts	Lowell.
New England	Springfield, MA	Conn River segment	Massachusetts	Springfield
New England	Torrington, CT (E. Branch)	Torrington, CT (E. Branch)	Connecticut	Torrington.
New England	Torrington, CT (W. Branch)	Torrington, CT (W. Branch)	Connecticut	Torrington.
New England	Waterbury-Watertown, CT	Upper Naugatuck Dike	Connecticut	Waterbury and Watertown.
New England	Woonsocket, RI (lower)	Lower Mill River Dike	Rhode Island	Woonsocket.
New England	Woonsocket, RI (upper)	Singleton St Dike	Rhode Island	Woonsocket.
Kansas City	Bartley	Bartley	Nebraska	Bartley.
Kansas City	Ft Leavenworth, Kansas	Ft. Leavenworth	Kansas	Ft. Leavenworth Airport.
Omaha	Marmarth	Marmarth FCP	North Dakota	Marmarth.
Portland	Clatsop County Drainage District No. 1	Blind Slough	Oregon	Brownsmead.
Portland	Clatsop Diking District No. 9	Youngs River	Oregon	Agriculture.
Portland	Sunset Drainage District	Nehalem	Oregon	Agriculture.
Portland	Svensen Island Diking District	Prairie Channel/Svensen	Oregon	Agriculture.
Seattle	Green River Upper Russell	Upper Russell	Washington	Kent.
Seattle	Cedar River Getchman	Monk	Washington	Kent.
Seattle	Cedar River Rainbow Bend	County Road #8	Washington	Kent.
Seattle	Green River Monk	Getchman	Washington	Renton.
Seattle	Cedar River Alquist	Rainbow Bend	Washington	Renton.
Seattle	Cedar River Herzman	Alquist	Washington	Renton.
Seattle	Cedar River WPA	Herzman	Washington	Renton.
Seattle	Tolt River Frew	WPA	Washington	Carnation.
Seattle	Tolt River Hwy to Bridge	Frew	Washington	Carnation.
Seattle	Green River County Road #8	Hwy to Bridge	Washington	North Bend.
Seattle	SF Snoqualmie River Stanly Carlin	Stanly Carlin	Washington	North Bend.
Seattle	SF Snoqualmie River Prairie Acres	Prairie Acres	Washington	North Bend.
Seattle	SF Snoqualmie River McConkey	McConkey	Washington	North Bend.
Seattle	SF Snoqualmie River Reif Road	Reif Road	Washington	North Bend
Seattle	SF Snoqualmie River Si View	Si View	Washington	North Bend.
Seattle	SF Snoqualmie River Bendigo Left (upper)	Bendigo Left (upper)	Washington	North Bend.
Seattle	SF Snoqualmie River Bendigo Left (lower)	Bendigo Left (lower)	Washington	North Bend.
Seattle	SF Snoqualmie River Bendigo Right (lower)	Bendigo Right (lower)	Washington	North Bend
Seattle	SF Snoqualmie River Bendigo Right (upper)	Bendigo Right (upper)	Washington	North Bend.
Walla Walla	Ballantyne	Ballantyne	Idaho	Mountain Home.
Walla Walla	Milton-Freewater	Milton-Freewater	Oregon	Milton-Freewater.
Walla Walla	Sweetwater	Sweetwater	Idaho	Sweetwater.
Alaska	Salmon River Levee	Salmon River Levee	Alaska	Hyder (unincor orated).
Alaska	Skagway River Levee	Skagway River Levee	Alaska	Skagway.
Honolulu	Hanapepe River FCP	Hanapepe River FCP	Hawaii	Hanapepe.
Honolulu	Moanalua Stream FCP	Moanalua Stream	Hawaii	Moanalua Valley.
Honolulu	Waimea River FCP	Waimea River FCP	Hawaii	Waimea.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 7	Florida	Agriculture area.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 2	Florida	Clewiston.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 3	Florida	Clewiston, S Bay, Belle Glade.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 1	Florida	Pahokee.
Jacksonville	Humacao	Sec. 205	Puerto Rico	Punta Santiago.
Jacksonville	Portugues & Bucana Flood Control	Sec. 205	Puerto Rico	Ponce.
Jacksonville	Sabana Grande	Sec. 205	Puerto Rico	Sabana Grande.
Jacksonville	Vega Baja	Sec 205	Puerto Rico	Vega Baja.
Savannah	Macon Levee	Macon Levee	Georgia	Macon.
Wilmington	Roanoke, VA, Floodproofing of STP	Roanoke Floodproofing of STP	Virginia	Roanoke Sewage Treatment.
Albuquerque	Granada, Arkansas River	Granada, Arkansas River	Colorado	Granada.
Albuquerque	Abeytas to Bernardo, Rio Grande	Abeytas to Bernardo, Rio Grande	New Mexico	Bernardo.
Albuquerque	Albuquerque Unit, Middle Rio Grande Levee	Albuquerque Unit, Middle Rio Grande Levee	New Mexico	Albuquerque.
Albuquerque	Creede, Willow Creek	Creede Willow Creek	Colorado	Creede.
Albuquerque	Glenwood, Whitewater Creek, Levee Rehabilitation	Glenwood Whitewater Creek	New Mexico	Glenwood.
Los Angeles	Santa Maria River	Santa Maria River	California	Santa Maria
Sacramento	Bear Creek Project	Bear Creek, Stockton	California	Stockton.
Sacramento	Buchanan Dam (Eastman Lake)	Chowchilla River Ash and Berenda Sloughs	California	Madera.
Sacramento	Duck Creek	Duck Creek	California	Farmington, Stockton.
Sacramento	Fairfield Vicinity Streams	Fairfield Vicinity Streams	California	Fairfield.
Sacramento	Farmington Reservoir Project	Littlejohn Creek	California	Stockton
Sacramento	Green Valley Creek, Solano County	Green Valley Creek, Solano County	California	Vacaville.
Sacramento	Merced County Stream Group	Merced County Stream Group	California	Merced.
Sacramento	Middle Creek	Middle Creek	California	Upper Lake.
Sacramento	Mormon Slough	Mormon Slough	California	Stockton.
Sacramento	North Fork Pit River at Alturas	North Fork Pit River at Alturas	California	Alturas.
Sacramento	Pine Flat Lake & Kings River	Pine Flat Lake & Kings River	California	Riverdale, Hanford.
Sacrament	Redmond Channel	Redmond Channel	Utah	Redmond.
Sacramento	Sacramento River Flood Control	Chico & Mud Creeks, & Sandy Gulch	California	Chico.
Sacramento	Sacramento River Flood Control	City of Marysville	California	Marysville.
Sacramento	Sacramento River Flood Control	Deer Creek, Tehama County	California	Vina.
Sacramento	Sacramento River Flood Control	Elder Creek, Tehama County	California	Gerber.
Sacramento	Sacramento River Flood Control	Interceptor Canal, East, West	California	Sutter.
Sacramento	Sacramento River Flood Control	LD2–Glenn County	California	Princeton.
Sacramento	Sacramento River Flood Control	L03–Glenn County	California	Butte City.
Sacramento	Sacramento River Flood Control	RD 0150–Merritt Island	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0307–Lisbon	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0349–Sutter	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0369–Libby-McNeil	California	Walnut Grove.
Sacramento	Sacramento River Flood Control	RD 0501–Ryer Island	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0556–Upper Andrus	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0563–Tyler Island	California	Walnut Grove.
Sacramento	Sacramento River Flood Control	RD 0755–Randall	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0827–Elkhorn	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 1600–Mull	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 2098–Cache & Haas Slough Area	California	Agriculture.
Sacramento	Sacramento River Flood Control	Service Area 6	California	Knights Landing.
Sacramento	San Joaquin River Flood Control	RD 0404–Boggs	California	Stockton.
Sacramento	San Joaquin River Flood Control	RD 0524–Middle Roberts Island	California	Agriculture.
Sacramento	San Joaquin River Flood Control	RD 2063–Crows Landing	California	Agriculture.
Sacramento	San Joaquin River Flood Control	RD 2064–River Junction	California	Ripon.
Sacramento	Walnut Creek, Contra Costa County	Walnut Creek, Contra Costa County	California	Walnut Creek, Concord.
San Francisco	Redwood Creek at Crick	Redwood Creek at Orrick	California	Orrick.
Little Rock	Conway County Levee District No. 8	Conway County Levee No. 8	Arkansas	Atkins.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

AMENDMENT NO. 4706

Mr. SHELBY. Mr. President, I rise in strong opposition to the amendment offered by Senator LANDRIEU, my friend from Louisiana, which would allow the mandatory purchase provision for areas behind levees and dams to be eliminated.

Currently, the flood insurance program suffers from a $17 billion deficit, mostly as a result of payments made to individuals living behind manmade structures such as levees and dams.

The fact that people behind manmade flood protections do not have to purchase flood insurance clearly sends the wrong message. As we all know now, flood protections sometimes fail. Telling people they need not protect themselves from the risks associated with those failures provides a false sense of security.

Keep in mind that all of these individuals will be required to pay a rate that reflects the risk associated with living behind flood mitigation devices. Currently the rates behind many of these structures would suggest an individual homeowner would pay approximately $316 for coverage up to $350,000. That is less than $1 per day for full flood protection; $1 dollar a day. This bill eliminates the entire debt associated with this program that is owed to the Federal Government, but it also demands that in the future people begin to pay a fair price for the risk associated with living in high-risk areas.

This amendment would require that we undertake a study as to the effect of requiring insurance behind manmade structures. I believe we have learned all we need to know about the risk associated with living behind manmade flood protection devices.

The insurance premium takes into account the real risk properties face. Levees fail. They fail all the time. They do not eliminate all risk. Flood insurance protects people against unforeseen risk.

These amendments do not recognize that fact. A prudent course is risk-based premiums for everyone at risk. I strongly oppose this amendment. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to speak for a few minutes on the bill itself.

The PRESIDING OFFICER. The Senator has that right.

Mr. BUNNING. I wish to speak about the flood insurance bill before the Senate and about the program in general.

The flood insurance program is one I care about a great deal. It is vitally important to States such as Kentucky that are surrounded and crossed by major rivers and exposed to flooding.

In 2004, former Senator Sarbanes, Senator SHELBY, and I sat down to make some important changes to the program and we did. My bill was a step in the right direction for fixing the program. Our reforms established a mitigation program to reduce further losses, charge higher premiums if property owners refused to reduce their risk.

Unfortunately, we were not able to address all of the problems in the bill, but I am glad some of the things we wanted to do back then are being done in this bill before us today.

As we saw from the storms of 2005, the flood insurance program is not financially sound. This bill builds on the reforms of the 2004 law by ending the subsidy for the most costly and least deserving properties. It requires more at-risk people to purchase flood insurance, and increases penalties on the lenders for not following the law.

It also sets up a reserve fund to keep the program from going into debt in future years with significant flood losses. This bill does not fix all of the problems in the program, but it is a strong bill which I support. While I do not like forgiving the program's debt, it is a necessary step to stop policyholders in Kentucky and across this country from having to foot the bill for the gulf coast's problems.

Every Senator should think about that $18 billion we are forgiving when they consider the additional cost of amendments being offered. We have 40 years of experience that says the Government is a terrible insurance company. Adding wind insurance will drive out private insurers and put the taxpayers throughout the entire country on the hook for the risks taken by those who choose to live in the path of hurricanes.

The sponsors of the amendment claim premiums will reflect the actual risk, but I would point out to them the 18 billion reasons why I do not believe that will happen. Several other amendments are worth mentioning. One would create a Federal backstop for State disaster insurance funds. I understand why the Gulf Coast States would want a Federal backstop for the risk, but I do not understand why my State or anyone else's State should be put on the hook for the decisions of coastal State legislators who choose to socialize insurance.

Other amendments would increase coverage limits or decrease the amount policyholders would have to pay. One would even make a certain earmark for an area in Illinois for lower premiums. Those amendments would defeat the entire purpose of this bill. Instead of making the program more financially sound, they would make the current problems worse by charging policyholders less than their actual risk.

After some version of this bill becomes law, we will have to keep an eye on how FEMA acts on these reforms. It took FEMA more than 2 years to implement some of the 2004 reforms, and they did that only after the Vice President and the Secretary of Homeland Security intervened. We must make sure the program is run the way Congress intended, not as the bureaucrats think it should be run.

I congratulate Senator DODD and Senator SHELBY and their staffs for writing a good bill. I also thank former Senator Sarbanes for his help in writing the 2004 bill and setting the foundation for this bill today.

Finally, I wish to say I am glad Senator MCCONNELL has brought up the important issue of energy. The American people are watching gas prices go through the roof, and this summer electric bills are going to do the same. I have heard the other side talk about energy before, but I have not seen them do one thing about the problem. The problem is, we do not have enough supply. The solution is expanding domestic production of energy any way we can. We can drill for oil safely in Alaska, we can get more natural gas from the Gulf of Mexico.

But beyond the usual ways to increase production, we can use new technologies to change the game for energy prices. That is why I have supported and will keep pushing coal-to-liquid fuels. We are sitting on hundreds of years' worth of coal, and through a proven and environmentally sound process, we can turn that coal into gasoline for our cars, diesel for our trucks, and jet fuel for our planes.

I have met with the Air Force many times. This is one of the most important security issues they face. We cannot rely on Middle Eastern oil to provide fuel for our jet fighters and our tanks. With secure domestic alternative fuels, we can guarantee the military the fuel they need.

The American people deserve a Congress that takes action. Every barrel of fuel made in America is a barrel of fuel we do not have to buy from the Middle East. Increasing production of energy in America will bring down energy costs and protect jobs.

For too long we have heard about manufacturers and companies moving good-paying jobs to China or the Middle East because of cheap energy. Today, with this package we can do something about it. We can give American companies the energy they need to build cars, fly planes, and produce goods with American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: What are we on now?

The PRESIDING OFFICER. The Senate is considering amendment No. 4705 offered by Senator LANDRIEU.

AMERICAN ENERGY PRODUCTION ACT

Mr. DOMENICI. We have been setting aside the pending amendments?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I plan to speak for about 15 or 20 minutes here, for those who might be interested.

I rise not to talk about the work that has been done by the committee on

flood insurance, although it is obvious that is important, and they have done a great job and we ought to be finding our way through that thicket before too long. But attached to that bill, for the purpose of making an issue and seeing to it that we give everybody in this body an opportunity to vote for the production of more American energy for the American people, for the automobiles that drive on our streets, the trucks that drive on our streets, the airplanes, both domestic and military, that fly, and all other sources of energy, we are going to have a chance to vote on whether we want to produce more energy which we now import, either crude oil or crude oil products or substitute products that can be produced in the United States. Do we want to do that?

The Democrats today had a press conference after we have been talking about this bill that we call the American Energy Production Act, and they are talking about what they might want to do. I regret I cannot talk in detail about what they propose, but I will say I will be very surprised if the sum total of their suggestions produces one new barrel of oil or one cubic foot of natural gas, one cubic foot of American-produced natural gas, because it seems to me they are too busy trying to find out what they can do to the oil companies of the United States and windfall profits and those kinds of things.

But we are going to give everyone this opportunity, an opportunity to take a look at some very simple propositions that could yield large quantities of crude oil, natural gas, derivatives of coal that can be used in trucks, diesel fuel in airplanes, for military and the domestic airplanes.

I want to suggest the following: Last week I introduced a bill which would fundamentally change America's reliance upon foreign oil in a shorter time period than I have seen of any proposal thus far.

The American Energy Production Act is cosponsored by 19 of my colleagues and would produce a minimum of 24 billion barrels of American oil. Americans, in my opinion, are sick and tired of such high prices for gasoline, and unless we take action, the situation is going to only get worse. One can talk all one wants about why it is, but the biggest reason the price is going up and continues up—and we do not even know where it will stop—is because the demand for crude oil in the world is getting bigger than the production of crude oil in the world. So supply and demand is principally the reason for the increasing cost of crude oil.

There may be other things we have to do, but essentially the only way to alter that rising price and cause it to come down and, thus, give the American people some relief is to produce more crude oil and derivatives of coal and otherwise that we can use to take the place of crude oil products. So if the American people are sick and tired of paying high prices and want to know what can be done, we are telling them we think it is time we face up to the fact that we can produce much more in America. But for some reason, we have decided to vote no on some very imposing and powerful supply sources. It is time we take another look at those, especially with crude oil at $120 a barrel and rising.

What we have done is looked around at what we have refused to do in the past, new things we could do that would accomplish what I have suggested. Congress has made a great deal of progress already in promoting conservation and developing renewable energy technology such as wind and solar. I am for doing more of those, if we can and when we are ready. I stand ready to work on those. I have been leading the charge on those fronts as either chairman of the Energy Committee or ranking member. I believe we should develop all our energy sources as soon as we can.

The bottom line is that America is not going to stop using oil in the near term, so we need to take action to make sure the oil we do use is produced domestically, all of it we can, rather than coming from unstable regions. Congress has not done such a good job in this area. In fact, almost every time we have tried to boost domestic production, Democrats—mostly Democrats—have blocked our efforts. But with oil now at $122 a barrel and rising, I implore my colleagues on the other side of the aisle to rethink their position. Times have changed. Now America's response needs to change as well.

The American Energy Production Act, which is an amendment on this bill, which I indicated we will vote on one way or another before this bill is finished, is an excellent place to start. The bill allows for States on the Atlantic and Pacific coasts to petition the Federal Government to opt out of a broad moratorium that for two decades has locked up America's assets and forced us to turn to unstable foreign nations to power our lives.

Together, the Atlantic and Pacific Oceans contain oil reserves of up to 14 billion barrels, and that is a minimum. We know it is a minimum, and we have not been allowed to spend the money to do an in-depth evaluation which I believe would show much more. The reserves of natural gas are thought to be 55 trillion cubic feet. These regions contain substantially more oil and gas than the areas we opened in 2006 in the Gulf of Mexico Energy Security Act. The area that is left, that we had this moratorium on for more than 20 years, is much bigger than the area we opened as part of the Gulf of Mexico Energy Security Act, much bigger, much larger space, and much more in reserves.

This legislation also opens 2,000 of the 19 million acres of the Arctic Plain of ANWR for oil and gas leasing.

Over the past week, I have heard Members from the other side of the aisle say that ANWR won't help because it will take 8 to 10 years to bring it on line. That is the same thing they have been saying for two decades. Had we acted when we had a chance, we would have 1 million barrels of oil a day available to us, oil that we are now forced to buy overseas.

I heard a Member of the Senate from the other side of the aisle, the Senator from New York—the Senator from New York who is not running for President—say that if we could get the OPEC cartel to just add 500,000 barrels of production, it would have a big impact on bringing down the price of oil. If that is the case, if we had a million barrels of oil a day coming from ANWR, that surely would do as much or more. It would bring down the price just as well, if not more than the Senator was speaking of from oil the cartel would produce. That is because it is a supply-demand situation he is talking about. ANWR would yield more than the 500,000 barrels to which he alluded.

Additionally, even after revenue sharing, ANWR oil could bring over $2 billion to our Federal Treasury annually. It is past time that we started producing our own oil and generating revenues for our own Government instead of buying foreign oil and sending billions of dollars to unstable, unfriendly regimes.

The Republican bill I have talked about also makes it easier to build refineries. We haven't built a new refinery for 30 years, and our Nation cannot afford to go 30 more years without doing so. We provide some incentives and some very natural ways to cause that to happen.

While I have resisted calls to suspend filling the Strategic Petroleum Reserve in the past, I have indicated to the chairman of the subcommittee on which I serve, the Energy and Water Committee, I have told the Senator who is promoting discontinuing filling of the SPR for 6 months to a year, providing 70,000 additional barrels of light sweet crude a day to the marketplace, that I would support him on that at this time because the price of oil is so high that it is worth doing. That is in this bill. By its very nature, this 70,000 barrels from SPR is just a fraction of the oil that would be gained through the OCS production and ANWR production, but in today's environment every small amount helps.

In the area of alternative resources, this bill requires studies on ethanol to help ensure that smart decisions are made as we move toward cellulosic and other advanced biofuels. This bill also provides incentives for the advancement of breakthrough energy technologies such as battery-powered vehicles. That is necessary and something we could do. It is ready and right.

It is also important to mention that this bill will promote the use of coal-to-liquids technologies, as long as it results in no more greenhouse gases than the fuels we are already using. Bringing 6 billion gallons of this fuel to market, if we started immediately working

on it, could be done quickly. They are already doing it in South Africa. It would reduce our projected imports by 4 percent by the year 2022. The coal-to-liquids mandate is just one-sixth the size of the ethanol mandate placed into law last year. To push the coal-to-liquids technology, we must send a signal to the marketplace that America is serious about using some of its abundant, reliable American energy resource—coal.

In addition, this bill repeals the moratorium on oil shale regulations that was put into an omnibus appropriations bill in the dark of night, when those of us who had been involved were not around and could not object. The shale beneath our Western States amounts to three times the conventional oil reserves in Saudi Arabia. We need to accelerate this project's resources and repeal the $4,000 fee for drilling permits which hit America's smallest family-owned oil and gas companies the hardest. This, too, was done in an appropriations rider. It is time to take it off, while we talk about producing more rather than less. We don't need more taxes and fees on American producers if we want to produce more.

It is my sincere hope that we can act soon on this measure. I have not talked about every provision, but they all are directed at producing more energy rather than directed at more attacks against energy companies and those things included in today's proposal by the Democratic leadership.

The United States needs to send a message to the marketplace, to OPEC, and to consumers that we will no longer continue to let billions of barrels of oil sit underground within our own domain while the price at the pump goes up and up. We must end the cycle of dependence and the flow of money overseas for foreign oil. We must do it as quickly as possible. If we can do it now, we should do it now.

I thank the Republican leader for bringing up this important issue. I urge my colleagues to think about it and ultimately to support it. What a message it would send.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to make a unanimous consent request dealing with a series of amendments we are going to vote on. Then following my unanimous consent request, I know the Senator from Alabama would like to be recognized. I ask unanimous consent that he be recognized at the conclusion of my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that at 6 p.m., the Senate proceed to a vote in relation to the following amendments: Wicker amendment No. 4719; Vitter amendment No. 4722; Vitter amendment No. 4723; Landrieu amendment No. 4705, as modified further; further, I ask that there be 2 minutes of debate equally divided prior to each vote and that there be no second-degree amendments in order prior to the votes. Finally, I ask consent that the first vote be a 15-minute rollcall vote and the remaining votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair and my colleague.

The PRESIDING OFFICER (Mr. WEBB). Under the previous order, the junior Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I see Senator THUNE, who wanted to have 4 minutes to file an amendment. I ask unanimous consent that he be recognized when I finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I so much appreciate the remarks of Senator DOMENICI. He has given his career in the Senate to dealing with energy issues. There is no one here who is more deeply steeped in those issues and the history of how we got here and how we could be in better shape today than Senator DOMENICI. We don't want to be in a blame game. We don't want to be saying, ''I told you so.'' In fact, I will admit that I have made decisions, when the price of a barrel of oil was $30 and $40. It is different when it is now $120, as the Senator from New Mexico pointed out. We are facing a crisis, and we need to do some things. We don't need to do a piece of legislation that is pending on this floor, that came out of the EPW Committee, that not only won't help us deal with our crisis in energy but will actually surge the cost of energy, which is the only big piece of legislation I know relevant to the question that is now pending, other than legislation Senator DOMENICI offered.

Gas today is over $3.60 a gallon. That is well over what it was 2 years ago. People are spending $60 to fill up with a tank of gas. The average family who has two cars is spending no doubt $50 to $100 more a month for the same amount of gasoline they were purchasing the previous few years. It is an enormous cost to that family. It is an impediment to economic vitality. It is a very significant, if not the most significant, factor in the economic slowdown we are dealing with. Electricity also will be going up. One expert has said that we could basically be seeing a $100-a-month increase in the average family's electricity bill. If we pass this cap-and-trade bill, it will be a lot more than that. Diesel priced fuel is up—too high, in my view. I can't understand why it is consistently 60 cents more per gallon than regular gasoline. An airline official told me not long ago that jet fuel is double.

So we have a problem. We really do. I know everybody has goals and visions about how we can solve this problem. Senator DOMENICI and I share a deep belief that nuclear power can be a primary source in the years to come to deal with this crisis. In fact, he has written a book about it. We have advocated this for some time. I think that reality is beginning to dawn more clearly on us today. But it is going to be maybe 7, 8, 10 years to get a new nuclear plant up and running. But we can generate large numbers of them if we follow smart procedures and have that come on line. But the point I think we are trying to make is: That is 10 years down the road. It may take 10 years to do ANWR. We can bring on coal-to-liquid technology. That can happen, but it takes some time. But we need to get started.

We are so hopeful we can do more with conservation. I supported the bill last year to raise our fuel standards, CAFE standards, automobile mileage standards up to 37, 35 miles per gallon, the entire fleet, including trucks. That is going to be difficult to achieve, but it will conserve a tremendous amount of fuel and be good for us. But that is not going to solve our problem either.

So what must we do? I think we must have a long-term policy. I believe that policy should focus on investing in the ideas and concepts that have potential to be breakthrough technologies to confront this problem. There are a number of them out there.

Hydrogen. President Bush pushed hydrogen for our automobiles, but from what I can understand, that is coming along slower than we would like. There are a number of very difficult technical problems with hydrogen. It takes some time. We would love to see the hybrid automobiles be able to be converted to plug-in hybrid automobiles, and progress is being made in that regard that is pretty exciting. We may be getting closer there than we think. That would convert from liquid fuel that runs our automobiles to electricity. We can utilize electricity generated in nuclear plants that emits no CO_2, no pollution into the atmosphere, and do that at night when they are not fully engaged and be able to drive, for most people, all they need to drive that day on a battery charge at night, utilizing no fuel in their automobile. What a great thing that would be.

We also have, as Senator DOMENICI has pointed out, though, great reserves of oil and gas and energy in our country. The sad fact is, we are not going to be able to get away from fossil fuels in the next few decades. We are just not going to be able to get away from that. People seem to have no problem that we buy it from foreign countries, some of which are not friendly to us. We can just buy from them. But if you talk about producing that oil and gas here in the United States, in our country, they get, for some reason, to objecting. We have seen it time and time again.

I was so pleased that last year, under Senator DOMENICI's leadership—the year before last, I guess—we passed legislation to open 8.5 million acres in the Gulf of Mexico. But we left closed to drilling huge areas in the Gulf of Mexico, some of which have tremendous reserves of oil and gas. We have opened

none off the Pacific coast, where there are huge resources, and none off the Atlantic coast. We have shown in the Gulf of Mexico that even with this powerful hurricane, these billion-dollar rigs can sustain the storm and not provide economic destruction or damage to the gulf. We can do that around the world. So the question is, Are we going to take that step? This legislation helps us go in that direction.

We have seen and shown you can convert coal. We have huge reserves of coal-to-liquid that can burn in our automobiles. That is technology which is ready to go today basically. We just need to prove it out in a large commercial area, and the Government should help establish that technology. But the point I would like to make is that would produce huge amounts of energy we can utilize in our vehicles and keep the money at home.

So there are many other things we can do and are doing.

I believe the concerns over ethanol raising food prices are exaggerated. Even President Bush, who has been somewhat skeptical of this—his own administration said they thought about 2 percent to 3 percent of the price of food was as a result of ethanol being produced from corn and soybeans for biodiesel. It is not the main factor in the rise of farm prices. But it certainly helped us not to have to import lots and lots of foreign oil into the United States.

I will recall for my colleagues that according to the Congressional Research Service, this year we will import into America $400 billion-plus worth of oil. Probably, the next year from this day—the next 12 months—it would be over $500 billion worth of oil. This is the greatest wealth transfer in the history of the world. It is money we have, as American citizens, that is ending up in the pockets of countries—small countries, some of them, building more skyscrapers than they have apartment complexes—unbelievable displays of wealth. We can do better about that. We need to produce more energy here at home, energy that we have. If we do so, we can reduce our dependence on foreign oil. And if we can reduce that amount through conservation, through local American production, the result could be that we could knock down the high demand that is out there, and we might even see the price of oil drop more than people think. Historically, it has been boom and bust in the oil industry. Some say we will not have a bust again because of the world demand, and they may be right. But I think there are some realistic possibilities we can.

So there are biofuels and solar and wind and biomass and new batteries. All of this is good, and I would support research and development on them. But I do not believe we ought to press down on the brow of the American working man some theoretical beliefs about clean energy that will not work or are exceedingly expensive and create only a burden on working families in America. We have to be careful about that.

So I am excited about the proposal that has been put forth. I believe we have great potential to produce more American oil and gas off our Continental Shelf. I have seen it right off from the coast where I live in Alabama. I have seen that production come in for decades now.

We know ANWR has great potential. It could reduce our imports by as much as 10 percent if it is brought on line.

We know coal-to-liquid can be done today for far less than the world price of oil. We know oil can be produced from these huge oil shale deposits in the West for less than the world price of oil today.

We know nuclear power has the potential to help us transform our vehicular traffic from fossil fuels to electricity. But we have to get busy doing it. We have not built a nuclear plant in 30 years. Since I have been in the Senate, for 12 years I have talked about nuclear power, how critical it is to our future. We have done nothing really to make that happen—until Senator DOMENICI, 2 years ago, as chairman of the Energy Committee, finally pushed through some legislation that took us from having zero applications for nuclear plants to over 30 today.

I think we have the potential to see a renewal of nuclear power. The British just announced they are going to build five new nuclear plants. France has 80 percent of their power or more from nuclear power. Japan does.

We also need to figure out how to deal with the question of recycling, which is not at all impossible to do. The British, the French, the Japanese, the Russians recycle. We want to work on legislation to create recycling of nuclear waste. That will both help us create more fuel and reduce the danger of the waste that is left.

These are things we can do. But it is time to get busy and do it, not have a policy of creating a massive bureaucracy, some cap-in-trade bureaucracy that has not worked in Europe. It just has not worked. A massive tax increase is what it amounts to in sheep's clothing.

So, Mr. President, I thank the Chair.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, will he answer a question?

Mr. SESSIONS. Yes.

Mr. DOMENICI. I ask the Senator, do you know what the price of a barrel of oil was when we sent the ANWR bill to the President of the United States, which was vetoed? Do you know how much it was per barrel?

Mr. SESSIONS. Mr. President, I know it was less, but I do not know.

Mr. DOMENICI. Nineteen dollars a barrel.

Mr. SESSIONS. Nineteen.

Mr. DOMENICI. So for those who do not think it is worth another try—that is, to have a vote and seriously consider ANWR—just think of the difference in economic impact on the United States of tying up that resource when we did it compared to now.

Also, we were estimating only 1 million barrels of oil as the production per day. We have not upped that, brought that current for $120-a-barrel oil. It might very well be that it is more than a million barrels a day just based upon price because it would justify far more investment in that little 2,000-acre footprint. Clearly, with such an increase in price, you probably will get more.

But I think some of the American people may have favored holding that 2,000 acres hostage and saying you cannot use it—they might have said, well, that is all right when it is $19 a barrel—but when we are suffering with $120-a-barrel oil, it may be a very close call even for those who have exaggerated in their dilemma and fear about ANWR. To say we can afford $19-a-barrel oil—lock it up—but should we lock it up for $120 a barrel is a very good question.

Mr. SESSIONS. That is six times as expensive.

Mr. DOMENICI. Right.

Mr. SESSIONS. It has increased six times in price since you first began to discuss it.

Mr. DOMENICI. So a million barrels a day becomes a different thing. A million barrels a day was $19 million. But now a million barrels is 120 times that. That is what you are losing to foreign countries.

You have alluded to the fact that maybe the American economy is suffering irreparable harm. You said it a different way than I. But I happen to believe—and have spoken to it two or three times on the floor—I think we are experiencing irreparable damage to the American economy because of the enormous price of crude oil and our inability to find a way to get along without it. We are just depleting our vitality, and we do not know quite how to figure it out. We do not know why the economy is having trouble. There are just all kinds of things we do not know. But I have an answer for most of them: It is too many dollars going overseas to get crude oil. That is an enormous drain on this economy, as strong as it is. That, plus the big debt we have accrued is hanging out there to be bought by the Chinese and others. You add them up, and it is frightening. If we can do something about it, we should. Isn't that why we are here?

Mr. SESSIONS. I could not agree more, I say to Senator DOMENICI.

Mr. DOMENICI. I yield floor and thank the Senator.

Mr. SESSIONS. It is very troubling to me. I say to the Senator, I know you also are knowledgeable—I do not know if you have a minute; I think you mentioned it in your remarks. But you have pointed out, as I understand it, in the West, in the shale oil areas of the West, we can actually produce shale oil for far less than $120 a barrel; is that correct?

Mr. DOMENICI. That is correct.

Mr. SESSIONS. Under current technology. I assume it will get better in the years to come, but even right now with the technology we have?

Mr. DOMENICI. There is no question. One of the major oil companies has invested a huge amount of money. I think the initial investment allowed was $4 billion to experiment with a project that would in situ, on sight—rather than picking mines, they would boil the oil in the ground and siphon it out. That price was put around $50, $50 to $60 before they would consider it feasible to invest money. We are long past that, for that kind of an experiment. If it works, then the next steps have to be taken. It will be expensive, but $50 a barrel versus $120, there is a lot of room for play.

Mr. SESSIONS. That keeps the money at home, hiring American workers who pay taxes to the United States of America.

Mr. DOMENICI. Yes. And this bill we are talking about here tonight has a provision in it about it. Because in the dead of night, in an appropriations bill in the Department of the Interior, somebody in the House—we think we know who—decided to put a moratorium on the final regulations for shale development, even though in the Energy bill you helped us write, the comprehensive bill, we provided for oil shale leases of the right size to permit activity, permit this research, this experimentation. Well, they put a moratorium on it and that thwarts the company that is putting the investment in it. This bill says no, that has to come off. So I don't know whether we will have a chance to vote on it another way, but maybe since it is one year at a time, we may take it off of appropriations. I don't know.

Mr. SESSIONS. Senator DOMENICI has some interest. We have had talks about coal to liquids. It is my understanding—is it yours—that we have technology today that can take our massive coal reserves and convert that to a good liquid fuel for our automobiles at less than $120 a barrel, the world market price of oil today?

Mr. DOMENICI. Well, I choose to take one step back on that and say, there is no question but that South African technology is available to convert clean coal into liquid diesel. Its principal use at that point would be American airplanes, both commercial and military, American military equipment, and that would be a huge amount. This bill limits it to 9 million, the equivalent of 9 million barrels a day is what we would produce. That would be so we could be sure we weren't having a negative impact on the environment. How do we do that? Well, the energy produced by the conversion would not contribute any more than the crude oil we would buy would contribute and we would use it anyway, so we don't think we are harming the environment. But we are not going to go all out and produce the whole amount that coal can produce but, rather, learn how to do it, do it well, and send a signal that the great American ingenuity is ready to do something, and do something big. That is what that one would be, a big one that would frighten those who have us captive, because they would say they are finally going to do something and something that is important.

The same thing would happen if we had a breakthrough on oil shale. There is no question, that would be an enormous signal. Now I am not saying that is as ready as coal to liquid. One is ready rather quickly, the other one would take a little while. But we only put things in that are doable and that are important, and if they are not doable immediately, they are doable in the sense of sending a signal that the country is doing something.

I thank the Senator for yielding.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Landrieu amendment No. 4705 is pending.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to call up amendment No. 4731 which I filed earlier today with my colleague from South Dakota, Senator TIM JOHNSON.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I wish to congratulate the Senator from New Mexico for his comprehensive energy bill which he introduced. It is a solution we need to take a hard look at, perhaps moving to it sometime in the not too distant future here in the Senate. I think his bill starts the debate.

Unfortunately, he has tried over and over and over again to start the debate here in the Senate. The legislation he introduced—and I am a cosponsor of that bill last week—is comprehensive in that it addresses the supply issue. We can't address America's high energy costs absent addressing the issue of supply. We are sending, as was already noted, $1.6 billion every single day outside the United States and, in some cases, to countries that would do us harm, in order to meet our demand for energy here at home. The Senator from New Mexico has put forward a solution which is broad based and which addresses the supply issue by making available some of the reserves we have in this country on the North Slope of Alaska, on the Outer Continental Shelf, and he addresses the need for additional refinery capacity. We haven't built a refinery in 30 years, since 1976. He also addresses some of the new technologies such as coal to liquid, which was talked about earlier.

I should say he changes a definition that was modified very late in the Energy bill debate last year that precludes forest waste residues from being a source of cellulosic ethanol because in many respects, the future of renewable energy in this country is transitioning from corn-based ethanol to cellulosic ethanol. We have enormous biomass available in this country in forests in the form of switchgrass that can be grown in abundance on the prairies in this country and other forms of biomass that can be available and can be converted into cellulosic ethanol. So his solution is to create additional supply—the supply of fuels but also the capacity of refineries—in order to be able to process more of those natural resources into refined gasoline. If we don't do that, we are going to continue to send billions and billions and billions of dollars every single year to countries outside the United States which, in many cases, use those very dollars to turn around and fund terrorist organizations that attack Americans, that to the tune of about almost $500 billion. Half a trillion dollars last year left the United States in order to meet the demand we have for energy here at home.

I congratulate the Senator from New Mexico and hope we can get a debate going here in the Senate that addresses the supply issue.

I am all for conservation measures. There are some conservation measures as well, and there are lots of steps we can be taking. Last year as part of the Energy bill, we created the first change in a long time—something like 20 years—in fuel efficiency standards. That is something we need to be pursuing as well. But at the end of the day, our appetite for energy in this country and the world's appetite for energy is not going away. In fact, the Department of Energy estimates that even with intensive conservation efforts in place, maintaining our economic growth through the year 2025 will require a 36-percent increase in energy supply, including a 39-percent increase in oil consumption. Sixty percent of our oil is currently imported. So as demand rises and domestic supply is not increased, we are subject to prices that are set by foreign countries, including, as I mentioned, some hostile regimes.

Senator DOMENICI has put forward several ideas in his plan that are not new. Some of them have been debated previously, some of them blocked by bipartisan politics. But I hope that $3.50, $4-a-gallon gasoline will change some of that. In my State of South Dakota, the average price of gasoline today is $3.60. Oil, of course, traded at an all-time high of $122 per barrel. Diesel is $4.18 a gallon. As the farmers in my State continue another planting season, they are faced with those diesel fuel costs that are substantially higher than previous years. They are faced with higher fertilizer costs because natural gas prices have gone up.

This is a crisis that reaches into the pocketbooks of every American. I was talking in my State of South Dakota

this week with someone in the tourism business who was saying the numbers this year are already down 11 percent from the previous year. I think that is a sign of more to come in terms of the economic hardship that is going to be imposed on the economy all across this country. My State of South Dakota, because it is so energy dependent as a result of tourism and agriculture and some of the industries that are very energy intensive, is particularly hard hit. Since I was first elected to Congress over 10 years ago, we voted on opening a small section of ANWR at least five times. Most recently, in the 2006 Defense appropriations bill, we had that vote.

It is important to note at that time the Senate Democrats blocked oil and gas exploration in ANWR oil was trading for just over $50 a barrel. Well, now it is at $122 a barrel, and at that time it was argued it would take at least 10 years to develop the resources in ANWR. But I think it is high time we began the process of authorizing that exploration and production. We have up to 16 billion barrels of oil, we are told, up there, or a million barrels of oil each day that could be coming into our pipeline in this country and taking pressure off of gas prices. So I hope the fact that today the high price of gasoline is impacting more and more consumers across this country, more and more small business owners, more and more families, we will see a change in the mindset that will enable us to move forward with legislation such as that introduced by my colleague from New Mexico that will get at the heart of this problem. The problem is we don't have enough supply to keep up with the demand either at home or around the world, but at a minimum, we ought to be coming up with those solutions that are domestic, that are home grown, and by that I mean the oil reserves we have here in the United States or off our shores, the infinite amounts of coal we have that can be converted into fuels, the enormous potential we have out there for renewable energy such as ethanol made not only from corn but from other sources of biomass, and that we take steps to add refinery capacity.

It is absolutely critical, in my mind and in my view, that we start moving in this direction. I heard a report earlier today that some projections are that oil prices could get up to somewhere around $200 a barrel. I can't imagine that happening or what the impact would be on our economy, but it is never too late to do the right thing, and we need to move quickly now and decisively on an energy policy that will increase our supply, our domestic supply, take pressure off of oil prices and prices at the pump that American consumers are dealing with every single day.

I congratulate again the Senator from New Mexico for his bill. I am happy to be a cosponsor of it. I hope we are able to get a vote on it, and I hope we can do something once and for all about high gas prices and bring some relief to the American consumer.

Mr. President, I yield the floor.

Ms. CANTWELL. Mr. President, I rise to join in this discussion. I know my colleagues on the other side of the aisle have been out here talking about energy issues and the high price of gasoline.

I certainly know when the Senate works together on energy policy, we get things done. The 2000 Senate Energy bill is an example of that, of how we worked in a bipartisan fashion. That bill, when it is fully implemented over the next 20 years, will save families over $1,000 a year at gas stations. That is because we put a good policy into place.

The question is where we are going to go from here. I have listened to some of the things my colleagues on the other side of the aisle have said, and I hope when we are done with our statements, we can sit down and work together on trying to implement more legislation that will help the American consumer. But I think the notion that where we are today is a rational market and that supply and demand is driving what we are seeing, a 100-percent increase over last year in oil prices, is not correct.

We just had a hearing in the Commerce Committee where airline executives were testifying, and they said they don't think this is supply and demand, and it has obviously caused a great impact on their industry. They would like us to be more aggressive in policing the markets, and they offered some suggestions. But many of my colleagues have been out here talking about opening drilling in the Arctic Wildlife Refuge. Well, we have had this debate. We have had it numerous times. I always like the administration's own Energy Information Agency that says drilling in the Arctic Wildlife Refuge would result, when it is fully implemented 10 or 20 years from now, in 1-penny-per-gallon savings. So that means when you take the average driving of a consumer at 400 or 500 gallons of gasoline in a year, you would have saved $5 on your annual gas bill from drilling in the Arctic Wildlife Refuge.

God only gave the United States 3 percent of the world's oil reserves. We are not going to drill our way out of this situation. But I ask my colleagues to look at what is causing this problem because we have oil company executives who are saying oil should be at $50 to $55 a barrel. This is the oil companies testifying in April. So they are saying the market isn't functioning correctly when it is at $120 a barrel.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I thank the Chair.

AMENDMENT NO. 4719

Mr. KENNEDY. Mr. President, The issue of wind coverage is important and is a concern of many families across the country and in my home State of Massachusetts and the Cape. Legislation must be developed that helps those families facing the threat of wind damage without harming those who already have flood insurance. I have the assurance from the chairman of the Banking Committee, my friend the senior Senator from Connecticut, that this is his intention as well and that he intends for a commission to study the issue and present to Congress a set of responsible recommendations for addressing this need.

For this reason, I oppose the Wicker amendment at this time in order to allow further study of the matter and that a consensus approach may be put forward in the Senate in the near future.

AMENDMENT NO. 4719

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote in relation to amendment No. 4719 offered by the Senator from Mississippi, Mr. WICKER.

Who yields time?

The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I understand we now have 1 minute each to close on the amendment; is that the order of the day?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. Mr. President, I tell my colleagues that this is a multiple perils amendment to the National Flood Insurance Program. It is backed by the National Association of Realtors.

The CBO will tell you it is budget neutral because the premiums have to be based on risk and actuarially sound. There are changes that could be made to make a good amendment perfect. We might not have those tonight. But I can assure my colleagues of this: The passage of the Wicker amendment tonight will ensure that a solution will come quicker to the problem of millions and millions of Americans not being able to ensure against wind and water damage at the same time. I urge passage of the Wicker amendment for that reason, if for no other.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I have great respect for our colleague from Mississippi. The point we wish to make on this amendment is not that we disagree. The simple question, as pointed out by Senator NELSON from Florida, is that this amendment, as presently crafted, could end up costing billions more than we anticipated. There were $17 billion in claims in excess of the $1.5 billion in funds. Some predict this could be as much as $60 billion to $100 billion.

We have a commission we are working on as part of the bill. We have to grapple with wind. We have to have an actuarially sound program. The last thing we want to do is destroy a flood program, which we could do by overwhelming it as a result of claims under

wind, without standards under which we judge those conditions and concerns. Based on what happened in 2005, the claims under wind might have been five times $17 billion.

I am determined as a member of the committee to spend more time on this. In fact, we would have spent more time but for the foreclosure crisis to try to come up with answers. At this juncture, to adopt this amendment would cause the program to be put in great jeopardy.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4719.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent because of illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 74, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—19

Chambliss	Lincoln	Schumer
Cochran	Martinez	Snowe
Craig	McConnell	Stevens
Graham	Menendez	Vitter
Isakson	Murkowski	Wicker
Landrieu	Nelson (FL)	
Lautenberg	Pryor	

NAYS—74

Akaka	Crapo	Levin
Alexander	DeMint	Lieberman
Allard	Dodd	Lugar
Barrasso	Dole	McCaskill
Baucus	Domenici	Murray
Bayh	Dorgan	Nelson (NE)
Bennett	Durbin	Reed
Bingaman	Ensign	Reid
Bond	Enzi	Roberts
Boxer	Feingold	Rockefeller
Brown	Feinstein	Salazar
Brownback	Grassley	Sanders
Bunning	Gregg	Sessions
Burr	Harkin	Shelby
Byrd	Hatch	Smith
Cantwell	Hutchison	Specter
Cardin	Inhofe	Stabenow
Carper	Inouye	Sununu
Casey	Johnson	Tester
Coburn	Kennedy	Thune
Coleman	Kerry	Voinovich
Collins	Klobuchar	Webb
Conrad	Kohl	Whitehouse
Corker	Kyl	Wyden
Cornyn	Leahy	

NOT VOTING—7

Biden	McCain	Warner
Clinton	Mikulski	
Hagel	Obama	

The amendment (No. 4719) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have had a number of conversations with Senator MCCONNELL today. I have had a number of conversations with the two managers of the bill. I think we have a plan for finishing this legislation tomorrow. We have had good cooperation on both sides.

What we are going to try to do is finish this bill. There are a number of Senators who want to offer amendments tonight. We can have the votes tonight or in the morning. The way things are looking, we can have them after morning business in the morning because there are not a lot of amendments.

It is our goal to finish this bill tomorrow. If that is the case, then we wouldn't have to be in Friday. We have a lot of things to do legislatively, hearings, and other such business. What we will do is come in Monday and vote on the amendment that has been filed by the Republican leader dealing with energy. It is the Domenici energy package. We will have a side-by-side. I already explained to the Republican leader and others what that will be. It should be fairly direct and to the point. We will have a 60-vote margin on both of those.

Following that, we will move to legislation that is bipartisan in nature. We will need to invoke cloture on it. It is the JUDD GREGG firefighters legislation. That will get us through Monday.

We have 2 weeks left. Hang on to your hats; we have a lot to do. We do not know if we are going to get the supplemental next week. We thought we would early next week, but we have learned today there may be some problems developing in the House. We are doing our very best to do that.

I congratulate Senators HARKIN and CHAMBLISS and Senators BAUCUS and GRASSLEY. We think—we don't think, we know the farm bill has been put to rest. We are going to be able to bring a bipartisan conference report to the Senate floor, hopefully, next week. There is no reason we should not be able to do that next week. Those are just a few of the moving parts we have.

The supplemental is not going to be easy, as it never is. Once we get it from the House, we can do our job over here fairly rapidly.

Mr. DOMENICI. Mr. President, can the leader explain how he is going to handle the two Energy bills? It seemed he was saying we would be finished with this bill before that. That is not the case, is it? These two amendments will be voted on as part of this bill.

Mr. REID. What we would like to do—we certainly will work with the distinguished Republican leader at a later time. I don't think Senators SHELBY and DODD want energy to be part of this bill. If we can get 60 votes on it, we will be happy to stick it in this bill.

What Senator MCCONNELL and I talked about—I think it is fair, and we do a lot of business with 60 votes around here. We are not trying to stop anybody from doing anything.

Mr. DOMENICI. It is going to be freestanding.

Mr. REID. Absolutely.

Mr. DOMENICI. As long as there is ample time to discuss it.

Mr. REID. Absolutely.

Mr. DOMENICI. I thank the Senator.

Mr. REID. Mr. President, I say to Senator DOMENICI, even though he and I have disagreed on a few issues over the years—few in number—I personally know how strongly the Senator from New Mexico feels about this energy issue. I hope the Senator doesn't get 60 votes, but we will do everything we can to ensure he gets a vote.

Mr. President, able staff, both on the majority and minority side, say I may not have phrased everything right regarding the energy legislation. But I think Senator MCCONNELL and I understand we are going to have two votes on energy Monday night. The exact terminology procedurally, I may not have outlined it properly, but I think we know where we are going.

AMENDMENT NO. 4722

The PRESIDING OFFICER. Under previous the order, there is now 2 minutes for debate equally divided prior to a vote on amendment No. 4722 offered by the junior Senator from Louisiana. Who yields time?

The junior Senator from Louisiana is recognized for 1 minute.

Mr. VITTER. Mr. President, this amendment is very simple and modest. It simply updates the coverage limits available for a flood policy which have not been updated at all since 1994. It does not even take into account all inflation since then, just most inflation. It is what the House did. And under the CBO study of the House bill, the CBO said it does not increase the cost of the bill because people will obviously pay significantly higher premiums for the higher limits.

This is a very modest updating of the limits. I ask for the support of my colleagues.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alabama.

Mr. SHELBY. Mr. President, I oppose the Vitter amendment. The purpose of the Dodd-Shelby bill is to increase the actuarial soundness of the flood insurance program. This amendment by Senator VITTER would undermine greatly that effort. The amendment would extend flood insurance subsidies, crowd out private markets, and lead to larger program losses down the road.

I urge my colleagues to join Senator DODD and me in opposing the Vitter amendment.

Mr. VITTER. Mr. President, reclaiming the remainder of my time, again I think it is very important to note the CBO analysis, with regard to this issue in the House bill, said it does not cost any more. It does not get in the way of actuarial soundness at all. This is only updating the limits for less than inflation since 1994.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The question is on agreeing to the amendment. 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), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent due to illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 66, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—27

Bingaman	Hatch	Murray
Boxer	Hutchison	Nelson (FL)
Burr	Klobuchar	Pryor
Cantwell	Landrieu	Salazar
Coburn	Lautenberg	Schumer
Cochran	Lincoln	Stabenow
Feinstein	Martinez	Stevens
Graham	Menendez	Vitter
Harkin	Murkowski	Wicker

NAYS—66

Akaka	Crapo	Lieberman
Alexander	DeMint	Lugar
Allard	Dodd	McCaskill
Barrasso	Dole	McConnell
Baucus	Domenici	Nelson (NE)
Bayh	Dorgan	Reed
Bennett	Durbin	Reid
Bond	Ensign	Roberts
Brown	Enzi	Rockefeller
Brownback	Feingold	Sanders
Bunning	Grassley	Sessions
Byrd	Gregg	Shelby
Cardin	Inhofe	Smith
Carper	Inouye	Snowe
Casey	Isakson	Specter
Chambliss	Johnson	Sununu
Coleman	Kennedy	Tester
Collins	Kerry	Thune
Conrad	Kohl	Voinovich
Corker	Kyl	Webb
Cornyn	Leahy	Whitehouse
Craig	Levin	Wyden

NOT VOTING—7

Biden	McCain	Warner
Clinton	Mikulski	
Hagel	Obama	

The amendment (No. 4722) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote and move to reconsider the previous vote as well.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4723 offered by the Senator from Louisiana, Mr. VITTER.

AMENDMENT NO. 4723

Mr. VITTER. Mr. President, periodically new flood maps are issued by FEMA. When a new flood map comes out, some properties that used to not be in a flood zone may now be in a flood zone, or move from a lesser to a more severe part of a flood zone.

This amendment would simply say we are going to charge higher premiums, absolutely, but we will transition that over 5 years instead of the 2 years in the bill. The 5 years is the same provision as in the House bill. I think it is a reasonable transition, still getting to that new higher premium.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I oppose the Vitter amendment No. 4273. Most homes mapped into the mandatory coverage areas will only see limited increases in their premium rates.

Homes or properties mapped into the higher risk areas should pay higher rates to match the reality of higher risk. Out-of-date maps that have vastly underclassified risk need to be updated, and delay in requiring property owners to pay their full freight is an extension of the inadvertent subsidies provided by inaccurate maps.

I urge my colleagues to join Senator DODD and me in opposing the Vitter amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA), and the Senator from Nevada (Mr. REID) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent because of illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 69, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—23

Boxer	Harkin	Murray
Cantwell	Hutchison	Nelson (FL)
Cochran	Landrieu	Pryor
Cornyn	Lautenberg	Schumer
Craig	Lincoln	Stabenow
Crapo	Martinez	Vitter
Durbin	McCaskill	Wicker
Feinstein	Menendez	

NAYS—69

Akaka	Brownback	Collins
Alexander	Bunning	Conrad
Allard	Burr	Corker
Barrasso	Byrd	DeMint
Baucus	Cardin	Dodd
Bayh	Carper	Dole
Bennett	Casey	Domenici
Bingaman	Chambliss	Dorgan
Bond	Coburn	Ensign
Brown	Coleman	Enzi
Feingold	Kyl	Sessions
Graham	Leahy	Shelby
Grassley	Levin	Smith
Gregg	Lieberman	Snowe
Hatch	Lugar	Specter
Inhofe	McConnell	Stevens
Inouye	Murkowski	Sununu
Isakson	Nelson (NE)	Tester
Johnson	Reed	Thune
Kennedy	Roberts	Voinovich
Kerry	Rockefeller	Webb
Klobuchar	Salazar	Whitehouse
Kohl	Sanders	Wyden

NOT VOTING—8

Biden	McCain	Reid
Clinton	Mikulski	Warner
Hagel	Obama	

The amendment (No. 4723) was rejected.

Mr. DODD. I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4705, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in relation to amendment No. 4705, as modified, offered by the Senator from Louisiana, Ms. LANDRIEU.

AMENDMENT NO. 4705, AS FURTHER MODIFIED

Ms. LANDRIEU. Mr. President, I ask unanimous consent that amendment No. 4705 be modified further with the changes at the desk and that Senators DORGAN, LINCOLN, and PRYOR be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 9, strike line 12 and all that follows through page 10, line 16, and insert the following:

(c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.

(2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—

(A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

Ms. LANDRIEU. Mr. President, if this amendment does not pass, significant portions of many States will be

required to have flood insurance which has never been required before. The underlying bill says everywhere there is a dike, a dam, or a levy, regardless of the situation behind the dike, dam, or levy, regardless of how strong the dike, dam, or levy is, you will be required to have flood insurance. That is a very different jump from where we are today. Our amendment strikes that language and instead says there shall be a study and evaluation to make better determinations.

This is a tough issue because we were behind levees that broke. It would have been a good idea, but this is a tax and fees on people without the appropriate study. That is what our amendment does.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me take 30 seconds to say to Members, if they have any amendments on this bill, I will stay around this evening. Anyone who has an amendment, we will consider them this evening. There will be no votes until tomorrow, but I will stay around tonight to engage in debate on amendments.

Let me express my opposition to the Landrieu amendment. This is less than $1 a day; at the most it is $350 a year for 350,000 dollars' worth of insurance. Twenty-five percent of all the claims against the flood insurance program come out of residual risk areas. One percent of the policies are coming out of that area. If we are going to have an actuarially sound program, you have to ask people to contribute.

Here is a list of dikes and dams that are failing right now. There is no guarantee these are going to last forever. We learned that painfully in Louisiana. When they don't, just like homeowner policies, you want to have something in place that will allow people to get back on their feet again other than coming to raid the Treasury to do so. Again, $350,000 for the maximum of less than $1 a day is very little to ask for a program that is actuarially sound. That is what we are trying to do with this bill so we don't end up raiding the Treasury in the long run.

I urge defeat of the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. 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), the Senator from Maryland (Mrs. MIKULSKI), the Senator from Illinois (Mr. OBAMA), and the Senator from Nevada (Mr. REID) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent because of illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 62, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—30

Baucus	Hutchison	McCaskill
Bingaman	Inhofe	Menendez
Cantwell	Klobuchar	Murray
Cochran	Kyl	Nelson (FL)
Coleman	Landrieu	Nelson (NE)
Conrad	Lautenberg	Pryor
Cornyn	Levin	Stabenow
Dorgan	Lieberman	Tester
Durbin	Lincoln	Vitter
Harkin	Martinez	Wicker

NAYS—62

Akaka	Crapo	McConnell
Alexander	DeMint	Murkowski
Allard	Dodd	Reed
Barrasso	Dole	Roberts
Bayh	Domenici	Rockefeller
Bennett	Ensign	Salazar
Bond	Enzi	Sanders
Boxer	Feingold	Schumer
Brown	Feinstein	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Byrd	Hatch	Specter
Cardin	Inouye	Stevens
Carper	Isakson	Sununu
Casey	Johnson	Thune
Chambliss	Kennedy	Voinovich
Coburn	Kerry	Webb
Collins	Kohl	Whitehouse
Corker	Leahy	Wyden
Craig	Lugar	

NOT VOTING—8

Biden	McCain	Reid
Clinton	Mikulski	Warner
Hagel	Obama	

The amendment (No. 4705), as further modified, was rejected.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4709 TO AMENDMENT NO. 4707

(Purpose: To establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes)

Mr. NELSON of Florida. Mr. President, I send amendment No. 4709 to the desk. It has been filed, and I call it up.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU, proposes an amendment numbered 4709 to amendment No. 4707.

(The amendment is printed in the RECORD of Tuesday, May 6, 2008, under ''Text of Amendments.'')

Mr. NELSON of Florida. Mr. President, this is an amendment to recognize what we have been discussing on this floor earlier: that the big one is coming. The big one is either a category 5 hurricane that is hitting an urbanized area of the coast, of which there is some loss of $50 billion of insurance losses in wind losses, or it is an 8.5 earthquake on the Richter scale that hits downtown San Francisco or downtown Memphis—either one of which no one State could withstand that kind of economic loss. There is no one insurance company that can withstand that economic loss.

It is clear that the package of bills Senator MARTINEZ and I—and he, by the way, is a cosponsor of this amendment—the package of bills we have filed to address the plethora of subjects having to do with catastrophic risk—a national catastrophe fund is one of those bills. That is not going to pass. The White House opposes it. But what could pass is what has already passed the House of Representatives and is down here and is the essence of this amendment; that is, it sets up two things. It sets up, on the one hand, a consortium whereby if a State's catastrophe fund goes dry and they need additional bonding, that State then has set up a consortium where it is easy to go into the private bond market for catastrophe bonds and get that bonding back to the State catastrophe fund. That is one part of this bill. The other part of this bill is also where the State has a State catastrophe fund.

What is a catastrophe fund? It is a reinsurance fund. It reinsures insurance companies against the catastrophic risk. In the case of Florida, it is hurricanes. In the case of California, it is earthquakes. In the case of Memphis, TN, it is earthquakes. In the case of the gulf coast, the Atlantic seaboard, it is hurricanes. That is what a State catastrophe fund is.

Florida has that fund. There are a lot of other States that do not. So this amendment would only apply to those that set up and address the catastrophic risk at the State level first. Therefore, if a State has a State catastrophe fund, it would have another opportunity to have the Federal Government help it. If the well ran dry in its State catastrophe fund and was out of money, it then could borrow cash from the Federal Government at market rates to replenish the cash until it could get its own cash reserves replenished by its mechanism which, in the case of Florida, is that they assess all of the policyholders—the property and casualty policyholders—in the State. Now, that is the way Florida does it.

This is not a new Federal program. This is a Federal incentive to the States solving this problem but recognizing that the big one is coming—either a hurricane or an earthquake—that when the big one does, if the State catastrophe fund, the reinsurance fund cannot handle it, the Federal Government is going to step in but only to the extent of helping the State catastrophe fund facilitate getting bonds in the private marketplace—catastrophe bonds—or, No. 2, help the State catastrophe fund have ready quick access to cash from the Federal Government but lent at fair market rates.

Now, this is utilizing the private marketplace. This is not a new Federal

program. It is a commonsense solution. It has already passed the House overwhelmingly. This is the vehicle that we have to offer it all. Even though this is a flood insurance bill, it is an insurance bill. We are not trying to monkey around with the flood insurance program; we are merely trying to have a vehicle by which we can bring this up.

Now, they are going to say it is not germane because it is not flood insurance. So that means we are going to have to get the 60-vote threshold to waive a point of order that it is not germane, and that is a high threshold. But nevertheless, we have to try.

I notice my colleague from Florida is here, and he is a cosponsor. I wish to thank him for that cosponsorship.

I ask unanimous consent that a detailed explanation of my amendment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE HOMEOWNERS DEFENSE

The Homeowners Defense amendment establishes a Consortium, a non-Federal entity that States may choose to join. The Consortium is designed to encourage and facilitate the transfer of catastrophe risk from State catastrophe reinsurance facilities/funds into the private markets, notably, the catastrophe bond markets.

In addition the bill also creates a Federal loan program to provide financing for qualified reinsurance programs and state residual insurance market entities that choose to participate to help cover the cost of paying out in the event of a disaster.

The bill includes general eligibility and underwriting requirement provisions that would:

Ensure that the savings realized form Titles I and II are passed through to primary policy holders

Encourage compliance with loss mitigation requirements

Ensure that actuarial rates are charged

Ensure that State reinsurance programs only underwrite truly catastrophic events (i.e. Katrina)

TITLE I—THE NATIONAL CATASTROPHE RISK CONSORTIUM

Title I establishes the National Catastrophe Risk Consortium, an organization that States can choose to join for the purposes of transferring catastrophe risk to the private market. To be clear, the Consortium would not assume the States' disaster risk. The risk transfer would be achieved through the issuance of risk-linked securities catastrophe bonds) or through negotiate reinsurance contracts. The consortium is designed to function as a conduit, so that at no time would risk transfer either to or from the Federal government.

The Consortium would be governed by a board comprised of Federal and participating State representatives with all members having a single vote. All States are eligible to join. Much of the Consortium's needs for risk modeling, financial consulting, and relations with the capital markets would be arranged for on a contract basis rather than provided by a permanent staff.

The Consortium offers States and private market participants a unique opportunity to benefit from combining catastrophic risks diversified by the type of peril and geographic regions. The Consortium staff would work in coordination with participating States to catalogue inventories of catastrophic risk.

Catastrophe bond underwriters and other market participants would be able to access this database to structure bonds or reinsurance contracts and treaties.

The Consortium would serve as a conduit issuer of catastrophe bonds on behalf of the participating States, but not actually take possession of any bond proceeds, coupon payments, or underlying risk. Through the aggregation and maintenance of market statistics, the Consortium would develop industry standards for the catastrophe bond and risk transference markets. Such standards include, but are not limited to, the terms of bond offerings, the nature of triggers used and the definitions of risks.

$20,000,000 per year is authorized to cover the costs of the establishing and administering the consortium.

TITLE II—NATIONAL HOMEOWNERS INSURANCE STABILIZATION PROGRAM

This title creates a National Homeowners Insurance Stabilization Program within the Department of Treasury designed to ensure a stable private insurance market by extending Federal loans to qualified reinsurance programs in States wishing to participate in the program. Specifically, the program would make two types of loans of last resort available: liquidity loans and catastrophic loans.

Liquidity loans would be extended to qualified reinsurance programs that have a capital liquidity shortage due to and following an insured catastrophic event.

The amount of the loan cannot exceed the ceiling coverage level for the reinsurance program. The liquidity loan would have an interest rate set at 3 percentage points higher than marketable obligations of the Treasury having the same term to maturity of between 5 and 10 years.

Catastrophic loans would be extended to a qualified reinsurance program when it has sustained losses above its maximum underwriting capacity. The catastrophic loan will have an annual interest rate set at 0.20 percentage points higher than marketable obligations of the Treasury having the same term to maturity and maturity of no less than 10 years.

As a transitional measure, during the first five years of the program, States that do not have a qualified reinsurance plan would be eligible to participate in the Title II program through their residual insurance market entities. Currently 36 states have a residual market entity that would meet the requirements of this bill.

Mr. NELSON of Florida. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank Senator NELSON, my dear colleague from the State of Florida, for bringing this bill forward, of which I am a cosponsor. I wish to associate myself with his comments regarding this very important proposal for the State of Florida. What already passed in the House ought to be given an opportunity to be considered by the Senate. I believe it could make a big difference to a lot of Florida homeowners who today are hurting because of high insurance costs because of unavailability of insurance and this is a way of safeguarding and actually it is a way of planning ahead for the inevitable storm.

Senator NELSON likes to say the big one is coming. The fact is it is inevitable that we will have other storms and some of them are going to be substantially large storms. As that occurs, the Federal Government will have a response. Inevitably, FEMA will be there, and there will be other responses to help people. Wouldn't it make much more sense to have a Federal backstop to an insurance program that could then provide, in an orderly way, the relief that surely will come to Florida or whatever other State is afflicted by the big natural disaster as we know Katrina was and other terrible storms can be.

I met today with the Director of the National Hurricane Center. I presume Senator NELSON may have met him as well. He was coming around to tell us about their programs, the terrific job they do of forecasting, but it is also a reminder that the hurricane season is upon us. About a month from now will be the official beginning of the hurricane season. As that happens, surely I will join with Senator NELSON in saying the big one is sure to come, and when it does it will be nice to have the kinds of funds the Klein-Mahoney legislation envisions and which I fully support.

I thank the Chair and I yield the floor.

Mr. DODD. Mr. President, pending some language to be drafted on a UC request, let me respond to the comments of Senators NELSON and MARTINEZ of Florida.

First, I commend BILL NELSON and the two House Members who crafted this legislative proposal to deal with the national catastrophe events. I commend them because they thought about this in a constructive way as to how they can possibly get resources to come into the States to deal with national catastrophes. Every one of us is confronted with this problem, whether you are in Florida with hurricane season, or in the Midwest with cyclones and tornadoes and floods, or whatever else may occur. We have all been confronted with how to deal with devastating natural disasters. It has been a long-time interest of mine.

Some years ago, going back almost 20 years, Senators STEVENS, INOUYE, others, and I tried to craft exactly something like this. We didn't get very far back in those days. The idea was to try to come up with a national plan that would allow us to be able to deal with these issues.

I begin my comments about the Nelson amendment as a complimentary one. We tried to accommodate it to some degree, because there are a lot of different ideas on how to do this. The authors of the original idea in the other body have a very creative idea. I welcome that. And there are others; it is not the only one. Rather than trying to adopt this in the middle of a flood insurance bill, as you heard Senator NELSON talk about earlier, we adopted a commission study for 9 months to examine these various ideas, and to come back to us with recommendations within that 9-month period. So we will

look clearly at this idea, but there are others as well. That is the intention.

We also included in the legislation several other ideas to try and deal with some of these problems. Two initiatives particularly, I admit, don't address the overall problem. They assist homeowners in communities faced with these problems. One is to provide a tax credit to homeowners who live in coastal areas—and it is not in the bill; it is a separate piece of legislation—who have seen property insurance rates substantially increase. That is certainly the case in Florida, where they have seen significant increases in those rates.

The bill I have introduced would give homeowners an immediate relief to offset part of the rise in premiums as we grapple with the long-term solutions. Again, it is not an answer, but it is some financial relief before we sort out this issue. I hope it will be on an appropriate vehicle, and I hope we will have an opportunity to offer that idea in the next several weeks.

I have also introduced a bill to provide grants and loans to home and business owners to undertake mitigation efforts. The best we can do for people in harm's way is to help them lessen the risk in the first place, with things such as storm shutters, hurricane clips, elevating essential utilities, and even elevating an entire house, in some cases. That will not only reduce insurance costs but save lives.

Mitigation costs are not inexpensive. We thought it might be a great help to assist in this so when problems arise, there is an effort to reduce the amount of damage that would occur. First, I admit these are not solutions to the issue raised by our colleague from Florida. I urge my colleagues at this juncture to add a specific idea such as this. But this is going a little beyond where we are prepared to go. That is my note of caution.

There is a vote on this tomorrow. I will be voting against the amendment offered by Senator NELSON, but not because I am opposed to the idea. In fact, I would make a case that I believe there may be legal authority that exists today to do some things already that he is talking about in his amendment. Some may be redundant based on what existing law would allow States to do to assist with funds in these areas. Some would clearly require new authority.

I urge colleagues, when considering this, not to give up. We will get to it. We have to. I think the best way to approach it is in a more comprehensive fashion. I thank them for their ideas, and I commend the two House Members of the Florida delegation, the principal authors of this idea. I commend Senator MARTINEZ, as well, for addressing these issues. I met with both of the House Members in my office several weeks ago and, ironically, at the time they came to my office, the chief executive officer of the Travelers Insurance Company, Jay Fishman, a very good friend of mine, a good fellow, was in the office, and he has authored his own idea that has attracted broad-based interest. Despite the fact that somebody would say it has come from the CEO of an insurance company, he is an original thinker; he thinks outside of the box. In fact, both of the members of the Florida delegation were quite taken with his idea and thought it was very creative as a national model. That is one other idea that is out there that we happened to discuss that day in the lengthy conversation we had on this issue.

There are many ideas, a lot of which have very sound merit, but they need to be thought out. I am a little uneasy about taking an idea and adopting it as an amendment as part of a flood insurance bill without understanding the full implications of what is involved in it. For those reasons, I will be objecting, or at least asking my colleagues to turn down this particular approach—not because it is a bad idea or it may not work but because we are not quite ready to accept that at this juncture.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4711 TO AMENDMENT NO. 4707

Mr. DEMINT. Mr. President, I wish to call up two amendments and then make some brief comments about them. The first amendment is amendment No. 4711, which I believe is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4711 to amendment No. 4707.

Mr. DEMINT. Mr. 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 require the Director to conduct a study on the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section)

At the end, add the following:

SEC. _____. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

AMENDMENT NO. 4710, AS MODIFIED, TO AMENDMENT NO. 4707

Mr. DEMINT. Mr. President, my next amendment is actually a modification which I need to send to the desk. It is amendment No. 4710.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4710, as modified.

Mr. DEMINT. Mr. President, I ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 13, strike ''and''.

On page 8, line 16, strike ''policy.''.'' and insert the following: ''policy; and

''(3) any property purchased on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2007.''.

Mr. DEMINT. Mr. President, if I could take a couple of minutes to explain these, my hope is that I can even get the chairman's support of this.

Amendment No. 4711 is actually a study that I hope we can all agree on. It is a study that would try to determine the feasibility of using incentives of lower flood insurance rates when consumers or businesses have their homes or business locations comply with nationally recognized building codes. A number of codes are out there. If we could encourage better construction of buildings, to make them more resistant to storms, it is likely we could save the flood insurance program a lot of money. So this amendment would simply study the feasibility of those incentives and what it might do to insurance rates, as well as to saving Government money.

My second amendment, No. 4710, ends the practice of permanently subsidizing premiums for older homes in flood zones, which can be as large as 65-percent. The bill does a good job phasing out these subsidies for just about every other property: businesses, vacation rentals, and primary residences that have been renovated since the flood zone mapping was determined. But there are a number of homes that

are grandfathered into subsidies up to 65 percent. These are homes that were built before 1975 or when their area's flood mapping was actually done. These primary residences enjoy this subsidy, and will continue to under the current bill.

What my amendment does not do is change the insurance rates or the subsidy for those who are grandfathered into the current rate that we call prefirm, or before flood insurance rate maps were completed; in other words, these are folks who could legitimately have said they did not know they were in a flood plain when they bought their home. I think their rates and subsidies should stay the same.

What my amendment does is make the premiums for pre-firm properties sold after this bill's enactment the same actuarial rates of homes that were built after the new mapping was complete, or post-firm. So it is a relatively simple amendment, and I think it gives more equity to the total bill by making sure all properties are eventually treated equally.

So I will provide more detail tomorrow, but I hope the chairman will consider both of those amendments because I would love to have his support.

With that, I yield the floor.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT—MOTION TO PROCEED

Mr. DODD. Mr. President, I ask unanimous consent that upon the disposition of H.R. 3121, the House-passed Flood Insurance Act, the Senate proceed to the consideration of Calendar No. 275, H.R. 980, an act to provide collective bargaining rights for public safety officers employed by States and political subdivisions.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of several of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, I wonder if consent would be granted to proceed to H.R. 980 at a time to be determined by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of several of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, in light of these objections, I now move to proceed to Calendar No. 275, H.R. 980, and I send a cloture motion to the desk.

CLOTURE MOTION

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 the motion to proceed to Calendar No. 275, H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Edward M. Kennedy, Robert Menendez, Russell D. Feingold, Patty Murray, Daniel K. Inouye, Amy Klobuchar, Debbie Stabenow, Ron Wyden, Barbara Boxer, Christopher J. Dodd, John D. Rockefeller, IV, Jon Tester, Sheldon Whitehouse, Frank R. Lautenberg, Sherrod Brown, Jeff Bingaman, John F. Kerry.

Mr. DODD. Mr. President, I now ask unanimous consent that the cloture vote occur on Monday, May 12, upon disposition of H.R. 3121; and that on Monday, May 12, all time after the Senate convenes until 5:30 p.m. be equally divided and controlled between the two leaders or their designees, with the mandatory quorum waived, and I withdraw the motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Dakota is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—Continued

AMENDMENT NO. 4731

Mr. THUNE. Mr. President, I have an amendment which I understand the manager for the majority will object to me calling up, but I would like to make some remarks about it, if I might, at this time.

Mr. DODD. Mr. President, if my colleague would yield, I appreciate his recognition of that. Again, our hope is something can be worked out. The objection is not based on the substance of the amendment as much as it is a question of whether the committee of jurisdiction which this matter is being considered under has raised some concerns with our colleague from South Dakota, and my hope is they can be resolved. So I would have to object if he brought up the amendment, but certainly I welcome his opportunity to talk about this amendment, and my hope is that between now and tomorrow sometime, whatever the differences are can be worked out, and we will be able to consider his amendment.

Mr. THUNE. I thank the chairman, the Senator from Connecticut, for those words. Let me, if I might, make a couple of remarks with regard to the amendment and again suggest that if at all possible, we could figure out a way to make it a part of this Flood Insurance Reform and Modernization Act. I think it is very fitting on this bill. There are some jurisdictional issues that have been raised. But what I would like to point out is that this is a bill which obviously has a lot of important content and legislation that needs to be acted upon by the Congress, by the Senate. The amendment that Senator JOHNSON and I have offered is directly relevant to the bill because it seeks to reduce the potential impact of FEMA's revised flood map for residents of Sioux Falls, SD, which is the largest city in my State. Above all, this amendment allows the City of Sioux Falls to have the ability to advance the funds associated with the Big Sioux Flood Control Project which was authorized by the Congress in 1996.

Keep in mind, roughly 20 years ago, the U.S. Army Corps of Engineers determined that the original flood control project in Sioux Falls was ineffective due to two significant flood events that occurred in 1957 and in 1969. The city and the Federal Government have been working since 2000 to raise the height of the levees and to construct a dam. However, without the authority contained in this amendment, the completion of the Big Sioux Flood Control Project will languish until the Federal Government's remaining share of the project is appropriated.

Effectively, with roughly $21 million in remaining Federal costs and the fact that the average funding provided by Congress over the past 7 years has been about $2 million per year, the city is at the mercy of the Federal Government to complete this important project. If these flood protection improvements are not made, roughly $750 million in property damage could result in homes and businesses in a major flood event.

Adding to the urgency for completing this important flood control project is the fact that following Hurricane Katrina, the Federal Emergency Management Agency proposed modifications to the city's 100-year flood plain, just as FEMA has done in other communities across the country, to ensure that homeowners are aware of potential flood risks. As a result of FEMA's proposed flood plain modifications in Sioux Falls, until the Army Corps certifies completion of its project, roughly 1,600 homeowners and businesses will be required to purchase flood insurance. The quickest way to eliminate or reduce the need for flood insurance for the 1,600 homeowners and businesses is to complete construction of the Big Sioux Flood Control Project as soon as possible.

While the city has expressed a willingness to advance fund the Federal Government's remaining portion of the project, this would require Congress to act in a couple of ways. One is to allow the Army Corps to accept advance funding from the city for the Federal Government's portion of the project; second, to authorize the Army Corps to reimburse the city through future appropriations from the Federal Government's portion of the project.

This straightforward amendment doesn't add any costs to the Federal Government. In fact, allowing the city to advance fund the remainder of the project would actually reduce the Federal Government's overall cost because the project would be completed in a much shorter timeframe.

Such authorities have been extended to other Federal flood control projects in the past. Senator JOHNSON and I are simply seeking additional flexibility that will allow the city to expedite construction of the Big Sioux Flood Control Project. I believe the city's willingness to advance fund this flood control project underscores their commitment to finishing this much needed project.

I look forward to working with the bill managers to try to get this amendment voted on, to get it included in the underlying bill as we work to reform our Nation's flood insurance program.

I hope we can work through this jurisdictional issue because this is an issue of timing. There is another WRDA bill that may come down the road, but the last one took 7 years to get on the floor of the Senate. I don't believe the next one will take that long. In any case, the city of Sioux Falls—the largest community in my State—is looking at 11 years to complete this project.

As soon as FEMA designates this flood plain, 1,600 homeowners will be faced with an insurance bill. All the city is trying to do is take the initiative to complete this project in a more timely way by advance funding it and then allowing the Federal Government, through the Corps, to reimburse through what would be annual appropriations, which could take perhaps 11 or more years to get. I think this is a commonsense, practical solution. The city has stepped forward on this. I hope we can include it in this bill before we get to final passage.

Thank you, Mr. President.

I thank the Senator from Connecticut.

Mr. DODD. Mr. President, 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. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that all amendments to S. 2284 must be offered during Thursday's session, May 8; that the only amendments in order on Monday be the pending substitute amendment; further that a managers' amendment still be in order if cleared by the managers and leaders, the McConnell amendment No. 4720, with the Allard amendment No. 4721 withdrawn prior to a vote in relation to the McConnell amendment; a Reid and others amendment relating to the subject of energy; that the McConnell and Reid amendments be subject to a 60-affirmative-vote threshold; that if either amendment achieves that threshold, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if neither achieves the 60-affirmative-vote threshold, then it be withdrawn; that the vote with respect to the McConnell amendment No. 4720 occur at 5:30 p.m. Monday, May 12, to be followed by a vote in relation to the Reid, et al., amendment; that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to; the bill read a third time, and the Senate then vote on passage of S. 2284, as amended; further that the previous order which referenced H.R. 3121 be changed to reflect passage of a flood insurance bill, either S. 2284 or H.R. 3121, and the cloture motion on amendment No. 4720 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank all involved. I thank the majority staff, the minority staff, and the respective Members who helped us put this agreement together. Basically, what it says is we have to offer, debate, and vote on all amendments by the end of business tomorrow, and then leaving off until next week the issue involving the energy issues which the majority leader talked about earlier this evening. That will allow us to hopefully complete consideration of the flood insurance bill.

I know I speak for Senator SHELBY and other members of the committee, as I mentioned earlier, we passed this bill unanimously out of the Banking Committee some months ago. The fact that we will be able to come to closure on the bill by the end of business tomorrow is good news for literally millions of people who are counting on having a good flood insurance program.

I would like to make some unanimous consent requests.

MORNING BUSINESS

Mr. DODD. 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.

USS ''COLE'' INVESTIGATION

Mr. FEINGOLD. Mr. President, this past weekend a front page article in the Washington Post reminded us of the devastating attack on the USS *Cole* and the inability—or unwillingness—of the administration to see the investigation to the finish line. Nearly 8 years since the attack on the *Cole*, and 6½ since September 11, 2001, an attack directly linked to al-Qaida—and to bin Laden himself—remains stalled, at best, with few answers to key questions.

I would like to take a minute to remind my colleagues of the attack I am referring to—an attack perhaps not as seared into our memories as those horrific ones of 9/11, but one that is equally as painful for those who lost loved ones and are still waiting to hold someone to account. On October 12, 2000, as the USS Navy destroyer *Cole* stopped briefly to refuel in the harbor of Aden, Yemen, it was attacked by a small boat loaded with explosives. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin. At least 39 others were wounded. According to the 9/11 Commission Report, ''The plot . . .was a full-fledged al Qaida operation, supervised directly by [Osama] bin Laden.'' Although teams from the FBI and other U.S. agencies were immediately sent to Yemen to investigate, the Yemeni government was hesitant to participate in the investigation.

While the Yemenis eventually agreed to a joint investigation, the 9/11 Commission Report notes that the CIA described Yemeni support for the investigation as ''slow and inadequate'' and that in the early stages of the investigation President Clinton, Secretary Albright, and others had to intervene to help. What followed was a number of arrests by the Yemeni government of people connected to the attack—including those found to have close links to al-Qaida—but less than 3 years after their arrest, 10 were able to escape from prison.

Shortly after the jail break, the Justice Department unveiled a 51-count indictment against two of the escapees, including cell leader Jamal al-Badawi. Both were indicted on various terror offenses, included the murder of U.S. nationals and U.S. military personnel. Yet Yemen refused to extradite al-Badawi. Despite a trial in 2004 that condemned him to death—a sentence which was later reduced to 15 years in prison al-Badawi dug his way to freedom in 2006 with a number of other convicts. Although he surrendered 20 months later, al-Badawi was able to strike a deal with the government which rendered him a free man. No one has been charged in U.S. courts and none of those imprisoned remain behind bars. The USS *Cole* investigation remains unfinished as there has been no real accountability for the deaths of 17 Americans.

I am deeply troubled by the message we are sending to our enemies by allowing this investigation to languish, while many of those involved in the attack walk free. Since 2003, I have repeatedly requested information from the State and Defense Departments, CIA, and FBI about these attacks, the circumstances surrounding the detention and escape of the suspects, and efforts to find and detain those involved. In 2006, I wrote to Secretary Rice and the Director of National Intelligence, DNI, expressing grave concern about al-Badawi's multiple escapes and in 2007 I strongly condemned the Yemeni government's decision to release him.

There is little to inspire confidence in our efforts to hold these terrorists to account for their actions and even less to show for our work to date. Our reliance on the government of Yemen to detain and prosecute these known members of al-Qaida—and their inability or unwillingness to do so—calls into question the partnerships and relationships we have secured in our efforts to meet the number one threat we face. The State Department's 2007 ''Country Terrorism Report'' notes that Yemen has ''experienced several setbacks to its counterterrorism efforts'' and recounts multiple examples of the Yemeni government's inability to apprehend escaped convicts—many of whom are members of al-Qaida and are associated with the USS *Cole* attack. Furthermore, for the past two years Yemen has been listed as a terrorist safe haven because of al-Qaida's ability to ''reconstitute operational cells there'' and carry out ''several terrorist attacks against tourist targets.''

How reliable is the Yemeni government as a partner in the fight against al-Qaida and its affiliates if it has been designated as a safe haven for terrorists? What efforts are being taken to ensure the Yemenis commit to combating terrorists and work with us to hold those responsible for the USS *Cole* attack accountable? Can we assure the American people that the Yemenis will ensure al-Qaida is denied access to resources, opportunities and safe spaces from which to operate? We cannot simply rely on others to do our work—especially when they are clearly not doing the job that needs to be done. We cannot sit back and allow others to take the reins while we remain distracted.

The war in Iraq has brought about a dramatic and regrettable shift in our priorities—a shift away from the top threat to our national security. Despite the persistent calls from the majority of Americans, we remain bogged down in Iraq—while it drains our resources, saps our attention, and depletes us of our ability to focus on our top national security concerns. I am concerned that this same lack of focus may be behind the administration's failures with respect to the attack on the *Cole*. The administration has paid relatively little attention to the marginalization of the USS *Cole* investigation, despite how critically important it remains to our national interest.

The global fight against al-Qaida and its affiliates must be our top priority, and the administration must take seriously its responsibility to ensure that the al-Qaida operatives behind the attack on the USS *Cole* are held to account for their heinous actions.

NATIONAL ARSON AWARENESS WEEK

Mrs. BOXER. Mr. President, I take this opportunity to recognize National Arson Awareness Week, May 4–10, and its theme for 2008: ''Toy-like Lighters Playing with Fire.''

The major goal of National Arson Awareness Week is to promote national recognition, awareness and understanding of the arson problem in the United States. By creating a new theme each year, the National Arson Awareness Week encourages local communities to come together and promote a different aspect of arson awareness information. Intentionally set fires are a leading cause of fire deaths and a frequent cause of financial losses in the United States. The theme for this year's Arson Awareness Week, ''Toy-like Lighters—Playing with Fire,'' focuses public attention on the dangers of toy-like or novelty lighters in the hands of children.

Novelty lighters are frequently mistaken by children for play toys, some complete with visual effects, flashing lights and musical sounds. Such cases of mistaken identity often carry devastating consequences.

National Arson Awareness Week greatly benefits communities in California and across the Nation, as it highlights awareness of the dangers posed by arson-related issues throughout local communities. I commend the local fire departments and localities that have worked to promote awareness of the dangers posed by toy-like and novelty lighters through the National Arson Awareness Week of 2008.

CELEBRATING PEARL HARBOR NAVAL SHIPYARD'S 100TH ANNIVERSARY

Mr. AKAKA. Mr. President, today, Senator INOUYE and I celebrate the 100th anniversary of the Pearl Harbor Naval Shipyard. The Pearl Harbor Naval Shipyard has held a significant place in both Hawaii and our Nation's history. Even before Congress passed an act in 1908 officially creating the Pearl Harbor Navy Yard, Pearl Harbor has been an important port for ships and sailors from across the world.

Early in the 19th century, Pearl Harbor, or ''Wai-Momi,'' served as a primary port for exploration and trade. By the late 1800s, the United States was looking toward Pearl Harbor to serve as the center of its expanding Pacific Fleet. On May 13, 1908, Congress solidified Pearl Harbor's strategic importance by appropriating $3 million to officially establish the Navy Yard at Pearl Harbor. Over the next 33 years, the new naval facility at Pearl Harbor was transformed into a site capable of basing the then-newly formed U.S. Pacific Fleet, and changed the face of Hawaii in the Pacific forever.

Every schoolchild in the United States learns about the events on the morning of December 7, 1941. That was the day the U.S. Naval forces at Pearl Harbor were devastated by the Imperial Japanese Navy's surprise attack. Nine ships of the U.S. Pacific Fleet sank, and more than 2,300 American lives were lost. However, our children are taught far less often about the courageous resolve and dedication demonstrated by the shipyard's employees. After resurrecting much of the fleet from the bottom of Pearl Harbor, and repairing 18 of 21 severely damaged vessels, the workers earned the motto, ''We Keep Them Fit to Fight.'' Their commitment to duty became a model of the U.S. war effort during World War II.

The effort and hard work by Pearl Harbor Naval Shipyard personnel to maintain the ships of the U.S. Navy helped to turn the tide of war at sea in the Battle of Midway. Their tireless work ultimately ensured that of the ships damaged on December 7, salvaged, repaired, and returned to service, one, the USS West Virginia, survived the duration of the war to sail triumphantly into Tokyo Bay in August 1945. The integrity, ethos, and determination of Pearl Harbor Shipyard workers continued throughout the Cold War, and provided the United States with a national treasure and a strategically critical base of operations for Pacific naval and air power.

Mr. INOUYE. Mr. President, the rich history and unflagging service of the men and women at Pearl Harbor Naval Shipyard highlighted by Senator AKAKA continues today.

Once again our Nation is at war, and our Naval Forces engaged in the global war on terror can rely on the shipyard to provide top quality support. The shipyard's work focuses on the U.S. Pacific Fleet, and makes the shipyard the largest repair facility between the west coast of the United States and the Far East. The shipyard provides full-service maintenance for both the Pacific Fleet's ships and submarines throughout the Asia-Pacific theater. In addition to this significant responsibility, the shipyard has demonstrated its diverse capabilities by supporting our nation's space exploration, Antarctic expeditions, missile defense, and its ability to rapidly respond by deploying worldwide to perform emergency repairs.

Pearl Harbor Naval Shipyard is a national treasure, and it is known as ''No Ka Oi,'' or ''The Best'' Shipyard. In the tradition of upholding this moniker, it has earned multiple national awards for its excellent safety and environmental stewardship programs. These awards include the prestigious Occupational Safety and Health Administration Star, and the White House Closing the Circle Environmental Quality Awards.

Beyond the numerous contributions to our U.S. Navy, the shipyard is also an integral part of Hawaii. It is the largest single industrial employer in the State, and its direct annual economic impact is greater than $600 million in Hawaii. Through its apprentice, engineer co-op, and other student hire programs, Hawaii residents are provided with extraordinary training, employment, and career opportunities. For some families this tradition to keep our ships and submarines ''fit to fight'' runs throughout a generation

and is being passed down to the next generation.

Mr. AKAKA. Honor, courage, and commitment are the core values of the Pearl Harbor Naval Shipyard. These words speak volumes about both the local and national contributions of the proud men and women who have served under its banner. I ask my colleagues to join with me in honoring these outstanding Americans by celebrating the 100th anniversary of the Pearl Harbor Naval Shipyard, and to wish it as much success over the next century as it attained during the last.

Mr. INOUYE. When Congress established the ''Navy Yard Pearl Harbor'' in 1908, Hawaii and the U.S. Navy were inextricably linked together. Just as it did in 1908, America understands the need for a strong presence in the Asia-Pacific region. Both the shipyard and its achievements are special. However, it is the shipyard's heart, the dedicated men and women who work there, that make those achievements possible. I join my colleague Senator AKAKA in celebrating the 100th anniversary of the Pearl Harbor Naval Shipyard, and I look forward to celebrating its future successes in the next 100 years.

HONORING MONSIGNOR JOSEPH G. QUINN

Mr. CASEY. Mr. President, it is with the greatest respect and personal gratitude that I stand today to honor our guest Chaplain, Monsignor Joseph G. Quinn, and thank him for his humble and moving blessing upon us this morning. I am proud to say that Monsignor Quinn hails from my hometown of Scranton, PA, and lives and works there today as pastor of St. Rose of Lima Parish in Carbondale.

Monsignor Quinn is one of the most dedicated and committed servants of God whom I have ever had the privilege to know. I am honored to say that he is my good friend and has been an invaluable and steadfast friend to my family for decades. He has provided us comfort and strength in times of sorrow and loss. When my father, Governor Casey, was ill and when he died in May of 2000, Monsignor Quinn grieved with us. In times of happiness and celebration like christenings and other occasions or celebrations, he has brought his sense of humor and his warmth.

Monsignor Quinn is a beloved church servant. He has made extraordinary contributions to his family, the city and diocese of Scranton and all of northeastern Pennsylvania. Interestingly, Monsignor Quinn's journey to the priesthood first took a detour through a short, but remarkable, legal career. I would like to highlight just a few of his accomplishments over the last three decades.

After graduating from the University of Scranton and Seton Hall University School of Law in 1976, he was appointed a Federal magistrate-judge for the U.S. District Court for the Middle District of Pennsylvania. Then 25 years of age, he was the youngest person in the country to serve in that position. After 6 years of distinguished service in the judiciary, he answered his call to the priesthood and went on to complete his studies at the North American College in Rome and was ordained in 1985.

Monsignor Quinn's numerous professional contributions include serving as: parish priest and pastor; dean of the Scranton Central Deanery of the Diocese of Scranton; member of the Pennsylvania State Ethics Commission; diocesan moderator of the Bishop's Annual Appeal for the 1998, 1999 and 2000 campaigns; member of both the Diocesan College of Consultors and the Diocesan Presbyteral Council; chairman of the Diocesan Communications Commission; member of the Board of Trustees of the University of Scranton; and personal representative of the Bishop of Scranton to the Pennsylvania Catholic Conference, a statewide body that addresses and advances public policy issues on behalf of the Pennsylvania Bishops.

Monsignor Quinn has been a key contributor to the community in a wide variety of capacities, and has been honored with numerous awards. The following are just a sampling: the B'nai B'rith Americanism Award; the Scranton Preparatory School Outstanding Alumnus of the Year as well as its most significant honor, The Ignatian Award; a Marywood University Presidential Scholarship in his honor; and the Lackawanna Bar Association's President's Award as well its highest award, the Chief Justice Michael J. Eagan Award. The University of Scranton honored Monsignor Quinn with its O'Hara Award in recognition of his community service, and in the fall of 2004, the Monsignor's nearly 30 years of service by naming a Presidential scholarship in his honor. In 2005, Scranton's Central City Ministerium named Monsignor Quinn its Clergyman of the Year.

These are only a few of Monsignor Quinn's many awards and accomplishments. He should be proud of these commendations but I have no doubt that his tremendous joy in serving God through service to his brothers and sisters in Christ, each and every day is what continues to inspire him. Monsignor Quinn is a truly beloved servant of the Church and its people. It is heartening to me, both personally and as a Member of the Senate, to listen to today's blessing by Monsignor Quinn and to welcome his vision of God's grace for our world into this Chamber.

ADDITIONAL STATEMENTS

RECOGNIZING BRIDGER HIGH SCHOOL

● Mr. BAUCUS. Mr. President, I wish to give special recognition to the music department of Bridger High School for putting together an award-winning music education program. By demonstrating outstanding commitment to music education, Bridger High School won this year's GRAMMY® Signature School Award. This distinction is a national honor and a cause for celebration for the town of Bridger in my home State of Montana.

Music plays an integral part in our daily lives. It helps to define who we are as individuals and as a nation. Through music we celebrate, we laugh, we grieve and we heal. An old song, like an old friend, helps to recall feelings and memories lost in time.

The power of music is undeniable. Music education, therefore, is a sound investment. It teaches discipline and provides an avenue to express deep and powerful emotions. It enhances a student's performance in other subject areas. It makes a fundamental difference in the quality of life.

It makes an even bigger difference in the lives of students from economically underserved school districts. Bridger is a small town with a population less than 1,000. Under the watchful guidance of their music director Michel Sticka and principal John Ballard, the 28 music students from Bridger High strived to distinguish themselves and their school. They have succeeded. And so, they deserve our respect and admiration.

Being selected as a GRAMMY® Signature School is no small task. Bridger High School competed against 20,000 other public schools across the Nation to capture the distinction. In addition, the students at Bridger High went on to win the GRAMMY® Signature Schools Enterprise Award. The award recognizes three schools across the country for their efforts towards achieving music excellence. This national honor comes with a grant of $5,000 designed to benefit Bridger High's music program.

Because of a strong music education, for the students of Bridger High, the greatest reward comes from the lifelong benefit of being able to lead richer and fuller lives.

I couldn't be more proud of the students and faculty members at Bridger High School. They have gone above and beyond to put Bridger, MT, on the map, setting the standard for all Montana schools. I join my fellow Montanans in a chorus of praise for these 28 bright students on their extraordinary achievements: Benton D. Asbury, Katryna N. Asbury, Samantha J. Bobby, Jonathan E. Bostwick, Devon B. Caballero, Jenny M. Cooke, Jessica Denney, Karissa J. DeRudder, Sommer D. Dykstra, Rebekah Edelman, Hayden D. Forsythe, Hannah Goetz, Jacey K. Griswold, Elliott G. McCarthy, Forrest C. McCarthy, Kimberly M. McClurg, Heidi R. Mudd, Wendi N. Mudd, Tara R. Murray, Lenore K. Pierson, Cole D. Schwend, Edward Stevenson, Andrea D. Sticka, Bailee M. Vaugh, Ryan J. Witt, Kyla M. Young, Tyler D. Young, Brittany N. Zentner.●

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 97 World War II veterans from Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the ninth flight Louisiana HonorAir will make to Washington, DC.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. The oldest in this HonorAir group was born in 1913. They began their service as early as 1938, before the bombing of Pearl Harbor, and some members of this group served as late as 1979. They served in various branches of the military—34 members in the Army; 14 in the Army Air Corps; 37 in the Navy; 8 in the Marines; 1 in the USO; and 3 in the U.S. Coast Guard.

Our heroes served across the globe, participating in major invasions such as those at Iwo Jima, Okinawa, Guadalcanal, Leyte, the Phillippines, and southern France. One was a prisoner of war in Italy, another served under General Patton, and one flew 35 bombing missions over Europe.

Many of these veterans earned Purple Hearts, Bronze Star Medals, Air Medals and Navy Crosses.

I ask the Senate to join me in honoring these 97 veterans, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.•

RECOGNIZING TINA FLETCHER

• Mrs. LINCOLN. Mr. President, I wish to recognize the work of an outstanding young woman who has served Arkansas and our Nation this spring as an intern in my office, Tina L. Fletcher of Plumerville, AK.

Last month, Tina, a senior at the University of Arkansas, was named the 2008 recipient of the Henry Woods Student Leadership Award, which recognizes one outstanding student leader and his or her contributions to the University of Arkansas campus community. She is the ninth recipient of the Woods award and will receive a $750 scholarship.

Friends and associates of Henry Woods created this award to honor his 25 years of service in the Washington, DC, area. While in Washington, Woods worked for U.S. Representative Bill Alexander and U.S. Senators David Pryor and Dale Bumpers. I was also fortunate enough to have Henry work in my Washington office for a short time and lend his years of experience to my staff. Prior to his professional service with in Congress, Henry was active in numerous campus organizations and served for 2 years as editor of the Razorback yearbook while attending the University of Arkansas.

In addition to winning the Henry Woods award, Tina is a Silas H. Hunt distinguished scholar and member of the Political Science Honor Society, Pi Sigma Alpha. She is a graduating senior in the J. William Fulbright College of Arts and Sciences completing a combined major in political science and African-American studies.

In addition to serving as the former secretary of Pi Sigma Alpha, Tina also served as the 2007 president of the Kappa Iota Chapter of Alpha Kappa Alpha Sorority, Inc., the 2007 vice-president of the Black Students Association, and is the founder and first President of S.A.S.S.: Students Advocating Stronger Sisterhood. Tina is an active member of the Connections Mentoring Program, Order of Omega, and Tri-Council.

In November 2007, Tina was selected as one of 10 students to serve as a Congressional Black Caucus/Wal-Mart Emerging Leaders intern. She was among the first group of students to receive the Silas H. Hunt distinguished scholarship. Tina has also received many additional honors and awards since arriving at the University of Arkansas as a freshman in 2004 including being named the NAACP's University of Arkansas Legend.

Recently admitted into Harvard University, Tina will pursue her masters of education degree in political philosophy/political science and history during the upcoming school year. After receiving her master's degree, Tina plans to teach high school within the Delta region's urban and impoverished school districts.

Mr. President, it goes without saying that the future looks bright for Tina Fletcher. While we will certainly miss her, we wish her the best in all her future endeavors.•

REMEMBERING LEW WILLIAMS, JR.

• Ms. MURKOWSKI. Mr. President, today I wish to talk about one of Alaska's greatest newspaper publishers and newsmen. Lew Williams, Jr. was a fixture in Ketchikan, AK, one of the State's largest cities as I was growing up in nearby Wrangell. Lew unfortunately passed away at age 83 this past Saturday, leaving a hole in the fabric of Alaska journalism that may never be fully patched.

Mr. Williams was a successful publisher, no simple accomplishment when publishing newspapers in relatively small Alaska towns is expensive, newsprint had to come by barge from thousands of miles away, and advertisers and readers were sometimes far too scarce. But he never scrimped on his product and was fearless in writing strong, clear and always factually accurate and well reasoned editorials.

Lew was a champion in supporting statehood for Alaska back in the mid-1950s. Along with Robert Atwood, the former publisher of the Anchorage Times, and C.J. Snedden, the long-time publisher of the Fairbanks News Miner, Mr. Williams was one of the three pioneer publishers and editors in Alaska who did more to establish modern Alaska than most community leaders and politicians. Avoiding the trend to sell his publication to outside chains, his daughter Tena remains as publisher of the newspaper today.

He also was a leading light in improving journalism in Alaska, being the founder in 1965, just 6 years after Statehood, of the Alaska Newspaper Publishers' Association, the forerunner to today's Alaska Newspaper Association. He served as president of each organization and later as director of the regional Allied Daily Newspaper Association.

Mr. Williams was born in Spokane, WA, in November 1924, the son of two reporters, Lew M. Williams, Sr., and Winfred—Dow—Williams, who worked for newspapers in Tacoma, WA. The Williams family moved to Juneau in 1935, where his father worked for the Juneau Empire. In 1939 Lew Williams, Sr., purchased the Wrangell Sentinel, starting a history of newspaper publishing in Alaska which continues to this day.

After serving as a sergeant in the paratroopers in World War II, Lew Jr. ran the Wrangell Sentinel for the family. He married Dorothy M. Baum in July 1954. The couple bought the Petersburg Press and acquired the Wrangell Sentinel from Mr. Williams' parents when they retired. They later sold the two newspapers and bought the Daily Sitka Sentinel—Sitka being the site of Alaska's first pulp mill started after WW II—and also bought an interest in the Ketchikan Daily News.

Ketchikan, a sawmill town in the heart of the Tongass National Forest, later saw its own pulp mill develop. The Williams sold the Sitka paper to

concentrate on the Ketchikan paper. But Lew was quick to help reestablish small papers in both Petersburg and Wrangell.

Like many newspaper publishers, Lew Jr. was active in his community. He served on the Wrangell School Board, as mayor of Petersburg, and on numerous State boards including the Alaska Judicial Council, on the Board of Regents of the University of Alaska and as a member of the Board of Governors of the Alaska Bar Association. He served on the State boards under every State Governor, Democratic or Republican, through his retirement in 1999. He also served as the first secretary of the Petersburg Fish and Game Advisory Board just after statehood, helping to foster the State's strong fisheries ethics that helped salmon to recover from the catch disasters of the 1950s to the all-time records for salmon harvest currently being produced in Alaska.

Besides government positions, Mr. Williams was a lifetime member of the Petersburg Elks Lodge 1615, the American Legion, the Pioneers of Alaska, a past president of Rotary, and for 29 years was an adult leader in the Boy Scout program. He also was active in the Democratic Party and was awarded an honorary doctorate of humanities by the University of Alaska Southeast. He also was the founder of the regional Southeast Conference and was named Citizen of the Year by both the Alaska State Chamber of Commerce and the Greater Ketchikan Chamber of Commerce in the early 1980s. He won statewide recognition as the Alaskan of the Year in 1991.

But this speech is not meant as an obituary, but as a way for me to state my deepest appreciation for a man who epitomized Alaska during the past 70 years. He was a man who loved the beauty of Alaska, enjoying hunting and fishing on the nearby Stikine River. He also pushed for the development of Alaska from its timber industry in the southeast to the fishing industry around the State. He was a strong voice in favor of the aquaculture movement in the 1970s that helped the State preserve and grow its wild salmon populations. He also was a tireless supporter of environmentally sensitive oil and gas development, first in Cook Inlet and later in northern Alaska. Lew, having lived in the grinding poverty of Alaska long before statehood, always understood that Alaskans needed and still need good jobs and a strong economy so that the State can develop an economy strong enough to support good educational institutions, community infrastructure and allow the development of good health care and social service programs. He knew that Alaskans could grow the economy and protect our wildlife and environment. He never set up an artificial confrontation between the two goals.

After his retirement, Lew wrote with the late Evangeline Atwood, the book ''Bent Pins to Chains: Alaska and its Newspapers.'' The 2006 book is a lively history of Alaska as described through the development of its newspaper industry. The book, better than most, tells the tales of life in both the territory and State of Alaska as seen through reporters, editors and publishers. Lew, undoubtedly wrote the book as a way of honoring the many talented writers and editors that have practiced in Alaska over the past 49 years since statehood, many of them reporters he helped recruit out of journalism schools, and helped mentor and train once they arrived.

As his obituary earlier this week in the Ketchikan Daily News said, ''He believed the editorial was the heart and strength of any newspaper. He editorialized for Alaska State, for the creation of the state ferry system, for the trans-Alaska pipeline, for power development, in support of the timber and fishing industries, and for airports, harbors and roads.''

Alaskans have seen countless columns and editorials explaining to Americans—who never wanted to really understand the issue—why it was fully proper for some of Alaska's Federal highway funds to go for construction of a bridge from downtown Ketchikan to the city's airport, so that those who needed to fly out of the State's fifth largest city could actually get to their flights when high winds or low tides rendered the ferry system to the airport inoperative. For those who needed to catch emergency medivac flights, a bridge was no expensive trinket, but a life-saving link to the outside world. Lew always championed Alaska.

I can only say to his wife Dorothy, to his daughters Christena—Tena for short—and Kathryn, his son Lew III, and his daughter-in-law Vicki, and granddaughters Kristie, Jodi, and Melissa Williams, and great-grandson Milan Browne, all of Ketchikan; and his sisters: Susan Pagenkopf of Juneau and Jane Ferguson of California, how much he will be missed. Those in public life will miss his balanced and fair editorials, his prodding and his support. We will miss his ethics and deep-seated sense of fair-play and ethics. And we will miss his wise counsel and thoughtfulness and compassion.

Alaska, and the Nation, has lost a great citizen. Goodbye Lew, we will never forget you.●

HONORING READY SEAFOOD

● Ms. SNOWE. Mr. President, today I celebrate the outstanding achievements of two brothers from Portland, ME, who recently won the U.S. Small Business Administration's Young Entrepreneurs of the Year Award on the local, regional, and national levels. John and Brendan Ready are the founders and owners of Ready Seafood and Catch a Piece of Maine, two highly successful firms that have transformed the Maine lobster market. I had the pleasure of meeting with the brothers just 2 weeks ago, and they are a true reflection of the dedication and zeal of Maine's legendary lobstermen.

The Ready brothers grew up in Cape Elizabeth, on Maine's picturesque coast, where they quickly grew fond of the sea. Venturing out with their uncle to catch lobsters, the pair learned the intricacies of the trade before their teenage years, and they continued to fish throughout high school. Attentive to their lifelong passion for lobstering, the brothers returned from college during summer breaks and even weekends to lobster. Additionally, John spent an extra year at Boston University to participate as a lobsterman in a co-op program.

When they arrived back in Maine following college—John from Boston University and Brendan from Stonehill College—the duo immediately sought to enter the Maine seafood market. In 2004, they opened Ready Seafood, a thriving wholesaler of fresh lobster and other seafood to domestic clients, as well as customers as far away as Italy, China, and Japan. To promote Maine's rich history of lobstering, the firm provides both internships and unique educational opportunities to high school and college students in the region, including an inside look at how Portland's waterfront works. The brothers have visibly transformed the company into a $10 million business in just 4 short years.

In October 2007, seeking to create a one of its kind company in the crowded seafood industry, the Ready brothers launched Catch a Piece of Maine, a remarkable and innovative company that allows individuals and corporate clients alike to purchase lobsters caught especially for them. The buyers pay an annual fee, which entitles them to have their own personal lobsterman set their traps and collect their lobsters. The company began with 400 traps for 2008, all of which were in place by last Thursday, and each is guaranteed to garner a minimum of 40 lobsters throughout the remainder of the year. The lobsters are shipped at intervals scheduled by the client, and each shipment includes one pound of mussels and clams, a Maine dessert, and the traditional bibs and utensils essential to enjoying Maine's famed crustacean.

The program includes some additional distinctive features. Customers keep in touch with their personal lobstermen through the Internet by logging onto an individualized and regularly updated summary, including how many lobsters have been caught and when the traps were checked. Moreover, clients can have their lobsters shipped anywhere in the continental United States, making a great holiday gift, corporate thank you, or special anniversary dinner. Ever mindful of the future of Maine's gorgeous coast and those who rely on it, the Ready brothers send 10 percent of their profits to the Gulf of Maine Research Institute for marine ecosystem education programs for schoolchildren throughout the State.

The fundamentally forthright business philosophy of the Ready brothers is truly impressive. They represent the next generation of Maine lobstermen, and as such they continue and share the heritage of the State's prized tradition. Through both Ready Seafood and Catch a Piece of Maine, the brothers have already taken great steps to doing just that. I commend both Brendan and John for their originality and dedication—and for garnering the U.S. Small Business Administration's Young Entrepreneurs of the Year Award—and wish them well in their extremely bright futures.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, authorizing the blocking of property of certain persons and prohibiting the exportation and re-exportation of certain goods to Syria, is to continue in effect beyond May 11, 2008.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs including the recent revelation of illicit nuclear cooperation with North Korea, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008*.

REPORT ON THE PRINCIPAL AGREEMENT AND ADMINISTRATIVE ARRANGEMENT THAT HAS BEEN ESTABLISHED BETWEEN THE U.S. AND CZECH REPUBLIC RELATIVE TO SOCIAL SECURITY—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Czech Republic on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed in Prague on September 7, 2007.

The United States-Czech Republic Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Czech Republic Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Czech Republic Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008*.

MESSAGES FROM THE HOUSE

At 3:26 p.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, with an amendment, in which it requests the concurrence of the Senate:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3658. An act to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 317. Concurrent resolution condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.

ENROLLED BILL SIGNED

At 7:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5919. An act to make technical corrections regarding the Newborn, Screening Saves Lives Act of 2007.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3658. An act to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 317. Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

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–6089. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Joint Air-to-Surface Standoff Missile program; to the Committee on Armed Services.

EC–6090. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6091. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John G. Castellaw, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6092. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to a public-private competition for administrative support services being performed by civilian employees at the Fleet Readiness Center in Havelock, North Carolina; to the Committee on Armed Services.

EC–6093. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6094. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13067 of November 3, 1997, with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC–6095. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to the Export Administration Regulations Based Upon a Systematic Review of the CCL'' (RIN0694–AE32) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6096. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 20810) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6097. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–6098. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report relative to fraud in the market for educational financial aid; to the Committee on Commerce, Science, and Transportation.

EC–6099. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Promoting Diversification of Ownership in the Broadcasting Services, Report and Order and Third Further Notice of Proposed Rulemaking'' (FCC 07-217) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6100. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues'' (FCC 08-86) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6101. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Promotion of Competitive Networks in Local Telecommunications Markets'' (FCC 08-87) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6102. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''DTV Consumer Education Initiative'' (FCC 08-119) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6103. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XH13) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6104. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notice - Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure; Correction Notice'' (RIN0648-XG90) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6105. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XH03) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6106. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XH07) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6107. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notice - Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure'' (RIN0648-XG90) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6108. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XG86) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6109. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska'' (RIN0648–XH00) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6110. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the regulatory status of each recommendation on the National Transportation Safety Board's Most Wanted List; to the Committee on Commerce, Science, and Transportation.

EC–6111. A communication from the Chairman, Pacific Fishery Management Council, transmitting a letter relative to recommendations from the Council on actions to take to end overfishing in certain areas; to the Committee on Commerce, Science, and Transportation.

EC–6112. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Economic Stimulus Payments and Tax-Favored Accounts'' (Announcement 2008–44) received on May 6, 2008; to the Committee on Finance.

EC–6113. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Suspension of the Statutes of Limitations in Third-Party and John Doe Summons Disputes and Expansion of Taxpayers' Rights to Receive Notice and Seek Judicial Review of Third-Party Summonses'' ((RIN1545–BA31) (TD 9395)) received on May 2, 2008; to the Committee on Finance.

EC–6114. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2009: Annual Payment Rate Updates, Policy Changes, and Clarifications; and Electronic Submission of Costs Reports Revisions to Effective Date of Cost Reporting Period'' ((RIN0938–AO94) (RIN0938–AN97)) received on May 2, 2008; to the Committee on Finance.

EC–6115. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes for Long-Term Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP Extension Act of 2007: 3-Year Delay in the Application of Payment Adjustments for Short Stay Outliers and Changes to the Standard Federal Rate'' (RIN0938–AP33) received on May 2, 2008; to the Committee on Finance.

EC–6116. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2008'' (RIN0938–AO92) received on May 2, 2008; to the Committee on Finance.

EC–6117. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (5) reports relative to vacancy announcements within the Department, received on May 2, 2008; to the Committee on Finance.

EC–6118. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Finance.

EC–6119. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended'' (22 CFR Parts 40 and 41) received on May 6, 2008; to the Committee on Foreign Relations.

EC–6120. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, (12) reports relative to vacancy announcements within the Department, received on May 5, 2008; to the Committee on Foreign Relations.

EC–6121. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the suspension of certain sales and leases; to the Committee on Foreign Relations.

EC–6122. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Secretary of State's certification of the importation of shrimp harvesting technology that may adversely affect certain sea turtles; to the Committee on Foreign Relations.

EC–6123. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–55–2008–61); to the Committee on Foreign Relations.

EC–6124. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to technical assistance to Iran that was provided by the International Atomic Energy Agency during calendar year 2007; to the Committee on Foreign Relations.

EC–6125. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Models of Exemplary, Effective, and Promising Alcohol or Other Drug Abuse Prevention Programs on College Campuses'' (73 FR 17868) received on May 6, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6126. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Low Income Home Energy Assistance Program for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–6127. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on May 2, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6128. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the results of agencies' competitive sourcing efforts for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6129. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6130. A communication from the Deputy Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on May 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6131. A communication from the Chairman, U.S. Parole Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6132. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy, change in previously reported information and discontinuation of service in an acting role for the position of Deputy Director for State, Local and Tribal Affairs, received on May 2, 2008; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior.

*Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Ms. LANDRIEU:

S. 2985. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to correct a reference relating to a transit project in Orleans Parish, Louisiana; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 2986. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to modify the project description for a project for the city of Lake Charles, Louisiana; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 2987. A bill to amend the Transportation Equity Act for the 21st Century to modify the project description for a highway project for Jefferson Parish, Louisiana; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN:

S. 2988. A bill to amend the Public Health Service Act to enhance public and private research efforts to develop new tools and therapies that prevent, detect, and cure diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Mr. DOMENICI):

S. 2989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. ALEXANDER, and Ms. STABENOW):

S. 2990. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins; to the Committee on Finance.

By Mr. REID (for himself, Mr. SCHUMER, Mr. LEVIN, Mr. WYDEN, Mr. INOUYE, Mr. CARDIN, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mrs. MCCASKILL, and Mr. DURBIN):

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

By Mr. REID (for Mrs. CLINTON (for herself and Mr. SCHUMER)):

S. 2992. A bill to amend title 38, United States Code, to enhance housing loan authorities for veterans and to otherwise assist veterans and members of the Armed Forces in avoiding the foreclosure of their homes, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DODD, Mr. OBAMA, Mr. WEBB, Ms. MURKOWSKI, Mr. KENNEDY, Mr. MENENDEZ, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. HAGEL, Mrs. BOXER, Mrs. CLINTON, Mrs. DOLE, Mr. MCCAIN, and Mr. COLEMAN):

S. Res. 554. A resolution expressing the Sense of the Senate on humanitarian assistance to Burma after Cyclone Nargis; considered and agreed to.

By Mr. HAGEL (for himself, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. REID, Ms. SNOWE, and Mr. STEVENS):

S. Con. Res. 80. A concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, and Mr. DODD):

S. Con. Res. 81. A concurrent resolution supporting the goals and ideals of National Women's Health Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 335

At the request of Mr. DORGAN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 617

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 1117

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1130

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2162

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2316

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2316, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2504

At the request of Mr. NELSON of Florida, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Ohio (Mr. BROWN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) 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. 2606

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2630

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2638

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2638, a bill to change the date for regularly scheduled Federal elections and establish polling place hours.

S. 2641

At the request of Mr. KOHL, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from West Virginia (Mr. BYRD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from California

(Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Illinois (Mr. DURBIN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) 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. 2719

At the request of Mrs. DOLE, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2722

At the request of Mrs. DOLE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2722, a bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

S. 2742

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2742, a bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator.

S. 2756

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2764

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2764, a bill to amend the Servicemembers Civil Relief Act to enhance protections for servicemembers relating to mortgages and mortgage foreclosures, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor 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. 2839

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2839, a bill to provide emergency relief for United States businesses and industries currently employing temporary foreign workers and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of 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.

S. 2904

At the request of Mrs. MCCASKILL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2904, a bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

S. 2916

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2958

At the request of Mr. DOMENICI, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAIG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2958, a bill to promote the energy security of the United States, and for other purposes.

S. 2971

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2971, a bill to amend the Internal Revenue Code of 1986 to provide for a suspension of the highway fuel tax, and for other purposes.

S. 2973

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2973, a bill to promote the energy security of the United States, and for other purposes.

S. 2979

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. RES. 512

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 512, a resolution honoring the life of Charlton Heston.

AMENDMENT NO. 4705

At the request of Ms. LANDRIEU, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 4705 proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

AMENDMENT NO. 4709

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4709 proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 2985. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to correct a reference relating to a transit project in Orleans Parish, Louisiana; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I rise today to ask that the Senate support technical corrections to a few highway bill projects in Louisiana. Specifically,

a modified alignment to a project in Lake Charles, an expanded project area for Jefferson Parish and expanded use for a project in New Orleans.

These limited technical corrections will improve transportation in Louisiana and get the dollars previously directed toward this work into the economy. Notably, the corrections do not change the previously authorized level of spending, nor do they fundamentally alter the scope of the project.

I look forward to working with the Environment and Public Works Committee to address these technical corrections.

Mr. LIEBERMAN:

S. 2988. A bill to amend the Public Health Service Act to enhance public and private research efforts to develop new tools and therapies that prevent, detect, and cure diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a new bill, the Accelerating Cures Act of 2008, to enhance public and private research efforts to develop new tools and therapies that prevent, detect, and cure diseases more quickly from bench to bedside. I introduced an earlier version of this legislation in December 2005, the American Center for Cures Act of 2005, S. 2104. Fundamentally, the Accelerating Cures Act of 2008 has the same intent to promote clinical and translational research within the National Institutes of Health while incorporating many of the recommendations made from the 2003 National Academy of Sciences Report, ''Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges.''

The NIH is a successful, worldwide leader in biomedical research whose mission is to support ''science in pursuit of fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to extend healthy life and reduce the burdens of illness and disability.'' Our national investment in NIH is integral to our Nation's capacity to respond safely and effectively to public and population health threats, chronic disease prevention and management, and burdensome orphan diseases. The 2006 NIH reauthorization strengthened the agency even further, and also brought a greater focus on clinical and translational research to its mission.

The Accelerating Cures Act of 2008 would build upon the progress of NIH reauthorization and further enhance the ability of the agency to address clinical and translational research barriers. For example, it is estimated to take up to 17 years for a scientific discovery to be translated into a clinical application. This gap will not be resolved unless we take serious action to implement clinical and translational research initiatives, critically evaluate the impact of health care delivery, promote multi- and cross-disciplinary collaboration, increase the number of clinicians engaged in clinical and translational research, and foster efforts that streamline the translational development process to result in product commercialization.

The Accelerating Cures Act of 2008 would address these issues by creating new programs that fund high-risk, high-reward research, to oversee and direct promising avenues of translational research, to increase the translational and clinical research workforce, and to provide new funds and authorities to evaluate the clinical effectiveness of various treatments and procedures at the NIH. The bill expands upon existing infrastructure in the Office of Portfolio Analysis and Strategic Initiatives and encourages intra- and inter-agency collaboration to build on strengths of NIH's 27 institutes and centers and other Federal agencies such as the Department of Defense, Food and Drug Administration, and the Agency for Healthcare Research and Quality. Lastly, the Accelerating Cures Act of 2008 uniquely adds resources to guide researchers through the 'Valley of Death,' a stage in biomedical development between research and commercialization where the success of an initiative is dependent on feasibility and profitability that can only be established by a market that, by definition, has not yet developed. With the bill's strengthening and broadening of the Small Business Innovation Research and Small Business Technology Transfer programs and making available resources such as the Rapid Access to Intervention Development and Translational Development programs, investigators, institutions, small businesses, and other entities, will be better suited to navigate the regulatory and commercialization processes.

To summarize, the NIH has been and continues to be our Nation's premier biomedical research investment in areas of basic science and clinical and translational research. My legislation seeks to expand upon existing clinical and translational research efforts not only to meet the healthcare needs of this Nation, but to maintain the NIH's status as the most respected research institution in the World. This bill will not only increase our overall Federal investment in the NIH, but enhance our translational and clinical research capacities overall. I urge my Senate colleagues, patient advocacy groups, and researchers to work together to bring new hope to Americans that we can fight and conquer disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2988

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 ''Accelerating Cures Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

''PART J—ACCELERATING CURES

''SUBPART 1—PATHWAYS TO CURES SUBCOMMITTEE

''Sec. 499A. Pathways to Cures Subcommittee.

''SUBPART 2—CLINICAL EFFECTIVENESS; FFRDC

''Sec. 499B. Federally Funded Research and Development Center.

''SUBPART 3—HEALTH ADVANCED RESEARCH PROJECTS PROGRAM

''Sec. 499C. Health Advanced Research Projects Program.

''SUBPART 4—CLINICAL TRIALS

''Sec. 499D. Grants for quality clinical trial design and execution.

''Sec. 499D–1. Streamlining the regulatory process governing clinical research.

''Sec. 499D–2. Clinical research study and clinical trial.

''SUBPART 5—TRAINING CLINICAL AND TRANSLATIONAL RESEARCHERS OF THE FUTURE

''Sec. 499E. Training translational and clinical researchers of the future.

''Sec. 499E–1. Translational research training program.

''SUBPART 6—THE 'VALLEY OF DEATH'

''Sec. 499F. Small business partnerships.

''Sec. 499F–1. Rapid access to intervention development.

''Sec. 499F–2. Translational Development Program for New Innovations.

''SUBPART 7—TRANSLATIONAL RESEARCH FUND

''Sec. 449G. Translational Research Fund.

''Sec. 404I. Application of research requirement.''.

SEC. 3. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institutes of Health (referred to in this section as the ''NIH'') is the United States premier biomedical research investment with annual appropriations exceeding $29,200,000,000.

(2) The goals of the NIH are to—

(A) foster fundamental creative discoveries, innovative research strategies, and their applications as a basis to significantly advance the Nation's capacity to protect and improve health;

(B) develop, maintain, and renew scientific human and physical resources that will ensure the Nation's capacity to prevent disease;

(C) expand the knowledge base in medical and associated sciences in order to enhance the Nation's economic well-being and ensure a continued high return on the public investment in research; and

(D) exemplify and promote the highest level of scientific integrity, public accountability, and social responsibility in the conduct of science.

(3) Thus, the NIH is tasked with applying basic science discoveries to protect and improve health. This includes, translational research, which is the scientific work necessary to develop a clinical application from a basic science discovery.

(4) The United States translational research investment will be key to the Nation responding effectively—

(A) to public and population health threats;

(B) to the complex nature of chronic diseases, which are responsible for 7 out of 10 deaths in the United States, for 75 percent of

the $2,300,000,000,000 spent annually on healthcare in the United States, and for 16 percent of gross domestic product;

(C) to research and development vacuums in the private for-profit market, such as in the fields of vaccine and antibiotic production, drugs for Third World diseases, orphan drugs, and medical tools for pediatric populations; and

(D) to facilitate the process of converting medical innovations into commercial products.

(5) Key components of the translational research process include research prioritization, a strengthening and maintenance of an expert workforce, multidisciplinary collaborative work, strategic risk taking, support of small innovative businesses caught along common pathways in the research and development Valley of Death, simplification and promotion of the clinical research endeavor, and early involvement of private entities that are skilled in the manufacturing and marketing process in the translational research endeavor.

(6) A National Academy of Sciences/Institute of Medicine report made recommendations for reorganizing NIH to meet new challenges facing the biomedical research endeavor. The committee report contained specific recommendations aimed at strengthening clinical and translational research including: increasing trans-NIH research, promoting innovation and risk taking in intramural research, creating a ''special projects'' program, and increasing funding for research management and support.

(7) The Government Accountability Office reported that although the pharmaceutical industry has increased its research and development investment by 147 percent from 1993 to 2004, new drug applications to the Food and Drug Administration have only increased by 39 percent; thus, the productivity of the industry's research and development expenditures is declining. The report cited that a limited scientific understanding of how to translate research discoveries into safe and effective drugs is contributing to the problem and recommended that training researchers who can translate drug discoveries into effective medicines is necessary.

(8) It is estimated to take 17 years for a science discovery to be translated from the point of proof of concept to clinical application. The percent of physicians engaged in research has declined steadily from a peak of 4.6 percent in 1985 to 1.8 percent in 2003.

(9) A report by the Infectious Disease Society of America cited concerns with the lack of new antibiotics to treat infectious diseases. The report commended the NIH Roadmap, but also recommended that NIH aggressively expand the translational research components of the Roadmap, increase grants to small businesses, universities, and nonprofits working in antibiotics research and development, and seek more opportunities to partner with pharmaceutical and biotech companies.

(10) Clinical effectiveness results provide patients, payers, and clinicians with tools to evaluate the benefits versus risks of the ever evolving number of prevention, diagnosis, and treatment strategies available.

(11) The Common Fund is an annual set aside account created from an agreed upon percentage of the annual budget that supports innovative and trans-NIH initiatives to improve and accelerate research to impact health.

(12) The ''Valley of Death'' is a stage in biomedical development between research and commercialization where the success of a product is dependent on its profitability.

(b) PURPOSE.—The purpose of this Act is to create a new pathway to curing disease by enhancing public and private research to translate new discoveries from bench to bedside.

SEC. 4. ACCELERATING CURES ACT OF 2008.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''PART J—ACCELERATING CURES

''Subpart 1—Pathways to Cures Subcommittee

''SEC. 499A. PATHWAYS TO CURES SUBCOMMITTEE.

''(a) DEFINITION OF TRANSLATIONAL RESEARCH.—In this section, the term 'translational research' means research that transforms scientific discoveries arising from laboratory, clinical, or population studies into clinical application to reduce disease incidence, morbidity, and mortality.

''(b) ESTABLISHMENT OF PATHWAYS TO CURES SUBCOMMITTEE.—There is established a Pathways to Cures Subcommittee within the Council of Councils of the Office of Portfolio Analysis and Strategic Initiatives of the National Institutes of Health that shall convene not less frequently than twice a year to help advise and direct the translational research priorities of the Office of Portfolio Analysis and Strategic Initiatives (referred to in this part as the 'OPASI').

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The subcommittee established under subsection (b) may be composed of the following members:

''(A) The Director of NIH and the Director of OPASI who shall be subcommittee cochairs.

''(B) The heads of the institutes and centers of the National Institutes of Health.

''(C) Heads from Federal agencies, including—

''(i) the Administrator for the Substance Abuse and Mental Health Services Administration;

''(ii) the Under Secretary for Science and Technology of the Department of Homeland Security;

''(iii) the Commanding General for the United States Army Medical Research and Materiel Command;

''(iv) the Director of the Centers for Disease Control and Prevention;

''(v) the Commissioner of Food and Drugs;

''(vi) the Director of the Office of Science of the Department of Energy;

''(vii) the President of the Institute of Medicine;

''(viii) the Director of the Agency for Healthcare Research and Quality; and

''(ix) the Director of the Defense Advanced Research Projects Agency.

''(2) OTHER MEMBERS.—The subcommittee established under subsection (b) shall also include not fewer than 3 leaders from the small business medical research community, 3 leaders from large pharmaceutical or biotechnology companies, and 3 leaders from academia and patient advocacy organizations, all of whom shall be appointed by the Director of NIH.

''(d) RECOMMENDATIONS; COORDINATION; FUNDING.—

''(1) SETTING PRIORITIES.—The subcommittee established under subsection (b) shall make recommendations to assist the Director of OPASI in setting translational research priorities.

''(2) RECOMMENDATIONS.—In making recommendations, the subcommittee shall—

''(A) consider risk and burden of disease as well as lines of research uniquely poised to deliver effective diagnostics and therapies; and

''(B) be mission-driven and identify research that shows specific promise for a new treatment or cure for a disease.

''(3) COORDINATION.—The subcommittee shall ensure sharing of research agendas among the institutes and centers of the National Institutes of Health for the purpose of coordinating translational research priorities, where appropriate, across such institutes and centers.

''(4) FUNDING.—The subcommittee and the Director of OPASI—

''(A) shall identify research with application or commercialization potential; and

''(B) may fund such research.

''(e) REPORT.—The subcommittee established under subsection (b) shall submit an annual report to Congress on progress towards finding new treatments and cures.

''Subpart 2—Clinical Effectiveness; FFRDC

''SEC. 499B. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.

''(a) ESTABLISHMENT OF CENTER.—

''(1) IN GENERAL.—The Director of NIH, in conjunction with the Director of the Agency for Healthcare Research and Quality (referred to in this subpart as the 'AHRQ'), shall establish a Federally Funded Research and Development Center (referred to in this subpart as the 'FFRDC') on clinical effectiveness research.

''(2) DEFINITION OF CLINICAL EFFECTIVENESS RESEARCH.—In this section, the term 'clinical effectiveness research' means research that—

''(A) provides information for health care decision makers, including patients, providers, and public and private payers, to make evidence-based decisions about the delivery of health care; and

''(B) considers specific subpopulations.

''(3) DIRECTOR OF THE FFRDC.—The Director of NIH, in conjunction with the Director of the AHRQ, shall appoint a Director of the FFRDC.

''(b) DUTIES OF THE DIRECTOR OF THE FFRDC.—The Director of the FFRDC shall—

''(1) review, synthesize, and disseminate clinical effectiveness research;

''(2) set priorities for, and fund, trials, such as randomized controlled trials, adaptive trials, and practical trials, observational studies, secondary data analysis in areas of clinical effectiveness research where evidence is lacking, systematic reviews of existing research, as necessary, and cost-effectiveness studies;

''(3) make recommendations regarding the findings of paragraphs (1) and (2);

''(4) study the differential outcomes of interventions on subpopulations within diseases;

''(5) use competitive award processes, including, but not solely, competitive peer review, and examine methods of rapid review cycles to reduce delays in funding decisions;

''(6) encourage the development and use of electronic health data to conduct clinical effectiveness research for the goal of improving clinical care delivery;

''(7) support the development of methodological standards to be used when conducting studies of clinical effectiveness and value in order to help ensure accurate and effective comparisons and update such standards not less frequently than annually;

''(8) include, and collaborate and consult with, as necessary, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Veterans Affairs, and other Federal agencies, and the Institute of Medicine, as well as private payers, insurers, pharmaceutical and device companies, patient advocacy and public interest groups, professional societies, hospitals, academic institutions, and health foundations;

''(9) establish a public review or hearing process, which includes the Food and Drug Administration, to examine findings of studies;

''(10) determine the best approach to make available the findings resulting from subparagraphs (A) and (B) to relevant Federal agencies, private and public stakeholders in the health care system, and consumers;

''(11) provide a public forum for addressing conflicting guidelines and recommendations; and

''(12) submit annual reports to Congress on the research activities and findings of the FFRDC.

''(c) CLINICAL EFFECTIVENESS ADVISORY BOARD.—

''(1) ESTABLISHMENT AND FUNCTION.—The Director of the FFRDC shall establish, in conjunction with the Director of NIH and the Director of the AHRQ, an independent Clinical Effectiveness Advisory Board (referred to in this section as the 'Advisory Board'), to include not more than 20 appointed members, in order to provide expert advice and guidance on the research priorities of the FFRDC.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—Membership on the Advisory Board shall be comprised of—

''(i) representatives of the National Institutes of Health, the AHRQ, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Veterans Affairs, and other Federal agencies, and the Institute of Medicine; and

''(ii) private payers, insurers, pharmaceutical and device companies, patient advocacy and public interest groups, professional societies, hospitals, academic institutions, and health foundations.

''(B) EXPERTS.—Membership on the Advisory Board shall consist of leading experts from diverse disciplinary areas, including physicians, social scientists, statisticians, health services researchers, economists, and other health care professionals.

''(C) TERMS.—Terms for members of the Advisory Board shall be fixed, multiyear, and staggered.

''(D) APPOINTMENT.—The members of the Advisory Board who are described in subparagraph (A)(ii) shall be appointed by the Director of the FFRDC, the Director of NIH, and the Director of the AHRQ.

''(E) CHAIR.—The Director of the AHRQ shall be chair of the Advisory Board.

''(3) CONFLICTS OF INTEREST.—Members of the Advisory Board shall disclose any financial, political, or organizational conflicts of interest in conducting the work of the Advisory Board.

''(4) DUTIES.—The Advisory Board shall—

''(A) recommend priorities for clinical effectiveness research to be undertaken by the FFRDC, taking into consideration significant gaps in clinical effectiveness research, including research needs for information on subpopulations and diverse populations, including women, children, and racial and ethnic minorities, and on individuals with comorbid diseases;

''(B) identify existing and novel research designs and methods that may be considered by the FFRDC in conducting clinical effectiveness research;

''(C) review clinical effectiveness research methods;

''(D) review the FFRDC processes to determine whether the research conducted is objective, credible, developed through a transparent process that includes consultations with appropriate stakeholders, including consumers, patient organizations, and the public, and is clinically relevant;

''(E) make recommendations to the AHRQ and the National Institutes of Health for the effective dissemination of the findings of the FFRDC supported research to clinicians, payers, and consumers, and patient organizations; and

''(F) following the first year, review current and previous research agendas and make recommendations regarding research agendas.

''(5) INITIAL MEETING.—The initial meeting of the Advisory Board shall be no later than 6 months after the date of enactment of the Accelerating Cures Act of 2008.

''(6) ADVISORY NATURE OF BOARD.—The recommendations of the Advisory Board shall not be binding, but shall be considered by the Director of the FFRDC when developing the clinical effectiveness research agenda.

''(d) RESEARCH AGENDA.—The Director of the FFRDC shall establish the research agenda of the FFRDC, based on the priorities established by the Advisory Board, and shall update such agenda not less frequently than annually, and shall—

''(1) focus on—

''(A) identifying gaps in clinical effectiveness research relating to medical procedures, medical technologies, pharmaceuticals, health information technologies, and other relevant services and products that significantly contribute to health care outcomes and expenditures;

''(B) funding trials, studies, and reviews, and coordinating these efforts with ongoing research efforts in the Federal Government, academic institutions, and private entities to fill gaps identified under subparagraph (A);

''(C) synthesizing and reviewing clinical effectiveness research to fill gaps identified under subparagraph (A); and

''(D) supporting the development of an evidence base for the development of clinical care guidelines based on the results of clinical effectiveness research;

''(2) convene such working groups on clinical effectiveness research as the Director of the FFRDC determines necessary;

''(3) meet with members representing the National Institutes of Health, the AHRQ, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Veterans Affairs, and other Federal agencies, and the Institute of Medicine, as well as private payers, insurers, pharmaceutical and device companies, patient advocacy and public interest groups, professional societies, hospitals, academic institutions, practice based research networks health foundations, and the general public to promote communication and transparency; and

''(4) notify the public well in advance of any public meetings.

''(e) REPORTS.—

''(1) GUIDANCE OR RECOMMENDATIONS.—The Director of the FFRDC, in conjunction with the Director of NIH and the Director of the AHRQ, shall provide, not less frequently than annually, guidance or recommendations to health care providers, payers, and consumers, and Congressional committees of jurisdiction on the comparative effectiveness of health care services.

''(2) STATUS REPORTS.—The Director of the FFRDC shall provide annual status reports on the work of the FFRDC to Congressional committees of jurisdiction.

''(f) AVAILABILITY OF RESEARCH FINDINGS.—The Director of the FFRDC shall develop and identify efficient and effective methods of disseminating the findings of the clinical effectiveness assessments of medical procedures, technologies, and therapeutics, including by making these available on the Internet. Any relevant reports (including interim progress reports, draft final clinical effectiveness reviews, and final progress reports on new research submitted for publication) on the results of clinical effectiveness research supported by the FFRDC shall be made available on the Internet, not later than 90 days after the report is completed.

''(g) EVALUATIONS AND REPORTS OF FFRDC.—The Director of NIH, in conjunction with the Director of the AHRQ, shall enter into regular agreements with entities, such as the Institute of Medicine, to—

''(1) evaluate the FFRDC and its functioning; and

''(2) produce reports on priority setting for the FFRDC, and on research methods developed and employed by the FFRDC, among other purposes.

''Subpart 3—Health Advanced Research Projects Program

''SEC. 499C. HEALTH ADVANCED RESEARCH PROJECTS PROGRAM.

''(a) ESTABLISHMENT.—There is established within the OPASI, a Health Advanced Research Projects Program (referred to in this section as the 'Research Projects Program') that shall be headed by a Director of the Research Projects Program who is appointed by the Director of NIH.

''(b) COMPOSITION.—The Research Projects Program shall be composed of portfolio managers in key health areas, which are determined by the Director of the Research Projects Program in conjunction with the Director of OPASI, the Director of NIH, and the Pathways to Cures Subcommittee established under section 499A.

''(c) GUIDANCE.—The Research Projects Program shall be guided by and shall undertake grand challenges that encourage innovative, multidisciplinary, and collaborative research across institutes and centers of the National Institutes of Health, across Federal agencies, and between public and private partners of the National Institutes of Health.

''(d) MANAGEMENT GUIDANCE.—The Research Projects Program shall be guided by the following management and organizing principles in directing the Research Projects Program:

''(1) Keep the Research Projects Program small, flexible, entrepreneurial, and nonhierarchical, and empower portfolio managers with substantial autonomy to foster research opportunities with freedom from bureaucratic impediments in administering the manager's portfolios.

''(2) Seek to employ the strongest scientific and technical talent in the Nation in research fields in which the Research Projects Program is working.

''(3) Rotate a significant portion of the staff after 3 to 5 years of experience to ensure continuous entry of new talent into the Research Projects Program.

''(4) Use, whenever possible, research and development investments by the Research Projects Program to leverage comparable matching investment and coordinated research from other institutes and centers of the National Institutes of Health, from other Federal agencies, and from the private and nonprofit research sectors.

''(5) Utilize supporting technical, contracting, and administrative personnel from other institutes and centers of the National Institutes of Health in administering and implementing research efforts to encourage participation, collaboration, and cross-fertilization of ideas across the National Institutes of Health.

''(6) Utilize a challenge model in Research Projects Program research efforts, creating a translational research model that supports fundamental research breakthroughs, early and late stage applied development, prototyping, knowledge diffusion, and technology deployment.

''(7) Establish metrics to evaluate research success and periodically revisit ongoing research efforts to carefully weigh new research opportunities against ongoing research.

''(8) Support risk-taking in research pursuits and tolerate productive failure.

''(9) Ensure that revolutionary and breakthrough technology research dominates the Research Projects Program's research agenda and portfolio.

''(e) ACTIVITIES.—Using the funds and authorities provided to the Director of NIH, the Research Projects Program shall carry out the following activities:

''(1) The Research Projects Program shall support basic and applied health research to promote revolutionary technology changes that promote health.

''(2) The Research Projects Program shall advance the development, testing, evaluation, prototyping, and deployment of critical health products.

''(3) The Research Projects Program, consistent with recommendations of the Pathways to Cures Subcommittee established under section 499A, with the priorities of OPASI, and with the grand challenges that encourage innovative, multidisciplinary, and collaborative research, shall emphasize—

''(A) translational research efforts, including efforts conducted through collaboration with the private sector, that pursue—

''(i) innovative health products that could address acute health threats such as a flu pandemic, spread of antibiotic resistant hospital acquired infections, or other comparable problems;

''(ii) remedies for diseases afflicting lesser developed countries;

''(iii) remedies for orphan diseases for which the for-profit sector is not finding new treatments;

''(iv) alternative technologies with significant health promise that are not well-supported in the system of health research, such as adjuvant technology or technologies for vaccines based on the innate immunological response; and

''(v) fast track development, including development through accelerated completion of animal and human clinical trials, for emerging remedies for significant public health problems; and

''(B) other appropriate translational research efforts for critical health issues.

''(4) The Research Projects Program shall utilize funds to provide support to outstanding research performers in all sectors and encourage cross-disciplinary research collaborations that will allow scientists from fields such as information and computer sciences, nanotechnology, chemistry, physics, and engineering to work alongside top researchers with more traditional biomedical backgrounds.

''(5) The Research Projects Program shall provide selected research projects with single-year or multiyear funding and require researchers for such projects to provide interim progress reports, including milestones on progress, to the Research Projects Program on not less frequently than a biannual basis.

''(6) The Research Projects Program shall award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses, federally-funded research and development centers, and universities.

''(7) The Research Projects Program shall provide advice to the Director of OPASI concerning funding priorities.

''(8) The Research Projects Program may solicit proposals for competitions to address specific health vulnerabilities identified by the Director of NIH and the Director of OPASI and award prizes for successful outcomes.

''(9) The Research Projects Program shall periodically hold health research and technology demonstrations to improve contact among researchers, technology developers, vendors, and acquisition personnel.

''(10) The Research Projects Program shall carry out other activities determined appropriate by the Director of NIH.

''(f) EMPLOYEES.—

''(1) HIRING.—The Director of the Research Projects Program, in hiring employees for positions with the Research Projects Program, shall have the same hiring and management authorities as described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(2) TERM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term of such appointments for employees of the Research Projects Program may not exceed 5 years.

''(B) EXTENSION.—The Director of the Research Projects Program may, in the case of a particular employee of the Research Projects Program, extend the term to which employment is limited under subparagraph (A) by not more than 2 years if the Director of the Research Projects Program determines that such action is necessary to promote the efficiency of the Research Projects Program.

''(g) FLEXIBILITY.—The Director of the Research Projects Program shall have the authority to flexibly fund projects, including the prompt awarding, releasing, enhancing, or withdrawal of monies in accordance with the assessment of the Research Projects Program and project manager.

''Subpart 4—Clinical Trials

''SEC. 499D. GRANTS FOR QUALITY CLINICAL TRIAL DESIGN AND EXECUTION.

''The Director of OPASI—

''(1) shall award grants for clinical trial design and execution to academic centers and practice-based research networks to fund multidisciplinary clinical research teams, which clinical research teams may be composed of members who include project managers, clinicians, epidemiologists, social scientists, and clinical research coordinators; and

''(2) may award grants for clinical trial design and execution to researchers.

''SEC. 499D–1. STREAMLINING THE REGULATORY PROCESS GOVERNING CLINICAL RESEARCH.

''(a) ESTABLISHMENT OF CENTRALIZED INSTITUTIONAL REVIEW BOARDS.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT AND OVERSIGHT.—The Director of OPASI shall appoint a Director of Centralized Institutional Review Boards (referred to in this part as the 'Director of CIRBs') who shall establish and oversee the functioning and progress of a series of Centralized Institutional Review Boards (referred to in this part as 'CIRBs') to serve as human subject safety and well-being custodians for multi-institutional clinical trials that are funded partially or in full by public research dollars.

''(B) WORK WITH FDA.—The Director of CIRBs shall work with the Commissioner of Food and Drugs to make regulations governing multi-site clinical trials and the regulatory requirements of the Food and Drug Administration more consistent in order to reduce barriers to commercialization of new treatments.

''(2) EXISTING GUIDELINES AND BEST PRACTICES.—CIRBs shall be established in accordance with professional best practices and Good Clinical Practice (GCP) guidelines so that institutions involved in multi-institutional studies may—

''(A) use joint review;

''(B) rely upon the review of another qualified institutional review board; or

''(C) use similar arrangements to avoid duplication of effort and to assure a high-quality of expert oversight.

''(b) HOUSED.—Each CIRB shall be housed—

''(1) at the institute or center of the National Institutes of Health with expertise on the subject of the clinical trial; or

''(2) at a public or private institution with comparable organizational capacity, such as the Department of Veterans Affairs.

''(c) SERVICE.—The use of CIRBs shall be available, as appropriate, at the request of public or private institutions and shall be funded through user fees of the CIRBs or the National Institutes of Health's funds.

''(d) REVIEW PROCESS.—

''(1) IN GENERAL.—Each CIRB shall review research protocols and subject informed consent forms to ensure the protection of safety and well-being of research participants enrolled in multi-institutional clinical trials.

''(2) PROCESS.—The CIRB review process shall consist of contractual agreements between the CIRB and the study sites of multi-institutional clinical trials. The CIRB shall act on behalf, in whole or in part, of the bodies ordinarily responsible for the safety of research subjects in a locality. In the case in which a locality does not have such a body, the locality shall depend solely on the CIRB to oversee the protection of human subjects and the CIRB shall assume responsibility for ensuring adequate assessment of the local research context.

''(e) RESEARCH APPLICATIONS.—

''(1) IN GENERAL.—Each CIRB shall review and package research applications for facilitated electronic review by local institutional review boards participating in a multi-institutional clinical trial.

''(2) CIRB REVIEW.—A local institutional review board may accept or reject a CIRB review. In the case in which a local institutional review board accepts a CIRB review, the CIRB shall assume responsibility for annual, amendment, and adverse event reviews. If a local institutional review board elects to decline participation in the CIRB, the local institutional review board shall appoint a liaison to the CIRB.

''(f) WORK IN CONCERT.—In the case in which a local institutional review board works in concert with a CIRB, the local institutional review board shall be responsible for taking into consideration local characteristics (including ethnicity, educational level, and other demographic characteristics) of the population from which research subjects will be drawn, which influence, among other things, whether there is sound selection of research subjects or whether adequate provision is made to minimize risks to vulnerable populations.

''(g) COMMUNICATION OF IMPORTANT INFORMATION.—Each CIRB shall regularly communicate important information in electronic form to the local institutional review boards or, in cases where a local institutional review board does not exist, to the principal investigator, including regular safety updates or requirements to change a research protocol in order to improve safety.

''(h) COORDINATION.—Each CIRB shall fully coordinate with the institute or center of the National Institutes of Health that has specialized knowledge of the research area of the clinical trial. Other Federal agencies and private entities undertaking clinical trials may contract with the National Institutes of Health to use a CIRB.

''SEC. 499D–2. CLINICAL RESEARCH STUDY AND CLINICAL TRIAL.

''(a) IN GENERAL.—The Director of NIH shall—

''(1) commission the Institute of Medicine to study the rules that protect patient safety

and anonymity so that in a contemporary clinical research context, a better balance can be achieved between clinical research promotion and regulatory requirements governing research subject safety and privacy;

''(2) examine informed consent processes; and

''(3) request that the Institute of Medicine issue a written report not later than 18 months after the date of enactment of the Accelerating Cures Act of 2008 that shall—

''(A) consider changes to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and the amendments made by such Act that further promote the clinical research endeavor; and

''(B) include recommendations for changes that shall not be limited to legislation but shall include changes to healthcare systems, including health information technology, and to researcher practice that facilitate the clinical research endeavor.

''Subpart 5—Training Clinical and Translational Researchers of the Future

''SEC. 499E. TRAINING TRANSLATIONAL AND CLINICAL RESEARCHERS OF THE FUTURE.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OF PROGRAM.—The Director of OPASI shall establish training programs to increase the number of, and maintain existing, translational and clinical researchers, including researchers trained in community-based research.

''(2) PURPOSE.—The purpose of the training programs described in paragraph (1) shall be to train a cadre of researchers in core competencies in the translational and clinical sciences for the ultimate goal of improving healthcare delivery, healthcare options to the public, the use of healthcare by patients, and healthcare outcomes.

''(b) GRANTS.—

''(1) IN GENERAL.—The Director of OPASI shall award grants to, and enter into contracts with, public and nonprofit educational entities to establish, strengthen, or expand training programs for researchers to be trained in the translational and clinical sciences.

''(2) AWARDING OF GRANTS.—The Director of OPASI shall award grants to, and enter into contracts with, applicants that—

''(A) support multidisciplinary approaches in training;

''(B) utilize collaborative strategies for conducting research across various disciplines to translate basic science discoveries; and

''(C) train researchers focused on improving care and patient outcomes.

''(3) REQUIRED USE OF FUNDS.—The Director of OPASI shall award grants to, and enter into contracts with, entities for the following purposes:

''(A) To establish training programs for M.D. and Ph.D. researchers in translational or clinical research.

''(B) To establish training programs for individuals at predoctoral levels, including those in medical school, and for allied health professionals, in translational or clinical research.

''(C) To establish training programs for nurses in translational and clinical research.

''(D) To strengthen or expand existing training programs for translational or clinical researchers.

''(E) To establish a wide range of training programs, including one-year training programs, summer programs, pre- and postdoctoral clinical or translational research fellowships, and advanced research training programs for mid-career researchers and clinicians.

''(F) To provide stipends and allowances, including for travel and subsistence expenses, in amounts the Director of OPASI determines appropriate, to support the training of translational or clinical researchers.

''(G) To provide financial assistance to public and nonprofit educational entities for the purpose of supporting the training of translational or clinical researchers, through clinical education, curricula, and technological support, and other measures.

''(H) To measure the impact of the translational and clinical research training programs on the biomedical sciences and on clinical practice.

''(c) FUNDS AVAILABLE.—The Director of OPASI may make funds available to support training programs for translational or clinical researchers at the National Institutes of Health for entities awarded grants or contracts under subsection (b).

''(d) NOVEL AND BEST PRACTICES.—The Director of OPASI shall convene, on not less frequently than a biannual basis, members of training institutions to share novel and best practices in training translational or clinical researchers.

''(e) TRAINING.—A trainee of a program funded under a grant or contract awarded under this section may conduct part of the trainee's training at the Health Advanced Research Projects Program.

''(f) CONSISTENT DEFINITIONS AND METHODOLOGIES.—For the purposes of funding training programs for clinical researchers, the Director of NIH shall develop consistent definitions and methodologies to classify and report clinical research.

''SEC. 499E–1. TRANSLATIONAL RESEARCH TRAINING PROGRAM.

''The Director of NIH shall ensure that each institute and center of the National Institutes of Health has established, or contracted for the establishment of, a translational research training program at the institute or center.

''Subpart 6—The 'Valley of Death'

''SEC. 499F. SMALL BUSINESS PARTNERSHIPS.

''(a) IN GENERAL.—An independent advisory board shall be established at the National Academy of Sciences to conduct periodic evaluations of the Small Business Innovation Research program (referred to in this subpart as the 'SBIR program') and the Small Business Technology Transfer program (referred to in this subpart as the 'STTR program') of the Office of Extramural Research in the Office of the Director of the National Institutes of Health for the purpose of improving management of the programs through data-driven assessment. The advisory board shall consist of the Director of NIH, the Director of the SBIR program, senior National Institutes of Health agency managers, university and industry experts, and program stakeholders.

''(b) SBIR AND STTR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—

''(A) PROGRAM MANAGERS WITH SUFFICIENT EXPERTISE.—Not less than 25 percent of the grants and contracts awarded by each of the SBIR and STTR programs shall be awarded on a competitive basis by an SBIR or STTR program manager who has sufficient managerial, technical, and translational research expertise to expertly assess the quality of a SBIR or STTR proposal.

''(B) EXPERIENCE OF PROGRAM MANAGERS.—In hiring new SBIR or STTR program managers, the Director of NIH shall consider experience in commercialization or industry.

''(C) EMPHASIS ON GRANT AND CONTRACT AWARDS.—In awarding grants and contracts under the SBIR program and the STTR program—

''(i) each SBIR and STTR program manager shall place an emphasis on applications that identify from the onset products with commercial potential to prevent, diagnose, and treat diseases, as well as promote health and well-being; and

''(ii) risk-taking shall be supported and productive failure shall be tolerated.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The independent advisory board described in subsection (a) shall evaluate the success of the requirement under paragraph (1)(A) by examining increased commercialization and other metrics, to be determined and collected by SBIR and STTR programs.

''(3) SUCCESS.—Each recipient of a SBIR or STTR grant or contract, as a condition of receiving such grant or contract, shall report to the SBIR or STTR program—

''(A) whether there was eventual commercial success of the product developed with the assistance of the grant or contract; and

''(B) on other metrics as determined by the SBIR or STTR program to capture broader measures of success.

''(c) POTENTIAL PURCHASERS OR INVESTORS.—The SBIR and STTR programs shall administer nonpeer review grants and contracts pursuant to this section through program managers who shall place special emphasis on partnering grantees and entities awarded contracts from the very beginning of the research and development process with potential purchasers or investors of the product, including large pharmaceutical or biotechnology companies, venture capital firms, and Federal agencies (including the National Institutes of Health).

''(d) PHASE I AND II.—The SBIR and STTR programs shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR and STTR programs to—

''(1) 6 months; or

''(2) less than 6 months if the grantee or entity awarded a contract demonstrates that the grantee or entity awarded a contract has interest from third parties to buy or fund the product development with the grant or contract.

''(e) PHASE III.—A SBIR or STTR program manager may petition the Director of NIH for Phase III funding of a grant or contract for a project that requires a boost to finalize procurement of a product. The maximum funding for Phase III funding shall be $2,000,000 for each of a maximum of 2 years. Such Phase III funding may come from the Common Fund of the NIH.

''(f) EVALUATION AND REPORTING REQUIREMENTS.—In order to enhance the evidence base guiding SBIR and STTR program decisions and changes, the SBIR and STTR programs shall—

''(1) conduct regular internal and external evaluations of the program;

''(2) review current data collection methods for the purpose of identifying gaps and deficiencies, and develop a formal plan for evaluation and assessment of program success, including operational benchmarks for success; and

''(3) conduct a review on the number of SBIR and STTR awards made to women and minorities and develop outreach and review strategies to increase the number of awards to women and minorities.

''(g) PILOT PROGRAMS.—

''(1) IN GENERAL.—The SBIR and STTR programs may initiate pilot programs, based on the development of a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the effectiveness of the program.

''(2) CONSIDERATIONS.—The SBIR and STTR programs shall consider, among other issues, conducting pilot programs on including individuals with commercialization experience

in study sections, hiring individuals with industry experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(h) ELECTRONIC RECORDS.—

''(1) IN GENERAL.—The SBIR and STTR programs shall keep a publicly accessible electronic record of all SBIR or STTR investments in research and development.

''(2) CONTENT OF RECORD.—The record described in paragraph (1) shall include, at a minimum, the following information:

''(A) The grantee or entity awarded a grant or contract.

''(B) A description of the research being funded.

''(C) The amount of money awarded in each phase of SBIR or STTR funding.

''(D) If applicable, the purchaser of the product, current use of the product, and estimated annual revenue resulting from the procurement.

''(E) Dates of Phases I, II, and III awards, as applicable.

''(F) Other metrics as determined by the SBIR or STTR programs.

''(i) MEETING.—The Director of NIH shall convene a meeting, not less frequently than annually, consisting of the National Institutes of Health SBIR/STTR program coordinator or manager and each institute and center of the National Institutes of Health to share best practices, report on program activities, and review existing policies.

''(j) REPORT TO CONGRESS.—The Director of NIH shall submit an annual report to Congress and the independent advisory board described in subsection (a) on the SBIR and STTR programs' activities.

''SEC. 499F–1. RAPID ACCESS TO INTERVENTION DEVELOPMENT.

''(a) IN GENERAL.—The Director of OPASI shall expand the existing Rapid Access to Intervention Development Program (referred to in this subpart as the 'RAID') that—

''(1) is designed to assist the translation of promising, novel, and scientifically meritorious therapeutic interventions to clinical use by helping investigators navigate the product development pipeline;

''(2) shall aim to remove barriers between laboratory discoveries and clinical trials of new molecular therapies, technologies, and other clinical interventions;

''(3) shall aim to progress, augment, and complement the innovation and research conducted in private entities to reduce duplicative and redundant work using public funds;

''(4) shall coordinate with the offices of the National Institutes of Health that promote translational research in the pre-clinical phase across the National Institutes of Health;

''(5) shall identify, for the OPASI, those research projects with promise for clinical application or commercialization; and

''(6) shall, in collaboration with the Translational Development Program for New Innovations, facilitate the translation of new innovations through the development process.

''(b) PROJECTS.—

''(1) IN GENERAL.—The RAID, in collaboration with the Director of OPASI, shall carry out a program that shall select, in accordance with paragraph (2), projects of eligible entities to receive access to laboratories, facilities, and other support resources of the National Institutes of Health for the preclinical development of drugs, biologics, diagnostics, and devices.

''(2) SELECTION.—Not less than 25 percent of the projects selected under paragraph (1) shall be selected on a competitive basis—

''(A) by a program manager with sufficient managerial, technical, and translational research expertise to adequately assess the quality of a project proposal; or

''(B) from a peer review process.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a university researcher;

''(B) a nonprofit research organization; or

''(C) a firm of less than 100 employees in collaboration with 1 or more universities or nonprofit organizations such as a community health center.

''(4) DISCONTINUE SUPPORT.—The RAID may discontinue support of a project if the project fails to meet commercialization success criteria established by the RAID.

''(c) DISCOVERIES FROM LAB TO CLINICAL PRACTICE.—The program under subsection (b) shall accelerate the process of bringing discoveries in medical technology and drugs from the laboratory to the clinic.

''(d) ONGOING REVIEW.—The RAID shall review, on an ongoing basis, potential products and may not support products past the proof-of-principle stage.

''SEC. 499F–2. TRANSLATIONAL DEVELOPMENT PROGRAM FOR NEW INNOVATIONS.

''(a) IN GENERAL.—The Director of OPASI shall develop a Translational Development Program for New Innovations to guide institutions of higher education, small businesses, for-profits, nonprofits, or other such entities through the translational research development process by facilitating the following:

''(1) Triage screening of applications for promising innovations expected to reduce disease incidence, morbidity, and mortality.

''(2) Outlining the tasks, timelines, and costs required to navigate and complete the development process for such innovations.

''(3) Providing project management support for the recommended development tasks.

''(4) Interfacing with the Food and Drug Administration and the entity to devise a plan that safely and rapidly brings new drugs, biologics devices, diagnostics, and other interventions to approval.

''(b) COORDINATION.—The Translational Development Program for New Innovations shall—

''(1) collaborate with the RAID; and

''(2) be comprised of personnel with extensive experience with investigational new drug applications and in commercialization.

''Subpart 7—Translational Research Fund

''SEC. 449G. TRANSLATIONAL RESEARCH FUND.

''(a) ACCOUNT.—There is established an account to be known as the Translational Research Fund that shall consist of amounts appropriated for translational research priorities as described in subsection (b). Such account shall not be funded from amounts otherwise provided to the National Institutes of Health.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated for the Translational Research Fund to carry out the activities under this part an amount equal to the amount set aside for the Common Fund for such fiscal year.

''(c) ALLOTMENT TO HEALTH ADVANCED RESEARCH PROJECTS PROGRAM.—Not less than half of the annual amount appropriated for the Translational Research Fund shall be allotted to the Health Advanced Research Projects Program.''.

SEC. 5. APPLICATION OF RESEARCH REQUIREMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404I. APPLICATION OF RESEARCH REQUIREMENT.

''Each application for, and summary of, a project, grant, or contract from the National Institutes of Health, shall include a statement on the possible application of the research for detecting, treating, or curing a health condition or disease state.''.

By Mrs. MURRAY (for herself and Mr. DOMENICI):

S. 2989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, it is estimated that 199 million Americans—or one in three—suffer from some kind of brain or nervous system illness, injury or disorder. Among these illnesses are debilitating diseases and conditions, including: Alzheimer's, multiple sclerosis, epilepsy, Parkinson's disease, and traumatic brain injury. These diseases are challenging for the patients and for their loved ones, who often have intense caretaker burdens.

In addition, our men and women fighting overseas are suffering from these conditions in record numbers. The signature injuries of the current conflicts in Iraq and Afghanistan are brain and spinal cord injuries, such as traumatic brain injury, post-traumatic stress disorder, and paralysis. For example, it is estimated that as many as 12 percent to 20 percent of servicemembers who have served in Iraq suffer from PTSD alone.

The combined economic burden of these illnesses and disorders is estimated at $1 trillion annually—and this cost is rising quickly as our population ages and our military conflicts continue. Recent discoveries are revolutionizing our understanding of the human brain, and new uses for these discoveries are emerging almost every day. At the same time, researchers still have a limited understanding of the human brain and how best to diagnose, treat, and cure its diseases. The current research system for neurological diseases is disjointed and often limits this life altering research from reaching the patients in need. For example, compared to the average drug, it costs nearly $100 million more—and takes 2 years longer—to bring a drug that treats a neurological disease to the market.

We need a targeted, coordinated, national effort to support the development of neurotechnology. It is vitally important that public infrastructure be developed to ensure that today's neurotechnology discoveries quickly become tools to improve the human condition. This research has the potential to transform highly specialized areas of medicine, computing, and defense. It could dramatically change Americans' everyday lives.

The National Neurotechnology Initiative Act addresses each of these issues. I am proud to be an original cosponsor with my colleague from New Mexico. Under this proposal, the National Institutes of Health would receive funds to coordinate research and

move research into innovative companies developing the next generation of treatments.

This legislation will also accelerate research and treatment of neurological diseases by removing key bottlenecks in the system. It will coordinate neurological research across Federal agencies, create a coordinated blueprint for neuroscience at the NIH, and streamline the FDA approval process for life changing neuro drugs—without sacrificing safety. All of this will mean more treatments faster for millions of Americans.

This act is an investment in America's neurological health. Investigation into the mechanisms and functions of the brain will lead to vastly improved understanding of brain disease and injuries and human behavior. It will give us an unprecedented ability to treat and heal those in need. The act also will dramatically reduce healthcare costs while expanding the American neurotechnology industry and creating good American jobs. Finally, this bill will help us honor our debt to the brave men and women of America's armed forces.

Today, I am proud to introduce this legislation with Senator DOMENICI. I thank him for his leadership on this issue, and I look forward to working with him and my other colleagues to pass this important legislation.

Mr. DOMENICI. Mr. President, I rise today to join my colleague, Senator MURRAY, to introduce the National Neurotechnology Initiative Act of 2008. Our bill will coordinate and accelerate federal brain and nervous system research, and will help move that research from the laboratory into the hands of patients.

It is estimated that approximately 100 million Americans—one in three—suffer from some kind of neurological illness, disorder, or injury. These include some of the most debilitating illnesses, such as Alzheimer's disease, Parkinson's disease, multiple sclerosis, autism, schizophrenia, and stroke. They include issues with a neurological basis that often goes unnoticed, such as obesity and hearing loss. They also include issues of particular importance to Senator MURRAY and me: traumatic brain injury, spinal cord injury, posttraumatic stress disorder, and other neurological effects suffered by the brave men and women of our armed forces as they execute their missions throughout the world.

The total economic burden of these neurological illnesses, disorders, and injuries is estimated to be more than one trillion dollars every year. These costs include direct medical treatment, long-term care for senior citizens who have been incapacitated by a neurological disease, addiction-related costs, secondary medical costs related to obesity, and so on.

As the baby boom generation ages, the cost associated with these illnesses will increase rapidly, straining our healthcare resources even further than they already are. Now is the time to act to promote the development of diagnostics, treatments, and cures that will restore health and reduce costs.

Our armed forces too often suffer from a traumatic brain injury, which is among the primary types of casualty that disables our service members. Some soldiers also suffer from posttraumatic stress disorder as well. We owe it to these heroic warriors to help them heal as quickly and as completely as possible.

The National Neurotechnology Initiative Act is designed to address four key issues currently slowing the development of neurological treatments, and to rapidly accelerate R&D for only three percent of the annual NIH brain research budget. The first is a lack of coordination between the many agencies that conduct brain research. The bill creates a coordinating office that will help ensure that the Department of Defense, the Department of Veterans Affairs, the National Institutes of Health, and other agencies know what every other agency is doing, and that they work together toward common goals.

The second issue is insufficient coordination within the National Institutes of Health. Sixteen different Institutes, Centers, and offices within NIH conduct research on the brain and nervous system, and they have begun to work together through a program called the Blueprint for Neuroscience Research. This bill authorizes and fully funds that program.

The third issue is the need to translate basic research into treatments. Advances in neurotechnology are useless if they merely sit in the lab. This bill boosts neuroscience-related technology transfer through the SBIR and STTR programs.

The fourth issue is regulatory approval of new neurotechnology drugs, diagnostics, and devices. Brain-related treatments take much longer and cost much more to approve than other treatments. This bill will increase the timeliness and safety of the neurotechnology review process by allowing the FDA to hire and train neuroscience experts and to work with industry to develop neurotechnology standards.

The bill also supports the analysis of societal implications of neuroscience and neurotechnology, so that we know we are proceeding thoughtfully and carefully in our research.

Brain and nervous system research is an issue that has been extremely important to me throughout my time in the Senate. I have long been a supporter of the MIND Research Network, which does amazing work on these issues in New Mexico; and I have worked hard to advance our ability to treat and cure brain and nervous system diseases and disorders. I hope that this legislation will be part of my legacy in this area.

I want to thank my good friend Senator MURRAY for asking me to join her on this very important issue. I appreciate her commitment to advancing this important research and I look forward to working with her to pass this legislation this Congress.

By Mr. KERRY (for himself, Mr. ALEXANDER, and Ms. STABENOW):

S 2990. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulines; to the Committee on Finance.

Mr. KERRY. Mr. President, we have the opportunity this year to help a group of Medicare beneficiaries who are currently subject to costly, bureaucratic red tape which is delaying essential, life-saving treatments to some of our most vulnerable citizens. Addressing this problem will increase the quality of life for many patients and ease financial burdens for their medical providers.

Between 6,000 and 10,000 Medicare beneficiaries have primary immunodeficiency diseases, PIDD, and require intravenous immunoglobulin, IVIG treatment to maintain a healthy immune system.

Primary Immunodeficiency Diseases are disorders in which part of the body's immune system is missing or does not function properly. These disorders are caused by intrinsic or genetic defects in the immune system. Untreated primary immune deficiencies result in frequent life-threatening infections and debilitating illnesses. Even illnesses such as the common cold or the flu, while unpleasant for most of us, can be deadly for someone with PIDD.

Because of advances in our medical understanding and treatment of primary immune deficiency diseases, individuals who in the past would not have survived childhood are now able to live nearly normal lives. While there is still no cure for PIDD, there are effective treatments available. Nearly 70 percent of primary immune deficient patients use intravenous immunoglobulin to maintain their health.

Immunoglobulin is a naturally occurring collection of highly specialized proteins, known as antibodies, which strengthen the body's immune response. It is derived from human plasma donations and is administered through an IV to the patient every three to four weeks.

Currently, Medicare beneficiaries needing IVIG treatments are experiencing access problems—an unintended result of the way Medicare has determined the payment for IVIG. The current IVIG access and care issue began in January 2005 as a result of the Medicare Modernization Act under Part B, which changed the way physicians and hospital outpatient departments were paid under Medicare. The law reduced IVIG reimbursement rates such that most physicians in outpatient settings could no longer afford to treat Medicare patients requiring IVIG. In addition, access to home based infusion

therapy is limited since Medicare currently pays only for the cost of IVIG, and not nursing services and supplies required for infusion.

As a result, patients are experiencing delays in receiving this life saving treatment and are being shifted to more expensive care settings such as inpatient hospitals. In addition to incurring extra expenses, hospital-based care results in patients being in close proximity to countless microorganisms, an unsafe prospect for those who have suppressed immune systems.

In April 2007, the U.S. Department of Health and Human Services Office of the Inspector General, OIG,reported that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. In fact, the OIG found that 44 percent of hospitals and 41 percent of physicians were unable to purchase IVIG at the Medicare reimbursements rate during the 3rd quarter of 2006. The previous quarter had been even worse—77.2 percent of hospitals and 96.5 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate.

We have a rare opportunity to fix this very real problem with a compassionate and common sense solution. We can improve the quality of life for PIDD patients and cut inpatient expenses by improving reimbursement procedures for IVIG treatments for physicians and outpatient facilities and allowing for home treatments and coverage for related services.

Today, I am introducing—along with Senators ALEXANDER and STABENOW—the bipartisan Medicare IVIG Access Act, a bill that will grant the Secretary of Health & Human Services temporary authority to update the payment for IVIG, if necessary based on new or existing data, and to provide coverage for related items and services currently excluded from the existing Medicare home infusion therapy benefit. This bill is endorsed by several national organizations from the patient and physician communities, including the Immune Deficiency Foundation, IDF, GBS/CIDP Foundation International, the Jeffrey Modell Foundation JMF, the Platelet Disorder Support Association, PDSA, the National Patient Advocate Foundation, NPAF, and the Clinical Immunology Society, CIS.

The patients, physicians, caretakers, researchers, and plasma donors have all done their part—now it's time for us to do ours.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2990

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare IVIG Access Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Medicare payment for intravenous immune globulins.
Sec. 4. Coverage and payment of intravenous immune globulin in the home.
Sec. 5. Reports.
Sec. 6. Offset.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Intravenous immune globulin (IVIG) is a human blood plasma derived product, which over the past 25 years has become an invaluable therapy for many primary immunodeficiency diseases, as well as a number of neurological, autoimmune, and other chronic conditions and illnesses. For many of these disorders, IVIG is the most effective and viable treatment available, and has dramatically improved the quality of life for persons with these conditions and has become a life-saving therapy for many.

(2) The Food and Drug Administration recognizes each IVIG brand as a unique biologic. The differences in basic fractionation and the addition of various modifications for further purification, stabilization, and virus inactivation/removal yield clearly different biological products. As a result, IVIG therapies are not interchangeable, with patient tolerance differing from one IVIG brand to another.

(3) The report of the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, ''Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)'', that was issued in May 2007, found that IVIG manufacturing is complex and requires substantial up-front cash outlay and planning and takes between 7 and 12 months from plasma collection at donor centers to lot release by the Food and Drug Administration.

(4) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066) changed Medicare's reimbursement methodology for IVIG from average wholesale price (AWP) to average sales price plus 6 percent (ASP+6 percent), effective January 1, 2005, for physicians, and January 1, 2006, for hospital outpatient departments, thereby reducing reimbursement rates paid to those providers of IVIG on behalf of Medicare beneficiaries.

(5) An April 2007 report of the Office of Inspector General of the Department of Health and Human Services, ''Intravenous Immune Globulin: Medicare Payment and Availability'', found that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. During the third quarter of 2006, 44 percent of IVIG sales to hospitals and 41 percent of sales to physicians by the 3 largest distributors occurred at prices above Medicare payment amounts.

(6) The report of the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, ''Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)'' notes that, after the new reimbursement rules for physicians were instituted in 2005, 42 percent of Medicare beneficiaries who had received their IVIG treatment in their physician's office at the end of 2004 were shifted to the hospital outpatient setting by the beginning of 2006. This shift in site of care has resulted in a lack of continuity of care and has had an adverse impact on health outcomes and quality of life.

(7) The Office of Inspector General of the Department of Health and Human Services also reported that 61 percent of responding physicians indicated that they had sent patients to hospitals for IVIG treatment, largely because of their inability to purchase IVIG at prices below the Medicare payment amounts. In addition, the Office of Inspector General found that some physicians had stopped providing IVIG to Medicare beneficiaries altogether.

(8) The Office of Inspector General's 2007 report concluded that whatever improvement some providers saw in the relationship of Medicare reimbursement for IVIG to prices paid during the first 3 quarters of 2006 would be eroded if manufacturers were to increase prices for IVIG in the future.

(9) The Centers for Medicare & Medicaid Services, in recognition of dislocations experienced by patients and providers in obtaining IVIG since the change to the ASP+6 reimbursement methodology, has provided a temporary additional payment during 2006 and 2007 for IVIG preadministration-related services to compensate physicians and hospital outpatient departments for the extra resources they have had to expend in locating and obtaining appropriate IVIG products and in scheduling patient infusions.

(10) Approximately 10,000 Medicare beneficiaries receive IVIG treatment for their primary immunodeficiency disease in a variety of different settings. Those beneficiaries have no other effective treatment for their condition.

(11) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 established an IVIG home infusion benefit for persons with primary immune deficiency disease, paying only for IVIG and specifically excluding coverage of items and services related to administration of the product.

(12) The report of the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, ''Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)'', noted that, because of limitations in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 provision, Medicare's IVIG home infusion benefit is not designed to provide reimbursement for more than the cost of IVIG and does not cover the cost of infusion services (such as nursing and clinical services and supplies) in the home. As a consequence, the report found that home infusion providers generally do not accept new patients who have primary immune deficiency disease and only have Medicare coverage. These limitations in service are caused by health care providers—

(A) not being able to acquire IVIG at prices at or below the Medicare part B reimbursement level; and

(B) not being reimbursed for the infusion services provided by a nurse.

(13) Access to home infusion of IVIG for patients with primary immune deficiency disease, who have a genetic or intrinsic defect in their human immune system, will reduce their exposure to infections at a time when their antibodies are compromised and will improve the quality of care and health of the patient.

SEC. 3. MEDICARE PAYMENT FOR INTRAVENOUS IMMUNE GLOBULINS.

(a) IN GENERAL.—Section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) is amended—

(1) in paragraph (1)(E)(ii), by inserting '', plus an additional amount (if applicable) under paragraph (7)'' before the period at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

''(7)(A) Not later than 6 months after the date of enactment of the Medicare IVIG Access Act of 2008, the Secretary shall—

''(i) collect data on the differences, if any, between payments to physicians for intravenous immune globulin under paragraph (1)(E)(ii) and costs incurred by physicians for furnishing such products; and

''(ii) review available data, including survey and pricing data collected by the Federal Government and data presented by members of the intravenous immune globulin community on the access of individuals eligible for services under this part to intravenous immune globulin and the differences described in clause (i).

''(B) Subject to subparagraph (C), in the case of intravenous immune globulin furnished on or after the date of enactment of this paragraph, the Secretary shall continue the IVIG preadministration-related services payment established under the final rule promulgated by the Secretary in the Federal Register on November 27, 2007 (72 Fed. Reg. 66254), until such time as the Secretary determines that payment for intravenous immune globulin is adequate.

''(C) Upon collection of data and completion of the review under subparagraph (A), the Secretary shall, during a 2-year period beginning not later than 7 months after such date of enactment, provide, if appropriate, to physicians furnishing intravenous immune globulins, a payment, in addition to the payment under paragraph (1)(E)(ii) and instead of the IVIG preadministration-related services payment under subparagraph (B), for all items related to the furnishing of intravenous immune globulin, in an amount the Secretary determines to be appropriate.''.

(b) AS PART OF HOSPITAL OUTPATIENT SERVICES.—Section 1833(t)(14) of such Act (42 U.S.C. 1395l(t)(14)) is amended—

(1) in subparagraph (A)(iii), by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (I)''; and

(2) by adding at the end the following new subparagraph:

''(I) ADDITIONAL PAYMENT FOR INTRAVENOUS IMMUNE GLOBULIN.—

''(i) DATA COLLECTION AND REVIEW.—Not later than 6 months after the date of enactment of the Medicare IVIG Access Act of 2008, the Secretary shall—

''(I) collect data on the differences, if any, between payments of intravenous immune globulin under subparagraph (A)(iii) and costs incurred by a hospital for furnishing such products; and

''(II) review available data, including survey and pricing data collected by the Federal Government and data presented by members of the intravenous immune globulin community on the access of individuals eligible for services under this part to intravenous immune globulin and the differences described in subclause (I).

''(ii) CONTINUATION OF SPECIAL PAYMENT RULE.—Subject to clause (iii), in the case of intravenous immune globulin furnished on or after the date of enactment of this subparagraph, the Secretary shall continue the IVIG preadministration-related services payment established under the final rule promulgated by the Secretary in the Federal Register on November 27, 2007 (72 Fed. Reg. 66697), until such time as the Secretary determines that payment for intravenous immune globulin is adequate.

''(iii) ADDITIONAL PAYMENT AUTHORITY.—Upon collection of data and completion of the review under clause (i), the Secretary shall, during a 2-year period beginning not later than 7 months after such date of enactment, provide, if appropriate, to hospitals furnishing intravenous immune globulin as part of a covered OPD service, in addition to the payment under subparagraph (A)(iii) and instead of the IVIG preadministration-related services payment under clause (ii), for all items related to the furnishing of intravenous immune globulin, in an amount the Secretary determines to be appropriate.''.

SEC. 4. COVERAGE AND PAYMENT OF INTRAVENOUS IMMUNE GLOBULIN IN THE HOME.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)(Z), by inserting ''and items and services related to the administration of intravenous immune globulin'' after ''globulin''; and

(2) in subsection (zz), by striking ''but not including items or services related to the administration of the derivative,''.

(b) PAYMENT FOR INTRAVENOUS IMMUNE GLOBULIN ADMINISTRATION IN THE HOME.—Section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o), as amended by section 3, is amended—

(1) in paragraph (1)(E)(ii), by striking ''paragraph (7)'' and inserting ''paragraph (7) or (8)'';

(2) by redesignating paragraph ''(8)'' as paragraph ''(9)''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8)(A) Subject to subparagraph (B), in the case of intravenous immune globulins described in section 1861(s)(2)(Z) that are furnished on or after January 1, 2008, the Secretary shall provide for a separate payment for items and services related to the administration of such intravenous immune globulins in an amount that the Secretary determines to be appropriate based on a review of available published and unpublished data and information, including the Study of Intravenous Immune Globulin Administration Options: Safety, Access, and Cost Issues conducted by the Secretary (CMS Contract #500–95–0059). Such payment amount may take into account the following:

''(i) Pharmacy overhead and related expenses.

''(ii) Patient service costs.

''(iii) Supply costs.

''(B) The separate payment amount provided under this paragraph for intravenous immune globulins furnished in 2009 or a subsequent year shall be equal to the separate payment amount determined under this paragraph for the previous year increased by the percentage increase in the medical care component of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.''.

SEC. 5. REPORTS.

(a) REPORT BY THE SECRETARY.—Not later than 7 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall submit a report to Congress on the following:

(1) The results of the data collection and review conducted by the Secretary under subparagraph (A) of section 1842(o)(7) of the Social Security Act, as added by section 3(a), and clause (i) of section 1833(t)(14)(I) of such Act, as added by section 3(b).

(2) Whether the Secretary plans to use the authority under subparagraph (C) of such section 1842(o)(7) and clause (iii) of such section 1833(t)(14)(I) to provide an additional payment to physicians furnishing intravenous immune globulins.

(b) MEDPAC REPORT.—Not later than 2 years after the date of enactment of this Act, the Medicare Payment Advisory Commission shall submit a report to the Secretary and to Congress that contains the following:

(1) In the case where the Secretary has used the authority under sections 1842(o)(7)(C) and 1833(t)(14)(I)(iii) of the Social Security Act, as added by subsections (a) and (b), respectively, of section 3 to provide an additional payment to physicians furnishing intravenous immune globulins during the preceding year, an analysis of whether beneficiary access to intravenous immune globulins under the Medicare program under title XVIII of the Social Security Act has improved as a result of the Secretary's use of such authority.

(2) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(3) An analysis of the feasibility of reducing the lag time with respect to data used to determine average sales price under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a).

(4) Recommendations for such legislation and administrative action as the Medicare Payment Advisory Commission determines appropriate, including recommendations for such legislation and administrative action as the Commission determines is necessary to implement any methodology analyzed under paragraph (2).

SEC. 6. OFFSET.

Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by adding at the end the following: ''Such term includes disposable drug delivery systems, including elastomeric infusion pumps, for the treatment of colorectal cancer.''.

By Mr. REID (for himself, Mr. SCHUMER, Mr. LEVIN, Mr. WYDEN, Mr. INOUYE, Mr. CARDIN, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mrs. MCCASKILL, and Mr. DURBIN):

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2991

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer-First Energy Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS
Sec. 101. Denial of deduction for major integrated oil companies for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 102. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 103. Windfall profits tax.

Sec. 104. Energy Independence and Security Trust Fund.

TITLE II—PRICE GOUGING

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Energy emergency and additional price gouging enforcement.
Sec. 204. Presidential declaration of energy emergency.
Sec. 205. Enforcement by the Federal Trade Commission.
Sec. 206. Enforcement by State attorneys general.
Sec. 207. Penalties.
Sec. 208. Effect on other laws.

TITLE III—STRATEGIC PETROLEUM RESERVE

Sec. 301. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

Sec. 401. No Oil Producing and Exporting Cartels Act of 2008.

TITLE V—MARKET SPECULATION

Sec. 501. Speculative limits and transparency for off-shore oil trading.
Sec. 502. Margin level for crude oil.

SEC. 2. FINDINGS.

Congress finds that—

(1) excessive prices for petroleum products have created, or imminently threaten to create, severe economic dislocations and hardships, including the loss of jobs, business failures, disruption of economic activity, curtailment of vital public services, and price increases throughout the economy;

(2) those hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy and economic crisis that is a threat to the public health, safety, and welfare of the United States;

(3) consumers, workers, small businesses, and large businesses of the United States are particularly vulnerable to those price increase due to the failure of the President to aggressively develop alternatives to petroleum and petroleum products and to promote efficiency and conservation;

(4) reliable and affordable supplies of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) are vital to the economic and national security of the United States given current energy infrastructure and technology;

(5) the price of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) have skyrocketed to record levels and are continuing to rise;

(6) since 2001, oil prices have increased from $29 per barrel to levels near $120 per barrel and gasoline prices have more than doubled from $1.47 per gallon to more than $3.50 per gallon;

(7) the record prices for crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel)—

(A) are hurting millions of consumers, workers, small businesses, and large businesses of the United States, and threaten long-term damage to the economy and security of the United States;

(B) are partially due to—

(i) the declining value of the dollar and a widespread lack of confidence in the management of economic and foreign policy by the President;

(ii) the accumulation of national debt and growing budget deficits under the failed economic policies of the President; and

(iii) high levels of military expenditures under the failed policies of the President in Iraq; and

(C) are no longer justified by traditional forces of supply and demand;

(8) rampant speculation in the markets for crude oil and products refined from crude oil has magnified the price increases and market volatility resulting from those underlying causes of price increases; and

(9) Congress must take urgent action to protect consumers, workers, and businesses of the United States from rampant speculation in the energy markets and the price increases resulting from the failed domestic and foreign policies of the President.

TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS

SEC. 101. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 102. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 of the Internal Revenue Code of 1986 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) of the Internal Revenue Code of 1986 (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2008 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Consumer-First Energy Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of

clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Consumer-First Energy Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) of the Internal Revenue Code of 1986 (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

(2) by adding at the end the following new paragraph:

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Consumer-First Energy Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) of the Internal Revenue Code of 1986 is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 103. WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

''CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

''Sec. 5896. Imposition of tax.
''Sec. 5897. Windfall profit; qualified investment.
''Sec. 5898. Special rules and definitions.

''SEC. 5896. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 25 percent of the excess of—

''(1) the windfall profit of such taxpayer, over

''(2) the amount of the qualified investment of such applicable taxpayer.

''(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means any major integrated oil company (as defined in section 167(h)(5)(B)).

''SEC. 5897. WINDFALL PROFIT; QUALIFIED INVESTMENT.

''(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

''(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

''(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

''(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

''(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2001–2005 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

''(d) QUALIFIED INVESTMENT.—For purposes of this chapter—

''(1) IN GENERAL.—The term 'qualified investment' means, with respect to any applicable taxpayer, means any amount paid or incurred with respect to—

''(A) section 263(c) costs,

''(B) qualified refinery property (as defined in section 179C(c) and determined without regard to any termination date),

''(C) any qualified facility described in paragraph (1), (2), (3), or (4) of section 45(d) (determined without regard to any placed in service date), or

''(D) any facility for the production renewable fuel or advanced biofuel (as defined in section 211(o) of the Clean Air Act 942 U.S.C. 7545).

''(2) SECTION 263(c) COSTS.—For purposes of this subsection, the term 'section 263(c) costs' means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

''SEC. 5898. SPECIAL RULES AND DEFINITIONS.

''(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

''(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

''(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

''(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.''.

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The windfall profit tax imposed by section 5896.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 104. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.

(a) ESTABLISHMENT.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

''SEC. 9511. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as 'Energy Independence and Security Trust Fund' (referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the increase in the revenues received in the Treasury as the result of the amendments made by sections 101, 102, and 103 of the Consumer-First Energy Act of 2008.

''(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for the purposes of reducing the dependence of the United States on foreign and unsustainable energy sources and reducing the risks of global warming through programs and measures that—

''(1) reduce the burdens on consumers of rising energy prices;

''(2) diversify and expand the use of secure, efficient, and environmentally-friendly energy supplies and technologies;

''(3) result in net reductions in emissions of greenhouse gases; and

''(4) prevent energy price gouging, profiteering, and market manipulation.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

''Sec. 9511. Energy Independence and Security Trust Fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—PRICE GOUGING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, petroleum distillates, or biofuel.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil, gasoline, petroleum distillates, or biofuel was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, petroleum distillates, or biofuel, and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

SEC. 203. ENERGY EMERGENCY AND ADDITIONAL PRICE GOUGING ENFORCEMENT.

(a) IN GENERAL.—During any energy emergency declared by the President under section 204 of this title, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline, petroleum distillates, or biofuel subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline, other petroleum distillates, or biofuel the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 204. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, petroleum distillates, or biofuel due to a disruption in the national distribution system for crude oil, gasoline, petroleum distillates, or biofuel (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, petroleum distillates, or biofuel the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 205. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 203 of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, petroleum distillates, and biofuel in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 204 of this title, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, petroleum distillates, or biofuel in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 203 of this title, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 206. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 203 of this title, or to impose the civil penalties authorized by section 207 for violations of section 203, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline, petroleum distillates, or biofuel in violation of section 203 of this title.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where 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 defendant 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.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 207. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 203 of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 203 of this title is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 203 of this title is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 208. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE III—STRATEGIC PETROLEUM RESERVE

SEC. 301. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

SEC. 401. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2008'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

TITLE V—MARKET SPECULATION

SEC. 501. SPECULATIVE LIMITS AND TRANSPARENCY FOR OFF-SHORE OIL TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—In the case of any foreign board of trade for which the Commission has granted or is considering an application to grant a board of trade located outside of the United States relief from the requirement of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, with respect to an energy commodity that is physically delivered in the United States, prior to continuing to or initially granting the relief, the Commission shall determine that the foreign board of trade—

''(A) applies comparable principles or requirements regarding the daily publication of trading information and position limits or accountability levels for speculators as apply to a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States; and

''(B) provides such information to the Commission regarding the extent of speculative and nonspeculative trading in the energy commodity that is comparable to the information the Commission determines necessary to publish a Commitment of Traders report for a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—During the period beginning 1 year after the date of enactment of this subsection and ending 18 months after the date of enactment of this subsection, the Commission shall determine whether to continue to grant relief in accordance with paragraph (1) to any foreign board of trade for which the Commission granted relief prior to the date of enactment of this subsection.''.

SEC. 502. MARGIN LEVEL FOR CRUDE OIL.

(a) IN GENERAL.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

''(G) MARGIN LEVEL FOR CRUDE OIL.—Not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to set a substantial increase in margin levels for crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act in order to reduce excessive speculation and protect consumers.''.

(b) STUDIES.—

(1) STUDY RELATING TO EFFECT OF CERTAIN REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall submit to the appropriate committees of Congress a report describing the effect of the amendment made by subsection (a) on any trading facilities and agreements, contracts, and transactions covered by the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(2) STUDY RELATING TO EFFECTS OF CHANGES IN MARGIN LEVELS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report describing the effect (including any effect relating to trade volume or volatility) of any change of a margin level that occurred during the 10-year period ending on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 554—EXPRESSING THE SENSE OF THE SENATE ON HUMANITARIAN ASSISTANCE TO BURMA AFTER CYCLONE NARGIS

Mr. KERRY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DODD, Mr. OBAMA, Mr. WEBB, Ms. MURKOWSKI, Mr. KENNEDY, Mr. MENENDEZ, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. HAGEL, Mrs. BOXER, Mrs. CLINTON, Mrs. DOLE, Mr. MCCAIN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 554

Whereas, on May 3, 2008, Cyclone Nargis devastated Burma, leaving an estimated 22,500 people dead, 41,000 missing, and 1,000,000 homeless;

Whereas, on May 5, 2008, the United States embassy in Burma issued a disaster declaration authorizing $250,000 in immediate humanitarian assistance to the people of Burma;

Whereas, on May 5, 2008, First Lady Laura Bush stated that the United States will ''work with the U.N. and other international nongovernmental organizations to provide water, sanitation, food, and shelter. More assistance will be forthcoming'';

Whereas, on May 5, 2008, Department of State Deputy Spokesman Tom Casey stated that the United States has ''a disaster assistance response team that is standing by and ready to go in to Burma to help try to assess need there'';

Whereas, on May 6, 2008, President George W. Bush said, ''The United States has made an initial aid contribution, but we want to do a lot more. We're prepared to move U.S. Navy assets to help find those who've lost their lives, to help find the missing, to help stabilize the situation. But in order to do so, the military junta must allow our disaster assessment teams into the country.'';

Whereas, on May 6, 2008, President Bush pledged $3,000,000 in emergency assistance to victims of Cyclone Nargis, and stated that allowing the disaster assistance response team to enter the country would facilitate additional support;

Whereas the European Union has pledged to deliver $3,000,000 in initial emergency disaster assistance to Burma;

Whereas according to the United Nations Country Team in Burma, the average household in Burma is forced to spend almost ¾ of its budget on food and 1 in 3 children under the age of 5 is suffering from malnutrition;

Whereas the prevalence of tuberculosis in Burma is among the highest in the world, with nearly 97,000 new cases detected annually, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005 and over 600,000 are currently infected, and the World Health Organization has ranked the health sector of Burma as 190th out of 191 countries;

Whereas the failure of Burma's ruling State Peace and Development Council to meet the most basic humanitarian needs of the people of Burma has caused enormous suffering inside Burma and driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas, in the aftermath of Cyclone Nargis, the State Peace and Development Council continues to restrict the access and freedom of movement of international nongovernmental organizations to deliver humanitarian assistance throughout Burma: Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) to express deep sympathy to and strong support for the people of Burma, who have endured tremendous hardships over many years and face especially dire humanitarian conditions in the aftermath of Cyclone Nargis;

(2) to support the decision of President Bush to provide immediate emergency humanitarian assistance to Burma through nongovernmental organizations that are not affiliated with the Burmese regime or its officials and can effectively provide such assistance directly to the people of Burma;

(3) to stand ready to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond;

(4) to call upon the State Peace and Development Council to immediately lift restrictions on delivery of humanitarian assistance and allow free and unfettered access to the United States Government's disaster assistance response team and any organizations that legitimately provide humanitarian assistance; and

(5) that the United States Agency for International Development should conduct a comprehensive evaluation of which organizations are capable of providing humanitarian assistance directly to the people throughout Burma without interference by the State Peace and Development Council.

SENATE CONCURRENT RESOLUTION 80—URGING THE PRESIDENT TO DESIGNATE A NATIONAL AIRBORNE DAY IN RECOGNITION OF PERSONS WHO ARE SERVING OR HAVE SERVED IN THE AIRBORNE FORCES OF THE ARMED SERVICES

Mr. HAGEL (for himself, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. REID, Ms. SNOWE, and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 80

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's ''Silver Wings of Courage'', thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the President to designate a National Airborne Day.

SENATE CONCURRENT RESOLUTION 81—SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures, such as leading a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular checkups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, and American Indian-Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the offices of women's health within the Department of Health and Human Services, the Food and Drug Administration,

the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services that support women's health research and education and other necessary services that benefit women of all ages, races, and ethnicities;

Whereas National Women's Health Week begins on Mother's Day each year and celebrates the efforts of national and community organizations that work with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2008, the week of May 11 through May 17 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day on May 12, 2008 by receiving preventive screenings from their healthcare providers; and

(5) recognizes the importance of Federally funded programs that provide research and collect data on diseases that commonly affect women.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4713. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

SA 4714. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4715. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4716. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4717. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4718. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4719. Mr. WICKER (for himself, Mr. MARTINEZ, Mrs. CLINTON, Mr. VITTER, Ms. LANDRIEU, Mr. COCHRAN, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4720. Mr. McCONNELL (for himself, Mr. DOMENICI, Mr. ROBERTS, Mr. GREGG, Mrs. HUTCHISON, Mr. ISAKSON, Mr. STEVENS, Mr. INHOFE, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Ms. MURKOWSKI, Mr. BOND, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, and Mr. BARRASSO) proposed an amendment to the bill S. 2284, supra.

SA 4721. Mr. ALLARD proposed an amendment to amendment SA 4720 proposed by Mr. McCONNELL (for himself, Mr. DOMENICI, Mr. ROBERTS, Mr. GREGG, Mrs. HUTCHISON, Mr. ISAKSON, Mr. STEVENS, Mr. INHOFE, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Ms. MURKOWSKI, Mr. BOND, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, and Mr. BARRASSO) to the bill S. 2284, supra.

SA 4722. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4723. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4726. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4727. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4728. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4729. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4730. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4731. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4732. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4713. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.; which was ordered to lie on the table; as follows:

On page 25, line 2, strike ''; and'' and insert a semicolon.

On page 25, line 5, strike the period and insert a semicolon.

On page 25, between lines 5 and 6, insert the following:

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

SA 4714. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 133. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

''(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

''(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

''(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

''(A) cover losses only from physical damage resulting from flooding or windstorm; and

''(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

''(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

''(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil

coverage under this subsection, subject to the provisions of this subsection, including—

''(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

''(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

''(C) the classification, limitation, and rejection of any risks which may be advisable;

''(D) appropriate minimum premiums;

''(E) appropriate loss deductibles; and

''(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

''(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

''(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

''(i) for any single-family dwelling, $500,000;

''(ii) for any structure containing more than 1 dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

''(iii) $150,000 per dwelling unit for—

''(I) any contents related to such unit; and

''(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

''(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure; and

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) REQUIREMENT TO CEASE OFFERING COVERAGE IF BORROWING TO PAY CLAIMS.—If at any time the Director utilizes the borrowing authority under section 1309(a) for the purpose of obtaining amounts to pay claims under multiperil coverage made available under this subsection, the Director may not, during the period beginning upon the initial such use of such borrowing authority and ending upon repayment to the Secretary of the Treasury of the full amount of all outstanding notes and obligations issued by the Director for such purpose, together with all interest owed on such notes and obligations, enter into any new policy, or renew any existing policy, for coverage made available under this subsection.

''(9) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), as amended by section 26, is further amended by adding at the end the following:

''SEC. 1315. PROHIBITION AGAINST DUPLICATIVE COVERAGE.

''Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

(2) by adding at the end the following new subsection:

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

SA 4715. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 4 after the first period, insert the following:

''(h) USE OF MAPS TO ESTABLISH RATES FOR CERTAIN COUNTIES.—

''(1) IN GENERAL.—Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Director shall not—

''(A) adjust the chargeable premium rate for flood insurance under this title for any type or class of property located in an area in that District; and

''(B) require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map.

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, the term 'area' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this title as of the date of enactment of this subsection.''.

SA 4716. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISASTER ASSISTANCE.

No person shall be eligible to receive disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Small Business Act (15 U.S.C. 631 et seq.) relating to damage to a property located in a 100-year floodplain caused by flooding, unless prior to such flooding that person purchased and maintained flood insurance for that property under the national flood insurance program established under chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

SA 4717. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 6, strike ''and''.

On page 8, line 9, strike ''policy.''.'' and insert the following: ''policy; and

''(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

''(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

''(B) in connection with—

''(i) a repetitive loss property; or

''(ii) a severe repetitive loss property, as that term is defined under section 1361A.''.

SA 4718. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as previously amended by this Act, is further amended—

(1) in subsection (c), by inserting ''and subsection (i)'' before the first comma; and

(2) by adding at the end the following new subsection:

''(i) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected by a flood protection system and that, pursuant to any updating, reviewing, or remapping of flood insurance program rate maps under this Act or any other subsequent Act, becomes designated as such an area as a result of the decertification of such flood protection system, during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any property that prior to the date of enactment of the Homeowner's Flood Insurance Protection Act of 2007 was located within such area shall be equal to 50 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1), any new property or structure developed, constructed, or otherwise built after the date of enactment of the Homeowner's Flood Insurance Protection Act of 2007 on any property described in such paragraph shall not be eligible for the chargeable premium rate discount under such paragraph.''.

SA 4719. Mr. WICKER (for himself, Mr. MARTINEZ, Mrs. CLINTON, Mr. VITTER, Ms. LANDRIEU, Mr. COCHRAN, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, insert the following:

SEC. _____. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

''(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

''(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

''(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

''(A) cover losses only from physical damage resulting from flooding or windstorm; and

''(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

''(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

''(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

''(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

''(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

''(C) the classification, limitation, and rejection of any risks which may be advisable;

''(D) appropriate minimum premiums;

''(E) appropriate loss deductibles; and

''(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

''(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

''(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

''(i) for any single-family dwelling, $500,000;

''(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

''(iii) $150,000 per dwelling unit for—

''(I) any contents related to such unit; and

''(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

''(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure; and

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

''PROHIBITION AGAINST DUPLICATIVE COVERAGE

''SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

(2) by adding at the end the following new subsection:

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to

the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

SA 4720. Mr. MCCONNELL (for himself, Mr. DOMENICI, Mr. ROBERTS, Mr. GREGG, Mrs. HUTCHISON, Mr. ISAKSON, Mr. STEVENS, Mr. INHOFE, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Ms. MURKOWSKI, Mr. BOND, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, and Mr. BARRASSO) proposed an amendment to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

On page 72, line 15, of the bill strike ''House of Representatives'' and insert: House of Representatives.

SECTION 33. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Energy Production Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.
TITLE I—TRADITIONAL RESOURCES
Subtitle A—Outer Continental Shelf
Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendment.
Subtitle B—Leasing Program for Land Within Coastal Plain
Sec. 111. Definitions.
Sec. 112. Leasing program for land within the Coastal Plain.
Sec. 113. Lease sales.
Sec. 114. Grant of leases by the Secretary.
Sec. 115. Lease terms and conditions.
Sec. 116. Coastal plain environmental protection.
Sec. 117. Expedited judicial review.
Sec. 118. Rights-of-way and easements across Coastal Plain.
Sec. 119. Conveyance.
Sec. 120. Local government impact aid and community service assistance.
Sec. 121. Prohibition on exports.
Sec. 122. Allocation of revenues.
Subtitle C—Permitting
Sec. 131. Refinery permitting process.
Sec. 132. Removal of additional fee for new applications for permits to drill.
Subtitle D—Strategic Petroleum Reserve
Sec. 141. Suspension of petroleum acquisition for Strategic Petroleum Reserve.
Subtitle E—Restoration of State Revenue
Sec. 151. Restoration of State revenue.
TITLE II—ALTERNATIVE RESOURCES
Subtitle A—Renewable Fuel and Advanced Energy Technology
Sec. 201. Definition of renewable biomass.
Sec. 202. Advanced battery manufacturing incentive program.
Sec. 203. Biofuels infrastructure and additives research and development.
Sec. 204. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 205. Study of diesel vehicle attributes.
Subtitle B—Clean Coal-Derived Fuels for Energy Security
Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Clean coal-derived fuel program.
Subtitle C—Oil Shale
Sec. 221. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.
Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development
Sec. 231. Procurement and acquisition of alternative fuels.
Sec. 232. Multiyear contract authority for the Department of Defense for the procurement of synthetic fuels.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: ''not later than 90 days after the date of enactment of the Domestic Energy Production Act of 2008''; and

(3) by inserting after clause (i) (as so designated) the following:

''(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

''(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

''(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.''.

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the

new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 103. CONFORMING AMENDMENT.

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FEDERAL AGREEMENT.—The term ''Federal Agreement'' means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 113. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 114. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 115. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 16½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 112(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this subtitle negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;
(C) North Slope Borough, Alaska; and
(D) the City of Kaktovik, Alaska.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 120. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'').

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, $35,000,000 each year from the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the ''Governor'') shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $35,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term ''refinery'' includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term ''refinery expansion'' means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body

of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(5) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(6) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(7) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(8) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(9) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(10) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(12) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(c) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than 1 year, an interim report on actions taken to carry out this subsection; and

(B) not later than 2 years, a final report on actions taken to carry out this subsection.

SEC. 132. REMOVAL OF ADDITIONAL FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of the matter under the heading ''MANAGEMENT OF LANDS AND RESOURCES'' under the heading ''BUREAU OF LAND MANAGEMENT'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2098) is amended by striking ''to be reduced'' and all that follows through ''each new application,''.

Subtitle D—Strategic Petroleum Reserve

SEC. 141. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the 180-day period beginning on the date of enactment of this Act—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Effective beginning on the day after the end of the period described in subsection (a)—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

Subtitle E—Restoration of State Revenue

SEC. 151. RESTORATION OF STATE REVENUE.

The matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109) is amended by striking ''Notwithstanding'' and all that follows through ''Treasury.''.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(i) nonmerchantable materials or precommercial thinnings that—

''(I) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

''(aa) to reduce hazardous fuels;

''(bb) to reduce or contain disease or insect infestation; or

''(cc) to restore forest health;

''(II) would not otherwise be used for higher-value products; and

''(III) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

''(aa) where permitted by law; and

''(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

''(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) renewable plant material, including—

''(aa) feed grains;

''(bb) other agricultural commodities;

''(cc) other plants and trees; and

''(dd) algae; and

''(II) waste material, including—

''(aa) crop residue;

''(bb) other vegetative waste material (including wood waste and wood residues);

''(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

''(dd) food waste and yard waste.''.

SEC. 202. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in

which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

SEC. 203. BIOFUELS INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Assistant Administrator of the Office of Research and Development of the Environmental Protection Agency (referred to in this section as the ''Assistant Administrator''), in consultation with the Secretary and the National Institute of Standards and Technology, shall carry out a program of research and development of materials to be added to biofuels to make the biofuels more compatible with infrastructure used to store and deliver petroleum-based fuels to the point of final sale.

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, handling, and dispensing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(8) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment; and

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE ATTRIBUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study to identify—

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E-85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (2).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Clean Coal-Derived Fuels for Energy Security Act of 2008''.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term ''clean coal-derived fuel'' means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) INCLUSIONS.—The term ''clean coal-derived fuel'' may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term ''covered fuel'' means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of clean coal-derived fuel (in billions of gallons):
2015	0.75
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Oil Shale

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 232. MULTIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear contract authority: purchase of synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

''(b) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear contract authority: purchase of synthetic fuels.''.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4721. Mr. ALLARD proposed an amendment to amendment SA 4720 proposed by Mr. MCCONNELL to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency to the flood insurance fund, and for other purposes; as follows:

On Page 1, strike all after ''TITLE I—TRADITIONAL RESOURCES'' and insert:

Subtitle A—Outer Continental Shelf

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendment.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 111. Definitions.
Sec. 112. Leasing program for land within the Coastal Plain.
Sec. 113. Lease sales.
Sec. 114. Grant of leases by the Secretary.
Sec. 115. Lease terms and conditions.
Sec. 116. Coastal plain environmental protection.
Sec. 117. Expedited judicial review.
Sec. 118. Rights-of-way and easements across Coastal Plain.
Sec. 119. Conveyance.
Sec. 120. Local government impact aid and community service assistance.
Sec. 121. Prohibition on exports.
Sec. 122. Allocation of revenues.

Subtitle C—Permitting

Sec. 131. Refinery permitting process.
Sec. 132. Removal of additional fee for new applications for permits to drill.

Subtitle D—Strategic Petroleum Reserve

Sec. 141. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

Subtitle E—Restoration of State Revenue

Sec. 151. Restoration of State revenue.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

Sec. 201. Definition of renewable biomass.
Sec. 202. Advanced battery manufacturing incentive program.
Sec. 203. Biofuels infrastructure and additives research and development.
Sec. 204. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 205. Study of diesel vehicle attributes.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Clean coal-derived fuel program.

Subtitle C—Oil Shale

Sec. 221. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

Sec. 231. Procurement and acquisition of alternative fuels.
Sec. 232. Multiyear contract authority for the Department of Defense for the procurement of synthetic fuels.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: ''not later than 90 days after the date of enactment of the Domestic Energy Production Act of 2008''; and

(3) by inserting after clause (i) (as so designated) the following:

''(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

''(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

''(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.''.

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 103. CONFORMING AMENDMENT.

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FEDERAL AGREEMENT.—The term ''Federal Agreement'' means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 113. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 114. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 115. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 16½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 112(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this subtitle negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of

pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 120. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'').

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, $35,000,000 each year from the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the ''Governor'') shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $35,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term ''refinery'' includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term ''refinery expansion'' means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in

the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(5) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(6) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(7) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(8) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(9) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(10) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(12) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(c) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than 1 year, an interim report on actions taken to carry out this subsection; and

(B) not later than 2 years, a final report on actions taken to carry out this subsection.

SEC. 132. REMOVAL OF ADDITIONAL FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of the matter under the heading ''MANAGEMENT OF LANDS AND RESOURCES'' under the heading ''BUREAU OF LAND MANAGEMENT'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2098) is amended by striking ''to be reduced'' and all that follows through ''each new application,''.

Subtitle D—Strategic Petroleum Reserve

SEC. 141. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the 180-day period beginning on the date of enactment of this Act—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Effective beginning on the day after the end of the period described in subsection (a)—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

Subtitle E—Restoration of State Revenue

SEC. 151. RESTORATION OF STATE REVENUE.

The matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109) is amended by striking ''Notwithstanding'' and all that follows through ''Treasury.''.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(i) nonmerchantable materials or precommercial thinnings that—

''(I) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

''(aa) to reduce hazardous fuels;

''(bb) to reduce or contain disease or insect infestation; or

''(cc) to restore forest health;

''(II) would not otherwise be used for higher-value products; and

''(III) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

''(aa) where permitted by law; and

''(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

''(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) renewable plant material, including—

''(aa) feed grains;

''(bb) other agricultural commodities;

''(cc) other plants and trees; and

''(dd) algae; and

''(II) waste material, including—

''(aa) crop residue;

''(bb) other vegetative waste material (including wood waste and wood residues);

''(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

''(dd) food waste and yard waste.''.

SEC. 202. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

SEC. 203. BIOFUELS INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Assistant Administrator of the Office of Research and Development of the Environmental Protection Agency (referred to in this section as the ''Assistant Administrator''), in consultation with the Secretary and the National Institute of Standards and Technology, shall carry out a program of research and development of materials to be added to biofuels to make the biofuels more compatible with infrastructure used to store and deliver petroleum-based fuels to the point of final sale.

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, handling, and dispensing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(8) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment; and

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE ATTRIBUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study to identify—

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E-85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (2).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Clean Coal-Derived Fuels for Energy Security Act of 2008''.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term ''clean coal-derived fuel'' means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) INCLUSIONS.—The term ''clean coal-derived fuel'' may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term ''covered fuel'' means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable

volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of clean coal-derived fuel (in billions of gallons):
2015	0.75
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Oil Shale

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 232. MULTIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear contract authority: purchase of synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

''(b) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear contract authority: purchase of synthetic fuels.''.

(b) REGULATIONS.—Not later than 12 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4722. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$670,000''; and

(B) by inserting before ''; and'' the following: ''; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)''.

SA 4723. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes, as follows:

On page 11, line 6, strike ''Any increase'' and all that follows through the second period on page 11, line 11, and insert the following: ''Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.''.

SA 4724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEASIBILITY STUDY ON PRIVATE REINSURANCE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit a report to Congress on—

(1) the feasibility of requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage, in addition to any such reinsurance coverage required under section 1335 of the National Flood Insurance Act of 1968 (42 U.S.C. 4055), to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurers;

(2) the feasibility of repealing the reinsurance requirement under such section 1335, and requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurer; and

(3) the estimated total savings to the taxpayer of taking each such action described in paragraph (1) or (2).

SA 4725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 13, strike ''and''.

On page 8, line 16, strike ''policy.''.'' and insert the following: ''policy; and

''(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

''(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

''(B) in connection with—

''(i) a repetitive loss property; or

''(ii) a severe repetitive loss property, as that term is defined under section 1361A.''.

SA 4726. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 10, strike ''under paragraph (1).'' and insert the following: ''under paragraph (1); and

''(3) charged premium rates at less than the estimated risk premium rates under section 1307(a)(1) and not described in section 1307(a)(4), shall be increased by 25 percent each year until the average risk premium

rate for such properties is equal to the average of risk premium rates for properties described under paragraph (1).

SA 4727. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 3 and 4, insert the following:

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to $1,000 per day for each day that the company remains in noncompliance with either such requirement.

SA 4728. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 133. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—Any person that violates the requirements of this section shall be subject to a fine of $10,000, per policy.

SA 4729. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 107.

SA 4730. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 11, strike ''; and'' and insert a semicolon.

On page 25, line 14, strike the period and insert a semicolon.

On page 25, between lines 14 and 15, insert the following:

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

SA 4731. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified—

(1) to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at an estimated total cost of $51,000,000, with an estimated Federal cost of $38,250,000 and an estimated non-Federal cost of $12,750,000;

(2) to direct the Secretary to accept advance funding from the non-Federal interest for the remaining Federal share of the project, as needed to complete the project; and

(3) to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

SA 4732. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LEVEE MODERNIZATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the terms ''local government'' and ''State'' have the meanings given such terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

(2) the term ''program'' means the Levee Modernization Grant Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the Director shall establish the Levee Modernization Grant Program, under which the Director may provide technical and financial assistance to States and local governments to be used in accordance with subsection (e) to assist in the implementation of levee improvement and modernization measures that are cost-effective and are designed to protect against loss of life, limit damage and destruction of property, encourage rural economic development, and contribute to the ability of a community to prevent areas in that community from being designated as a 100-year floodplain.

(c) CRITERIA.—

(1) ALLOCATION OF FUNDS.—Not later than the date on which the Director establishes the program, the Director shall establish criteria to be used to determine the amount of financial assistance that will be made available to a State (including amounts made available to local governments located in the State) under the program.

(2) GRANT AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under the program, the Director shall consider—

(A) the extent and nature of the flood risk to a State or local government;

(B) the imminence of need;

(C) the degree of commitment of the State or local government to perform ongoing levee maintenance;

(D) the extent to which the levee improvement and modernizations to be carried out using the technical and financial assistance under the program contribute to the economic development and mitigation goals and priorities established by the State;

(E) the extent to which the technical and financial assistance under the program is consistent with assistance provided under other grant programs of the Federal Emergency Management Agency or another Federal department or agency;

(F) the extent to which prioritized, cost-effective levee improvement activities that produce meaningful and definable outcomes in the State or jurisdiction of the local government are clearly identified;

(G) the opportunity to fund activities that maximize net benefits to society; and

(H) such other criteria as the Director, in consultation with States and local governments, may establish.

(d) STATE RECOMMENDATIONS OF PROJECTS.—

(1) IN GENERAL.—Not later than 3 months after the date that the Director establishes the program, and annually thereafter, the Governor of a State desiring to participate in the program during the following fiscal year shall submit to the Director a list of the projects that State that the Governor recommends receive technical and financial assistance (provided either directly to a local government or through the State) under the program.

(2) SELECTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year the Director shall select projects to receive technical and financial assistance under the program from among the projects recommended under paragraph (1).

(B) EXCEPTIONS.—The Director may select a project to receive technical and financial assistance under the program that was not among the projects recommended under paragraph (1) for a fiscal year if the Director determines that—

(i) extraordinary circumstances justify the selection of the project; and

(ii) making the selection will further the purpose of the program, as described in subsection (b).

(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—A State or local government that receives technical and financial assistance for a project under the program may use such assistance—

(1) for an initial inspection of a levee by a private engineering firm or the Corps of Engineers;

(2) to implement such improvements as are determined necessary by an inspection described in paragraph (1) to prevent areas protected by such levee from being designated as a 100-year floodplain;

(3) to establish levee maintenance priorities and an appropriate levee modernization program; and

(4) for other purposes that further the goal of identifying or implementing levee improvement and modernization measures.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of levee improvement and modernization activities carried out with financial assistance under the program shall be not more than 50 percent.

(2) RURAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—

(A) IN GENERAL.—The Federal share of levee improvement and modernization activities carried out in a community described in subparagraph (B) with financial assistance under the program shall be not more than 65 percent.

(B) COMMUNITIES.—A community described in this subparagraph is—

(i) a rural community (as determined by the Director);

(ii) a town with a population of not more than 20,000 individuals; or

(iii) an area in which the average income is ⅓ less then the State-wide median income for the applicable State, as determined by the Secretary of Housing and Urban Development.

(3) WAIVER.—The Director may waive paragraph (1) in extreme circumstances, as determined by the Director.

(g) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Director, in consultation with State and local governments, shall submit to Congress a report evaluating the efforts of the Director to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director $400,000,000 to carry out the program.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. 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 May 7, 2008, at 10 a.m., to conduct a hearing entitled ''Turmoil in the Credit Markets: Examining the Regulation of Investment Banks by the Securities and Exchange Commission.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Wednesday, May 7, 2008, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 9:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 2:30 p.m., to hold a hearing on international treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 10 a.m. to conduct a hearing entitled ''Fuel Subsidies: Is There an Impact on Food Supply and Prices?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Judicial Nominations'' on Wednesday, May 7, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, May 7, 2008 to conduct a hearing. The Committee will meet in room 106 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Concentration in Agriculture and an Examination of the JBS/Swift Acquisitions'' on Wednesday, May 7, 2008, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC SECTOR SOLUTIONS TO GLOBAL WARMING, OVERSIGHT, AND CHILDREN'S HEALTH PROTECTION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection be authorized to meet during the session of the Senate on Wednesday, May 7, 2008 in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Oversight Hearing on Science and Environmental Regulatory Decisions.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. President, I ask unanimous consent that Dionne Thompson, a fellow in my office, be granted privileges of the floor for the remainder of the 110th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEMPORARILY EXTENDING PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. DODD. Mr. President, I ask the Chair to lay before the Senate a message from the House on the bill, S. 2929, to temporarily extend the programs under the Higher Education Act of 1965.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2929

Resolved, That the bill from the Senate (S. 2929) entitled ''An Act to temporarily extend the programs under the Higher Education Act of 1965'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''April 30, 2008'' and inserting ''May 31, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on April 30, 2008.

Mr. DODD. I ask unanimous consent that the Senate concur in the House amendment, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 308, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 308) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 308) was agreed to.

HUMANITARIAN ASSISTANCE TO BURMA AFTER CYCLONE NARGIS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 554, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 554) expressing the Sense of the Senate on humanitarian assistance to Burma after Cyclone Nargis.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

Mr. President, I also ask unanimous consent that I be included as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 554) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 554

Whereas, on May 3, 2008, Cyclone Nargis devastated Burma, leaving an estimated 22,500 people dead, 41,000 missing, and 1,000,000 homeless;

Whereas, on May 5, 2008, the United States embassy in Burma issued a disaster declaration authorizing $250,000 in immediate humanitarian assistance to the people of Burma;

Whereas, on May 5, 2008, First Lady Laura Bush stated that the United States will ''work with the U.N. and other international nongovernmental organizations to provide water, sanitation, food, and shelter. More assistance will be forthcoming'';

Whereas, on May 5, 2008, Department of State Deputy Spokesman Tom Casey stated that the United States has ''a disaster assistance response team that is standing by and ready to go in to Burma to help try to assess need there'';

Whereas, on May 6, 2008, President George W. Bush said, ''The United States has made an initial aid contribution, but we want to do a lot more. We're prepared to move U.S. Navy assets to help find those who've lost their lives, to help find the missing, to help stabilize the situation. But in order to do so, the military junta must allow our disaster assessment teams into the country.'';

Whereas, on May 6, 2008, President Bush pledged $3,000,000 in emergency assistance to victims of Cyclone Nargis, and stated that allowing the disaster assistance response team to enter the country would facilitate additional support;

Whereas the European Union has pledged to deliver $3,000,000 in initial emergency disaster assistance to Burma;

Whereas according to the United Nations Country Team in Burma, the average household in Burma is forced to spend almost ¾ of its budget on food and 1 in 3 children under the age of 5 is suffering from malnutrition;

Whereas the prevalence of tuberculosis in Burma is among the highest in the world, with nearly 97,000 new cases detected annually, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005 and over 600,000 are currently infected, and the World Health Organization has ranked the health sector of Burma as 190th out of 191 countries;

Whereas the failure of Burma's ruling State Peace and Development Council to meet the most basic humanitarian needs of the people of Burma has caused enormous suffering inside Burma and driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas, in the aftermath of Cyclone Nargis, the State Peace and Development Council continues to restrict the access and freedom of movement of international nongovernmental organizations to deliver humanitarian assistance throughout Burma: Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) to express deep sympathy to and strong support for the people of Burma, who have endured tremendous hardships over many years and face especially dire humanitarian conditions in the aftermath of Cyclone Nargis;

(2) to support the decision of President Bush to provide immediate emergency humanitarian assistance to Burma through nongovernmental organizations that are not affiliated with the Burmese regime or its officials and can effectively provide such assistance directly to the people of Burma;

(3) to stand ready to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond;

(4) to call upon the State Peace and Development Council to immediately lift restrictions on delivery of humanitarian assistance and allow free and unfettered access to the United States Government's disaster assistance response team and any organizations that legitimately provide humanitarian assistance; and

(5) that the United States Agency for International Development should conduct a comprehensive evaluation of which organizations are capable of providing humanitarian assistance directly to the people throughout Burma without interference by the State Peace and Development Council.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 81, submitted earlier today by Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) supporting the goals and ideals of National Women's Health Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 81

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures, such as leading a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular checkups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, and American Indian-Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services that support women's health research and education and other necessary

services that benefit women of all ages, races, and ethnicities;

Whereas National Women's Health Week begins on Mother's Day each year and celebrates the efforts of national and community organizations that work with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2008, the week of May 11 through May 17 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day on May 12, 2008 by receiving preventive screenings from their healthcare providers; and

(5) recognizes the importance of Federally funded programs that provide research and collect data on diseases that commonly affect women.

Mr. DODD. Mr. President, I ask unanimous consent that I be added as a cosponsor of that resolution as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 72, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) supporting the goals and ideals of the International Year of Sanitation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 72) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 72

Whereas, at the 55th Session of the United Nations General Assembly in 2000, the United States, along with other world leaders, committed to achieving the Millennium Development Goals (MDGs), which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law, in the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water, and an estimated 2,600,000,000 people, including 980,000,000 children, do not have access to basic sanitation facilities;

Whereas, every 20 seconds, a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of people in sub-Saharan Africa and 37 percent of people in South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas, at any one time, almost half of the people in the developing world are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas, according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average $7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, at the 61st Session of the United Nations General Assembly in 2006, the United Nations declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all member states, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals, encouraging governments and its partners to promote and implement policies and actions for meeting the sanitation target, and mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health-education campaigns: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the International Year of Sanitation;

(2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

(3) encourages the people of the United States to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation, hygiene, and access to safe drinking water in achieving the Millennium Development Goals.

MEASURE READ THE FIRST TIME—S. 2991

Mr. DODD. Mr. President, I understand that S. 2991, introduced earlier today by Senator REID of Nevada, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2991) to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. DODD. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection having been heard, the bill will receive its second reading on the next legislative day.

APPOINTMENTS

The Presiding Officer. The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appoints the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Robin Cleveland of Virginia and James Talent of Missouri.

The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appoints the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Graham Allison of Massachussetts and Richard Verma of Maryland.

The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appoints the following individual to serve as a member and Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: The Honorable BOB GRAHAM of Florida.

ORDERS FOR THURSDAY, MAY 8, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, May 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10

minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 2284, flood insurance, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE REFORM

Mr. DODD. Mr. President, before reading the concluding comments here, I wish to take a minute or so to summarize what happened today regarding the flood insurance bill.

I express my gratitude, first of all, to Senator REID, the majority leader, for insisting that this flood insurance matter come before the Senate. This is an important bill. There are a lot of issues that our constituents are facing,—the housing issue, on which I am spending a great deal of time, the economic issues generally, the price of gasoline, and the price of oil at $120 a barrel, causing staggering problems across our country. The flood insurance issue, as we enter hurricane season coming up, could make a great deal of difference for people in this country who are concerned about that issue and what could happen with the cost of premiums, whether they are going to have that coverage at all.

Senator SHELBY of Alabama, my ranking member and former chairman of the committee, along with Senator BUNNING and others actually passed this legislation in a previous Congress and weren't able to get it adopted. We adopted it again out of the Banking Committee earlier this year, and I am optimistic that we will be able to bring final closure to this issue.

In light of the fact that there is a tremendous amount of debt, FEMA—the Federal Emergency Management Agency—had to borrow $17 billion from the Federal Treasury to meet the claims of people who faced the devastating loss as a result of the flooding that occurred with the major natural disasters. Borrowing that money had an interest payment due on it, and that cost alone was raising the cost of premiums. This bill, which I hope we complete tomorrow, will forgive that debt. That will remove that cost that is added to the premiums, which are not inexpensive but absolutely necessary if you are going to have a flood insurance program.

I point out that the program generates about $2.5 billion worth of revenues each year with the premiums collected. About a billion dollars of that is administrative costs.

When you have demands, as we did out of 2005 of $17 billion just in the flood insurance area, you get some idea of how expensive this program can be if it is not well managed and actuarially sound. So we have made this significant effort, which I think will be valuable to people across the country and make a difference.

We still have major work to do on the housing issue. I would be remiss if I didn't say how disappointed I was earlier today to listen to the President of the United States standing with the Republican leadership of the House of Representatives, announcing that he intended to veto the housing legislation. Congressman FRANKS and his Republican counterparts are working on it in the House, and we are working on it in the Banking Committee. We are nowhere near having a bill per se, so I was shocked to hear the President saying he was vetoing something that doesn't exist yet. We are making an effort to have a bipartisan bill. I would have hoped he would say: I am watching what you are doing and I am interested, and I have ideas about what ought to be included, or excluded, and I invite the leadership in Congress to make sure we are involved. That would have been appropriate because we have dealt with the leadership of the administration's agencies that have been deeply involved in helping us craft the Hope for Homeowners Act. It was, therefore, shocking to have the President of the United States, despite the advice and counsel of some of the key economic advisers of the administration who have been constructive in working with us on a way to keep people in their own homes, announce he intended to veto something even before we have had a chance to put it together.

The good news is that I believe my colleagues on the Banking Committee, who are working on this, from the minority and Republican side, are still interested in hearing some ideas and working on this. That is not to suggest they have agreed to anything. They have not. But we are working—and our staffs are—to develop that compromise bill. They haven't been cowed by the announcement by the administration that they will veto anything we might do to keep hundreds of thousands of people in their homes.

I would be remiss if I didn't note that it was only about a month ago or a month and a half ago that the Federal Government committed $29 billion, without ever a vote occurring here, to make the merger between Bear Stearns and JPMorgan occur. That $29 billion the Federal Government put into that deal made it possible for it to actually be accomplished.

I happen to think they probably did the right thing that Sunday night of March 16. But I find it somewhat shocking that the President of the United States had little or nothing to say about that commitment of Federal dollars, and yet the idea that we might do something to make it possible for middle-income, hard-working families to stay in that most important possession, their home, he objects to—a bill before it exists that might accomplish that goal, done in a bipartisan fashion, involving his administration, key regulators from his own Government. That he would announce a veto of it is alarming to me, knowing how damaging this mortgage crisis is in so many aspects of our lives: commercial lending, student loans—they are all being adversely affected because of the mortgage crisis. The fact the President said, I am going to veto this bill no matter what you do up there, is disappointing.

My hope is in the coming days, as we move toward a markup in the Banking Committee on this issue, that we will get cooperation and support. I cannot guarantee what we are doing will work, but I know inaction is not an option and failure is not an option. Too many of our fellow citizens are hurting with rising energy prices, health care costs, the cost of higher education, not to mention all these other costs, commodity increases and the like, and they need to know their Government is making an effort to make it possible for them to stay in their homes. That is why I feel so strongly about it.

Although we are dealing with flood insurance today, I did not want to have people believe we are unmindful of what needs to be done in the area of home foreclosure. Mr. President, 7,000 to 8,000 foreclosures are filed every day, by 7,000 to 8,000 of our fellow citizens, and if you add our next door neighbors who are adversely affected, that is more than 20,000 people a day who have their life savings, their best investment put in jeopardy.

For those reasons, I am hopeful we can get more cooperation on that issue.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, 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 9:01 p.m., adjourned until Thursday, May 8, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

WILLIAM WALTER WILKINS, III, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE REGINALD I. LLOYD, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) KEVIN M. MCCOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM D. CROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PETER H. DALY

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF HONORABLE BLANCHE KRUPANSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Judge Blanche Krupansky, a pioneer for women in the judicial system, and to honor a life spent in service to her country and her community.

Judge Krupansky, a lifelong resident of the Cleveland area, has a multifaceted and rich history of public service. Her story serves as an inspiration for women everywhere and she paved the way for women to succeed in becoming lawyers and judges.

Honorable Krupansky was born in Cleveland, Ohio, where she attended West High School and Flora Stone College of Western Reserve University. A testament to her pioneering spirit, when she began law school at Case Western Reserve University in 1946, she was the only woman in her class.

After earning her law degree, she remained in Ohio where she served as assistant attorney general as well as an assistant chief counsel for the Ohio Bureau of Worker's Compensation. In 1961, Judge Krupansky was elected to the Cleveland Municipal Court. She later moved to the Cuyahoga County Common Pleas Court in 1969, where she would serve for almost 10 years.

Honorable Krupansky made history twice during her long career of public service as a judge in Ohio. She became the first woman to serve on the 8th Ohio District Court of Appeals in 1977, where she would serve for over 30 years.

In 1981, she became the second woman appointed to serve on the Ohio Supreme Court in its long 185-year history. Throughout her career, she encouraged women to pursue careers as lawyers and judges, as well as to run for political office. In 1994, she told a reporter at the Cleveland Plain Dealer, ''If I can do it, you can do it,'' in the hopes that she could inspire young women.

In 1980, she was recognized for her groundbreaking career when she was inducted into the Ohio Women's Hall of Fame. She also received the Women of Achievement award from the Women's City Club of Cleveland, the Distinguished Service Award from Woman Space, the Nettie Cronise Lutes Award for an Outstanding Woman Lawyer, the distinguished Alumna Award from Case Western Reserve University, and she once served as chair of the Society of Benchers of Case.

Madam Speaker and colleagues, please join me in celebrating the life of Judge Blanche Krupansky, whose career in public service is a shining example for women everywhere. May her pioneering character and exemplary life serve as an example for all of us to follow.

THE RIGHT TO VOTE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. POE. Madam Speaker, it's voting season. Presidential primaries are being held all across the country, giving U.S. citizens the opportunity to vote, a right guaranteed by the 15th Amendment of the Constitution. This year, record numbers of citizens of all ages are turning out in droves, standing in lines to exercise that right, they are even participating in caucuses. As wonderful as it is to see more people participating in the election process, turnout is still not as high as it should be.

We live in the greatest country in the world, and enjoy more rights than any other country in the world. When you take into consideration that many in this country struggled, fought, and even died for the right to vote, every able bodied American should proudly vote whenever there is an election. We must never become so complacent, busy, or apathetic that we take for granted this most important right.

I was privileged to travel to Iraq, on January 30, 2005, to observe its first historic election. Having been in Baghdad and Fallujah and other parts of northern Iraq, I went to polling places, and when dawn came, the whole country was shut down to vehicular traffic. Slowly, surely and defiantly, the Iraqi people, young and old, men and women walked to the polls, taking their families, relatives, and neighbors. They voted for the very first time and attained the opportunity to make a free choice. The atmosphere of democracy unfolding was almost carnival in nature, a celebration of their new rights.

In spite of intimidation, threats, and actual violence, the Iraqi people boldly spoke out against the past oppression of Saddam Hussein and his dynasty of tyrants and spoke loudly for democracy.

Almost 300 individuals were wounded because they decided to vote for their own rulers, and they wanted to vote for freedom. Many died on election day going to or from the polls, yet 60 percent of these proud Iraqis walked to 30,000 polling stations. They took a great risk, but even after they voted, they stayed around the polling places to watch history unfold. When they left the polling booths, they walked down the street with their inkstained right forefinger, signifying that they voted, held high in the air, defiant to terrorists, who swore they would murder those who voted or attempted to vote. The Iraqi people took the risk because freedom was more important to them, they were proud to be voters in the first free and fair election, the hope of democracy.

Freedom is not free. It always comes at a cost. Freedom fighters and civil rights activists throughout countless generations in this country paid a tremendous price to deliver equality and freedom for their brothers and sisters and the posterity of others. Thankfully, no one in this country risks being shot, or murdered for voting, so there is no excuse for able bodied Americans to stay home and remain silent. We should be proud to be part of free elections guaranteed by democracy.

A vote is a voice. It ensures that our democracy is of the people, by the people and for the people. Celebrate our hard-earned rights, remember those who fought, struggled, and lost their lives so that we could reap the benefits. Show our gratitude to those who made your freedom and rights possible by showing up at the polls, and proving that their sacrifices were not in vain. In this great country, each time there is an election, voter turn out should be so high that everything is forced to shut down because everyone is at the polls. Americans should show the world that this is what democracy is all about, and let those who yearn for democracy know that it is definitely worth fighting for!

And that's just the way it is.

TRIBUTE TO THE SAN MATEO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. ESHOO. Madam Speaker, it is a privilege to celebrate the 100th anniversary of the San Mateo County Building & Construction Trades Council and its contributions to San Mateo County with my friend Congresswoman JACKIE SPEIER.

On April 10, 1908, the San Mateo County Building & Construction Trades Council received its first charter from the California State Building Trades Council. Today it is comprised of 24 local construction unions and has a membership of over 16,000 of the highest skilled crafts women and men in the construction industry. They are plumbers, pipefitters, electricians, carpenters, roofers, ironworkers, cement masons, elevator constructors, heavy equipment operators (Operating Engineers), painters, truck drivers (Teamsters), lathers, sheet metal workers, plasterers, brick and tile layers, boilermakers, pile drivers, glaziers, carpet and soft tile layers, fIre sprinklerfitters, insulation and asbestos workers, laborers, hod carriers, sign painters, millwright workers, laborers, cabinetmakers, steamfitters, and hardwood floor layers. While their jobs may be different, what links them together is their dedication to perform with high skill and great pride.

In 1908, San Mateo County was young and growing, and through the hard work of another generation, the county was shaped into what it is today. The single biggest accomplishment was the construction of San Francisco International Airport and more recently, a new terminal at the airport.

The mission of the San Mateo County Building & Construction Trades Council has always

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

been to improve the quality of life for all construction workers, promote the value of highly skilled union crafts women and men, and to increase the union market share in the construction industry.

The San Mateo County Building & Construction Trades Council has also understood the importance of not only developing a strong foundation of skilled crafts persons through apprenticeship programs, but also the need to reach out to developers, public agencies, and elected officials to explain why it makes good business sense to use union contractors and union workers. The San Mateo County Building & Construction Trades Council's active approach in voicing the need for construction workers to be paid decent wages with pension and health benefIts so they and their families can afford to live in the community illustrates its commitment to every single worker.

Madam Speaker, we ask our colleagues to join us in honoring the San Mateo County Building & Construction Trades Council as it celebrates a century of building and serving San Mateo County. We salute Bill Nack, the council's business manager and every single member of the council. The work of generations has shaped and built San Mateo County as we know it today, and contributed to the building of our country as well.

May the next century be marked by the excellence and achievements of the first 100 years of the Building and Construction Trades Council of San Mateo County.

HONORING THE MOREHOUSE COLLEGE GLEE CLUB

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. COSTA. Madam Speaker, I rise today to congratulate the Morehouse College Glee Club, as they visit Saints Rest Missionary Baptist Church in Fresno, California.

Established in 1945 by the late Rev. A.W. White, and currently led by Pastor Shane B. Scott, the Saints Rest Missionary Baptist Church is an esteemed member of the local religious community. Their hosting the Morehouse College Glee Club is certainly an exciting occasion worthy of special recognition.

The Morehouse College Glee Club boasts a 90-year tradition of excellence in musical achievements. Then current director, Dr. David Murrow has been a member of the music faculty at Morehouse College since 1981. In 1994, the glee club performed the National Anthem with Natalie Cole for Super Bowl XXVIII in Atlanta, Georgia. They also participated with Stevie Wonder, Gloria Estefan and Trisha Yearwood in the opening and closing ceremonies of the 1996 Summer Olympic Games held in Atlanta. Furthermore, the glee club has toured cities in Russia as well as Poland. Along with international tours and local concerts, the glee club presents an annual spring tour which averages 10 to 15 cities in 2 to 3 weeks.

The history of this institution demonstrates that it is only by embracing the importance of cooperation and vision that great success can be achieved. I am honored to congratulate Morehouse College Glee Club as they visit Fresno, California.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. WOOLSEY. Madam Speaker, on May 6, 2008, I was unavoidably detained and was not able to record my votes for rollcall No. 253 and No. 255.

Had I been present I would have voted: rollcall No. 253—''yes''—Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; rollcall No. 255—''no''—On Motion to Adjourn.

TRIBUTE TO MARINE SGT. GLEN MARTINEZ

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor the memory of Marine Sgt. Glen Martinez, a great American who gave his life in service to our Nation. Born in Alamosa, Colorado, and raised in Monte Vista, Colorado, Sergeant Martinez was a born leader who inspired everyone he met throughout his life. His family describes him as a strong and highly driven individual. His desire to work hard, ability to see the best in others and motivate them allowed him to excel at school, sports and as a marine.

Sergeant Martinez was very involved in his school and community. After his passing, many people have contacted the family thanking them and sharing memories. His family remembers him always trying to get everyone involved, especially his most quiet and reserved peers. He also dedicated himself to his studies. His father, Ron Martinez, remembers his son studying early in the morning while listening to Bach and Beethoven.

Sports and school activities were also a major part of his life. In high school he took part in the State Marching Band, earning the Louis Armstrong Jazz Award. During his junior year he helped lead his football team to the semi-finals. Over the 4 years that he competed on the wrestling team, he held a record of 111 wins and 29 losses. He realized these accomplishments while earning an academic honorable mention. When preparing for college, Sergeant Martinez was offered scholarships for football, wrestling and baseball.

Sergeant Martinez accepted a scholarship to play baseball while earning a degree in surveying from Westwood College and later a master's degree in hydro engineering at the University of Colorado. His advanced degrees would have exempted him from having to go through basic training. Out of respect for his fellow marines, Sergeant Martinez chose to attend basic training even though he was not required to. He refused to ask people to do what he had not done himself.

When asked why he would give up his lifestyle to join the Marines he responded, ''I am tired of people cutting down my country.'' Of 700 recruits, Sergeant Martinez was one of seven honored upon graduation. ''His drill sergeant singled him out as one of the best he'd ever had,'' said his father.

On Friday, May 2, 2008 at 11:10 p.m., while on his second tour in Iraq, Sergeant Martinez gave his life in service to our Nation. He was 31 years old when a roadside bomb took his life along with that of three fellow marines.

I send my deepest condolences to the family of Sergeant Martinez. My thoughts go out to them in this difficult time. I hope they may find comfort in the knowledge that Sergeant Martinez gave his life to defend an ideal he believed in. Sergeant Martinez joins 57 other heroes from Colorado who have given their lives while serving their country.

DEVELOPING A COMPREHENSIVE REGIONAL STRATEGY IN CHAD AND DARFUR

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today to express my strong support for H. Res. 1011, which calls on the United States and the international community to develop, fund, and implement a regional strategy which addresses the security and humanitarian crisis in Chad, the Darfur region of the Sudan, and the northern region of the Central African Republic.

This timely and important legislation, of which I am proud to be a cosponsor, not only calls on the Governments of Chad and the Central African Republic to fulfill their obligations under international law to protect civilians, but also calls upon the President of the United States to continue humanitarian assistance to refugees and internally displaced persons in the region.

Chad has been plagued by intermittent conflict, both internally and with its neighbors, since it gained independence in 1960. The current President of Chad, Idriss Déby, took power after launching a coup across the border in neighboring Darfur, Sudan. He has since faced at least five coup attempts including one just this past February. Violence spurred by the Sudanese Government has also continued to destabilize Chad and the State Department's most recent Country Report on Human Rights Practices that, ''the [Chadian] government's poor human rights record deteriorated further'' this past year.

The refugee situation in Chad and the surrounding region continues to worsen. In the past three years, as fighting between the Government and rebels increased and 180,000 Chadians have been displaced, adding to the inflow of 290,000 refugees from the Central African Republic, CAR, and Sudan's Darfur region. The United Nations estimates that Chad is now home to 240,000 refugees from Darfur, 52,000 refugees from the Central African Republic, and more than 180,000 internally displaced people. In February 2008 alone over 12,000 new refugees from Darfur entered the country. We must develop a comprehensive plan to address the refugee crisis as well as the security problems that plague the region.

I visited Darfur and have seen the situation on the ground. Now high-tech GPS satellites and mass media allow everyone to bear witness to the tragedies in Chad, Sudan, and the

surrounding areas: the burnt holes where villages used to be, the mass migrations of the internally displaced, starving children, and victims of rape.

With this knowledge comes a duty to act. As the wars in Chad, Sudan, and Central African Republic become increasingly intertwined, and as the massive displacements continue across the region, the United States and the international community must engage the crisis on a regional level.

This resolution recognizes that reality and calls for a comprehensive strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance throughout the region with all nations.

I thank the sponsor of this resolution, Mr. WOLF, for introducing this important resolution, and I urge all of my colleagues to support it.

TRIBUTE TO D-DAY VETERANS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. HERGER. Madam Speaker, I rise today to honor a special group of veterans, those that served in Operation Overlord or D-day as it is commonly referred to.

On June 6, 1944, an allied force of over 150,000 American, British, Canadian, Free French, and Polish troops landed on a 50-mile stretch of French coastline heavily-fortified by German forces. President Franklin D. Roosevelt referred to the assault as a ''mighty endeavor'' as it included more than 13,000 aircraft, 137,000 jeeps, trucks, and half-tracks, 16 million tons of supplies, and the largest armada ever assembled in history with over 5,000 vessels.

Over 70,000 American servicemen participated in the D-day invasion and began what General Eisenhower referred to as the allied march to victory. The allied forces suffered about 9,760 casualties, of which 6,605 were Americans.

World War II shaped the 20th century and forever changed the course of world history. Recognizing the brave men and women of America's Armed Forces that participated in the war is a special privilege. As members of the greatest generation fade into the past, we should work diligently to thank them for their sacrifice as they marched on behalf of freedom and secured the world from tyranny.

Prime Minister Winston Churchill said it best in 1940 while addressing the British people during the Battle of Britain when he remarked, ''Never in the field of human conflict has so much been owed by so many to so few.'' America owes a great debt to its men and women in uniform and by recognizing the contributions of previous generations, we ensure that their sacrifices are never forgotten.

It is with great pride and heartfelt gratitude that I recognize the D-day veterans residing in California's Second Congressional District and all of America's veterans for protecting the values and traditions of our great Nation.

May God Bless America, our veterans, and those currently serving in the Armed Forces.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. PLATTS. Madam Speaker, on May 14, 1948, the dream of the restoration of a sovereign and independent State of Israel was realized. On that day, a mere 11 minutes following the declaration by Israel's Government, the United States officially recognized the Israeli state—extending a hand of friendship and support which has not once been withdrawn. Today, 60 years following that historic occasion, I rise to commemorate Israel's independence and congratulate the Israeli people on their dedicated efforts toward establishing a flourishing and thriving state.

Israel is currently the only fully established democracy in the Middle East, having free elections, a free press, freedom of religion, and the separation of powers. In addition, Israel is home to several of the leading universities in the world—spurring on its advanced economy with an emphasis in the technology sector. Israel's political, cultural, and economic success has not been easy, however, being attained in the face of war, ongoing terrorist attacks, and unfair boycotts against Israeli businesses.

I first visited Israel with five other members of Congress in 2003 and was struck by the degree to which ordinary Israelis were under the constant threat of terrorist attacks. Homes had bulletproof windows, security guards and metal detectors were necessities in most public places, and the threat of suicide bombings was a daily reality.

I am confident that terrorist attacks and other roadblocks to Israel's security and prosperity will not serve to undermine the resolve of Israel's people. Instead, these attacks will only increase the vigor with which the Israeli people defend their commonly held values of justice, freedom, and democracy.

Madam Speaker, I am honored to have this opportunity to recognize the 60th anniversary of the State of Israel, and sincerely hope that Israel will in the coming years finally attain the lasting peace its people have long desired.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LANGEVIN. Madam Speaker, on May 6, 2008, my vote on the Kind Motion to Instruct Conferees on H.R. 2419, the Food and Energy Security Act of 2007, rollcall vote 258, was recorded as a ''no'' vote when I intended to cast a ''yes'' vote. I wish to clarify on the record my support for the House-passed funding levels for the Grassland Reserve Program, the Environmental Quality Incentives Program, and Wetlands Reserve Program, as well as the Senate's sod saver provision.

NATIONAL NURSES WEEK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in support of House Resolution 1086, recognizing this week as National Nurses Week. I thank Congresswoman EDDIE BERNICE JOHNSON for her leadership in sponsoring this Resolution so that Congress can honor the nearly 2.9 million hard working nurses across the country.

As we celebrate the fine women and men on the front lines of our health care system, we recognize that registered nurses are vital to quality health care for all Americans. Nurses care for patients at every level—from critical care, chronic disease, to preventative and wellness care. They work in hospitals, doctor's offices, nursing homes, rehabilitation centers, schools and provide in-home care throughout the community. Nurses routinely perform some of the most important duties of a patient's treatment.

In this National Nurses Week, I also want to pay special tribute to nurses in my district and throughout South Florida. From our elder population, to working men and women, to our children, nurses help my constituents every day. To honor all that they do, on May 9th, nurses in South Florida will participate in a program entitled, ''Nurses Making A Difference Every Day.'' I can tell you that nurses do make a difference every day and I thank them for their service.

I hope that this program, and the national attention we give to the good work of nurses will encourage more people to consider this noble profession. It is projected that the need for registered nurses will grow dramatically in the coming years, and we must do all we can to support this vital field.

Madam Speaker, nurses exemplify some of the best that this country has to offer. I thank you for giving me the opportunity to highlight their value to our communities and the important role nurses play in providing quality health care to all of our constituents.

HONORING MARCIENE MATTLEMAN OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. FATTAH. Madam Speaker, the Philadelphia Award is my hometown's most prestigious award for service to the community. Its winners, since 1921, have included scientists, educators, industrialists, religious leaders, orchestra conductors, mayors, authors, philanthropists, and more.

This past Sunday, May 4, 2008, the Philadelphia Award was presented, on its 87th anniversary, to Marciene S. Mattleman, the founder and developer of programs to advance literacy, promote mentoring and college scholarships for low income youth, develop after school programs in underserved neighborhoods, and generally improve the lives of children in Philadelphia. Her triumphs include the Mayor's Office for Literacy, Philadelphia

READS, Philadelphia Futures, and currently the After School Activities Partnerships. Remarkably, her pattern has been to launch such worthwhile projects, build them as self-sustaining and successful, then move on to her next initiative.

Marciene Mattleman's persistence is legendary in Philadelphia—and it was the subject of much merriment at the Philadelphia Award ceremonies held at Temple University. The keynote speaker, Ralph Smith of the Annie E. Casey Foundation, described the experience of having Ms. Mattleman doggedly seeking support and resources from a public official, foundation or opinion leader as being ''Marcienced.'' Governor Ed Rendell and Mayor Michael Nutter said in such meetings it was best to say ''yes'' quickly, because no one was ever able to say no to her visionary requests.

As an elected official who has come to know and respect Marciene and her initiatives, I extend my congratulations to her and thanks to the Trustees of the Philadelphia Award for their wise and popular selection. For a full measure of Marciene S. Mattleman's accomplishments and unique style, I encourage my colleagues to consider the profile included in the Philadelphia Inquirer on May 4, 2008, which I have submitted into the RECORD.

ANYONE IN NEED CAN JOIN HER CLUB

(By Melissa Dribben)

Today's Philadelphia Award winner uses her pull to give kids—and others—a push. Marciene Mattleman is kind of a big deal.

You'd never know it if you came across her at 7 a.m. in Society Hill, walking her ritual two miles in 30 minutes as she has almost every day for 14 years.

Or chatting up Ken, the concierge at the front desk of the condominium where she and her husband, Herman, have lived for 12 years.

Or getting takeout at the deli next to her Center City office, where she spoons out a demure serving of chicken and broccoli from the buffet, but accidentally takes two Styrofoam containers, which the cashier notices and repacks without properly closing the lid. So by the time Mattleman sits down for a conference with her staff to organize an all-night chess marathon for city kids, brown sauce has pooled in the bottom of the plastic bag.

Watching Mattleman in these settings is like the papparazzi catching Meryl Streep yawning in one of those ''see, celebrities are normal, just like us'' photos.

Don't kid yourself.

That deceptively delicate-looking woman with her white hair brushing against her shoulders is no ordinary grandmother out for a power walk. She's a gifted educator, canny social entrepreneur, and tireless fundraiser who has operated for 30 years in a decidedly higher realm than the rest of us earthlings.

Today, in recognition of her contributions to Philadelphia's underprivileged youths, Mattleman will receive the Philadelphia Award, the city's highest civic honor.

''I've had a huge amount of support, both emotional and financial, that enabled me to follow my instincts and act with independence,'' Mattleman says. ''There is an enormous satisfaction to help other people get what they want from life.

''When you have a kid go to college who never thought they could, or learn to read, or win a chess tournament, and shake the winner's hand, it's wonderful to see.''

She was chosen, says Happy Fernandez, chairman of the award commission, to honor her work this past year organizing after-school activities for the city's children, and recruiting thousands of volunteers to lead chess clubs and debate teams and teach hip-hop and yoga. But the prize is also an acknowledgment of her life's considerable accomplishments.

A partial accounting: Founder of Philadelphia Futures, the mentoring and scholarship program for underprivileged kids. Founder of Philadelphia READS, a literacy program for underprivileged kids. Founder of ASAP After School Activities Partnerships. Appointed to boards and commissions by President Bill Clinton, Gov. Rendell, and Mayors William J. Green and W. Wilson Goode. Longtime trustee at the Free Library and Community College of Philadelphia. Member of Mayor Nutter's transition team. Author of scholarly articles and books.

When the awards ceremony is held this afternoon at Temple University, where Mattleman, 78, earned three degrees and taught education for 18 years, you can just imagine the kind of clout that will be seated in the audience.

And, of course, standing for the ovations.

They will rave about her dedication. Her drive. Her knack for inventing small, efficient programs to help children make the most of their lives.

They will talk about her family—the three children and six grandchildren, who have all followed her lead by doing public service. And her 57-year marriage to Herman, a former president of the Philadelphia School Board, who won the Philadelphia Award 17 years ago.

All impressive.

But if you want to know what makes Marciene (pronounced mar-SEEN) Mattleman truly extraordinary, here's one man to ask.

Ken Leeman, that guy who works the front desk in her apartment building.

''She's pretty generous,'' Leeman says. ''She pretty much took my son under her wing.''

She got the 16-year-old boy involved in chess tournaments and arranged a full summer of activities at the Samuel S. Fels Community Center in South Philadelphia.

''She'd also take him to her office and take him on trips,'' Leeman says. ''She set him up pretty good.''

This is what Mattleman does for just about anyone in need who crosses her path.

''There is no kid or adult who possibly needs help that she's not willing to reach out to,'' says her daughter Barbara, executive director of the humanitarian Operation Understanding. ''For years, we'd lose our cleaning ladies. She'd either get them into school or find them better jobs. She always believed if you're smart and you want to do something, there should be no barrier.''

In the last 25 years, Mattleman has built a network of contacts so dense and influential that there is almost no one in city government or business she can't call to ask for a favor. Favors, invariably, that involve helping someone.

''It's hard to say no to her,'' says Pedro Ramos, a partner at Blank Rome. ''When she calls to ask you for something, I don't think the word ever gets out.''

Pushy?

That's one way to look at it, says Ramos. He prefers ''persistent, perpetually energized and directed.''

''When she starts a conversation, she's already three or four steps ahead,'' he says. ''She's already thought through how you can be helpful.''

One of her closest friends, retired Superior Court Judge Phyllis Beck, recalls the genesis of Philadelphia Futures in 1989.

''She's amazing at getting an idea and then bringing that idea into reality,'' Beck says. ''When she first thought about Philadelphia Futures, we talked about it as just an idea in her head, what the name should be, and before I turned around—there was the organization.''

Ten years later, Mattleman resigned.

Unlike others who start nonprofits, stay for decades, and try to expand them to the fullest extent, Mattleman believes in creating small and efficient operations, then setting them free to live an independent life.

''She needed an interim president, so she asked me,'' Beck recalls. ''I didn't have the time. I couldn't possibly have done it. But you don't say no to Marciene. You try, but it's practically impossible. When she calls you at 7 a.m. and you've said no three mornings in a row . . .''

Beck laughs. ''You know why you can't say no to Marciene? Because if you needed her, or you needed Herman, you know they would do anything for you.''

Beck, who has known the couple for 30 years, says she thinks of the two as one entity. Their romance, which began at Tel Hai Camp in Bucks County when she was 16 and he was 20, appears to be perpetually sweet and symbiotic.

She cooks; he does the dishes. They talk six times a day on the phone. He listens faithfully to the weekly education reports she has been broadcasting on KYW radio for 10 years. She gently chides him for buying too many books but, honestly, wouldn't have him change a thing.

''June 25, we'll be married 58 years,'' Mattleman says, showing off the picture of the two of them on a boat on the Delaware near their country house in Bucks County. ''It seems just incredible to me. We really think of ourselves as kids. I know that sounds silly.''

Their children say the storybook love affair is genuine.

''They are an amazing team,'' says Barbara, who remembers, as a child, watching them dancing in the living room and getting the whole family to sing together. ''I did the same with my family.''

The feistiness, she says, was also part of their legacy. When she was in high school in Merion during the Vietnam War, she and her mother went to a protest outside the local draft office.

''I thought it was going to be a rally, but when we got there, it was just the two of us. We marched in circles singing antiwar songs.''

Years later, she reminded her mother of that day. ''She had no idea what I was talking about. Or what an incredible impact that had on my life, learning that it didn't matter how many people were there, you did what you believed was right.''

Mattleman's other daughter, Ellen, vice president and policy director for the Committee of Seventy, says her parents set high standards for behavior.

''She's a tough act to follow. When the phone rings at midnight or at 6 a.m., I don't get alarmed. I know it's my mother calling to talk about something she's been thinking about. Someone with that kind of energy can be pretty daunting if you're her kid.''

However fiercely she may work for the public good, Ellen says, her mother's greatest devotion is to her family.

''When I heard that she got this Philadelphia Award, I welled up. I was so happy for her to get this honor.''

Then Ellen called her to congratulate her.

''Did you cry when they told you?'' Ellen asked.

''No,'' Mattleman said. ''I only cry when I burn the meat.''

''That's true,'' Ellen explains. ''Because if she burned the meat, it would mean she wasn't doing something wonderful for her

family. . . . She is very, very wonderful as a grandmother and mother, and sometimes that gets lost in all the stuff she does.''

Last week, Mattleman met with her staff in the conference room to work out the final details of a marathon youth chess tournament that would begin Friday evening and last through all day Saturday.

On the wall hang photographs of children engrossed in chess games, a picture of a city councilwoman practicing yoga with two school kids, and a whiteboard scrawled in red, ''Congratulations Marciene!''

The staff wanted to hold a party for her early last month as soon as they learned she was winning the Philadelphia Award. But the announcement had come within days of a family tragedy.

Mattleman's great-nephew had died of cancer, and as the matriarch of the family, she had been shuttling back and forth to New York during the last weeks of his illness and then for his funeral.

The youngest of three girls and the only surviving sibling, Mattleman says she was brought up believing in the importance of family and the personal imperative to help the less fortunate.

She grew up on Woodcrest Avenue in Wynnefield, where her father, a businessman, served as president of his synagogue. ''They used to remind me that Anne Frank was my age. . . . There but for the grace of God . . .''

One of her sisters was a psychologist, the other ''a wonderful, good-hearted woman.'' She is the only one who maintained a compulsion to keep working, well past retirement age, for the public good.

''I have my father's energy and drive,'' she says. ''He lived to 95. I hope I do, too.''

For the chess marathon, Mattleman planned to take the Friday night shift, ''from 7 until whenever.'' She wanted to make sure there would be enough children—and sponsors—to keep the event vibrant even in the odd hours.

''The leaky chicken and broccoli has left a puddle on the table. 'I'll clean it up,' '' she says, and disappears for a minute.

In her absence, her staff, who are mostly in their 20s and 30s, say working with Mattleman is like earning a master's degree in nonprofits. An experience both inspiring and humbling.

''When we're at a fund-raiser and someone is talking slow, she'll kick me and say, 'We've got to get going. I have things to do!' '' says Justin Ennis, a 23-year-old graduate of the University of Pennsylvania who is working for AmeriCorps. She can't stand having to wait for an inefficient speaker to get to the point.

''We call it the ninth circle of hell for her,'' says Ennis.

Any signs that she's slowing down?

None, says Ennis, shaking his head. ''It's terrifying.''

Mattleman returns with a napkin. Wipes the table clean. ''There!'' she says, then leaves to get on with business.

IN REMEMBRANCE OF JOANNE McKENNA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of JoAnne McKenna, who dedicated her life to serving as a community organizer on behalf of peace and inter-cultural understanding.

JoAnne McKenna was born and raised in Cleveland, where she would stay and dedicate her life to advocating for peace and inter-cultural understanding. Her family had deep roots in the city and owned the Hanna grocery stores in downtown Cleveland. She studied English Literature at Flora Stone Mather College and always had great interest in the Middle East. Mrs. McKenna, of Slovak and Lebanese heritage, served as a leader and social justice organizer in the Greater Cleveland community for decades. The region's history, politics and culture fascinated her, but the Arab-Israeli War and its aftermath propelled her to assert her Arab-American identity and emerge as a leader within the Arab-American community.

Following the political unrest of the Arab-Israeli War, Mrs. McKenna began giving presentations at libraries, schools and churches around the Greater Cleveland Community in a quest to cultivate peace and inter-cultural dialogue. Through her work and continued dedication, she emerged as a leader in the Arab-American community and helped found numerous local and national organizations, focusing on Arab-American political activism and peace. She helped found the Greater Cleveland Association of Arab-Americans, where she served on the board for twelve years and six terms as President, the National Association of Arab-Americans, the Ohio chapter of the Association of Arab-American University Graduates, and the Northeast Ohio Committee on Middle East Understanding.

Mrs. McKenna wrote a book titled ''Great Women of the Middle East'' and traveled throughout the United States and the Arab region meeting with various community and state leaders. On two occasions, her activism took her to the White House, where she met with President Ford and President Carter.

Madam Speaker and colleagues, please join me in remembering and honoring the life of JoAnne McKenna, for her outstanding leadership and advocacy for Arab-American causes, as well as for her extensive and diverse service to many individuals and communities who call the Cleveland area home.

EDUCATOR DOROTHY INGRAM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to the late Dorothy Ingram.

Ms. Ingram, a graduate of Lincoln High School in Port Arthur, Texas, started working in schools during summers, even before she earned her undergraduate degree. After obtaining a bachelor's degree from Bishop College in 1936, she went to Prairie View A&M University, earned a Master of Arts Degree, and went on to become a woman of many firsts, including the first African-American fellow of George Peabody University.

Ms. Ingram participated in and made notable contributions to organizations in the Golden Triangle and in the State of Texas, receiving honors too numerous to list in their entirety. She taught at Lamar Elementary School, and in 1952, she was the first African-American woman in Port Arthur to become Principal of George Washington Carver Elementary School. Many of her former teachers remember her as a strong disciplinarian who ran a tough shift at school. She insisted on the highest standards for staff and students. She believed that children should learn and that it was the responsibility of teachers to make it happen. She encouraged students and teachers to keep climbing and to make a difference.

Helping organize the Port Arthur Chapter of Delta Sigma Theta Sorority, Ms. Ingram became its first President. In 1965, one year after Top Ladies of Distinction, Inc. was organized in Tyler, Texas, Lady Ingram, with four other ladies, became charter members of the new Golden Triangle Chapter, and Ingram was again the first President. She was inducted into the Texas Women's Hall of Fame; was Zeta Phi Beta Sorority's Woman of the Year; the Martin Luther King Support Group's Woman of the Year; and in Dallas, she was inducted into the Museum of African Life and Culture in 1968.

Ms. Ingram served as Principal of Pease and Wheatley Elementary Schools from 1972 to 1975, and was the first woman to become President of the Black Principals and Supervisors of Texas, and the Southeast Texas District Teachers Association.

In 1998, Ms. Ingram became Port Arthur's first and only Centennial Queen, celebrating the town's charter; and in 2000, she was Woman of the Year by Quota International of Southeast Texas. Her memberships included the Jefferson County Historical Commission; Democratic Women of Jefferson County; American Red Cross; Texas Senior Citizens' Association; and AAU President.

She was choir director and organist for the Imperial Radio Choir, which was broadcast over KTRM 990, and Ms. Ingram served as a musician for fifty years at Sixth Street (now Mt. Sinai) Baptist Church. The Boy Scouts of America honored her with the Silver Fawn Medal; and the National Association of Negro Business and Professional Women's Clubs honored her with the Sojourner Truth National Meritorious award.

Ms. Dorothy Ingram was a very dynamic person with a beautiful personality. She was a hard worker and believed everyone else should work hard. She insisted that everyone do the best at whatever they endeavored. She loved music, and she loved people, which is why she remained so active in the community well into her 90's.

Madam Speaker, Ms. Dorothy Ingram was a pioneer in education, and an incredible role model. She served and enhanced her community of Port Arthur, TX for more than sixty years, and I am proud to celebrate her accomplishments, and the legacy that she leaves behind.

IN RECOGNITION OF AMERICAN RELIGIOUS HISTORY WEEK

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SALI. Madam Speaker, I rise today to join with many of my colleagues in recognizing American Religious History Week, which began yesterday and goes through this Friday.

I rise not as a sectarian Christian but as an elected Representative of a religiously diverse people. In my beautiful region of Idaho, there

are persons of every faith and some who hold to no faith. Some attend very traditional, liturgical Christian churches and some attend services of Eastern faiths. Some are members of Latter-Day Saint congregations and others are Pentecostal Evangelicals. Idaho has a vibrant Jewish community—Idaho was the first state in the Nation to have a Jewish governor—and our state's Catholics were among millions of fellow worshippers who recently welcomed the Pope to our country.

I could keep going, but you get the point: Like most congressional districts, every major religion and denomination is represented in Idaho's First. Their adherents are full citizens of our great Republic and persons I am honored to represent here in our Nation's capital.

At the same time, it is indisputable that the Judeo-Christian moral tradition was fundamental to our Nation's founding. And this week, we in Congress are joining with Americans of every religious tradition in noting the importance of that tradition to the institutions we cherish and the way of life we enjoy.

Our country's Founding Fathers were imbued from an early age with a profound sense of the Judeo-Christian worldview. In a recent interview, Dr. James Hutson, chief of the Library of Congress's manuscript division, said, ''Jefferson and others were tutored by ministers. They were an extremely biblically literate generation. This certainly shaped their view of Providence. The extent to which they believed in Providence would be unimaginable today. Adams and folks like that continually quoted [Jesus'] statement that a swallow cannot fall without God's knowledge. Washington talks about the invisible hand of Providence. Their biblical knowledge convinced these people that there was an invisible hand of God, and that there was a moral government of the universe.''

Dr. Hutson's view is supported by historians of all persuasions. But perhaps the best way to draw attention to our country's religious history is by using the words of the Founders themselves.

Consider the words of John Witherspoon, president of what became Princeton University and a signer of the Declaration of Independence: ''It is in the man of piety and inward principle, that we may expect to find the uncorrupted patriot, the useful citizen, and the invincible soldier. God grant that in America true religion and civil liberty may be inseparable and that the unjust attempts to destroy the one, may in the issue tend to the support and establishment of both.''

John Jay was a co-author of the Federalist Papers. He served as governor of New York and later was the first Chief Justice of the Supreme Court. He has also been called the ''American Wilberforce'' for his efforts to work with his British friend William Wilberforce to end the slave-trade. What is not often known is that this great statesman was the second president of the American Bible Society and argued throughout his life for the importance of biblical principles to the future of the United States.

Jay had a strong grasp on God's guidance of the formation of our Nation. In 1809, he wrote to a friend, ''A proper history of the United States would have much to recommend it: in some respects it would be . . . unlike all others; it would develop the great plan of Providence.''

God's provision to America was clear to Jay's Federalist Papers' co-author John Adams, as well. He knew that it was found in more than our abundant natural resources, but also in the very conscience of the people. Adams put it this way: ''We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.''

In a statement made in 1778 to the Virginia General Assembly, James Madison, the future father of the Constitution and President, said, ''We have staked the whole future of American civilization, not upon the power of government, far from it. We've staked the future of all our political institutions upon our capacity . . . to sustain ourselves according to the Ten Commandments of God.''

George Washington echoed these same views in his Farewell Address to the Nation at the end of his presidency: ''Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens . . . Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.''

America's Judeo-Christian religious heritage is rich and profound. It has shaped our institutions and nurtured our national soul. It is also the fount of the religious freedom we cherish: Those of us who believe in the God of the Bible believe He gave men and women the freedom to serve Him or not to serve Him. If that's true, we should allow that same freedom to our fellow citizens.

Our Declaration of Independence refers to ''Divine Providence,'' our ''Creator'' and ''the Supreme Judge of the World.'' Our Founders recognized their need to rely on, and submit to, His will in all things. May we, in our day and in this Chamber, continue to learn from their example.

IN HONOR OF THE DOVER AIR FORCE BASE WINNER OF THE 2008 COMMANDER-IN-CHIEF'S AWARD FOR INSTALLATION EXCELLENCE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the Dover Air Force Base upon receiving the prestigious 2008 Commander-in-Chief's Award for Installation Excellence. This is the first time in the 23-year history of the award that an Air Mobility Command installation has been recognized as the best in the Air Force.

The Commander-in-Chief's Annual Award for Installation Excellence honors the efforts of those who operate and maintain U.S. military bases. The Dover Air Force Base was one of only five recipients of this award, given for their outstanding support of Department of Defense missions through exceptional practices, which enhance the quality of life for members of our military and allow for better mission performance. The Dover Air Force Base competed against 117 wings throughout the entire Air Force to win the award and $1 million to be used to further enhance the quality of life for base residents. Team Dover was distinguished for its many efforts to increase efficiency, including the opening of a technologically advanced Air Freight Terminal and its use of Air Force Smart Operations for the 21st Century. In addition, the base was named the Air Force's Outstanding Housing Installation Team for a Privatized Location.

The award money will be used to continue to keep Dover Air Force Base top among the nation's air bases in terms of quality of life for its residents. Selected projects include making needed upgrades to the base's movie theater, repairing the running track and football field, constructing a jogging and walking path, and putting in a new wireless audio system in the Fitness Center. Part of the funds will also go toward installing flush-mounted lights along three crosswalks to better alert drivers to pedestrians on the street. The goal of these projects is to keep the fitness and safety of our soldiers and their families at the top of Team Dover's list of priorities.

I congratulate the military and civilian employees at the Dover Air Force Base for the momentous achievement of receiving the Commander-in-Chief's Award for Installation Excellence. It is a compelling testament to the excellence with which each and every duty is performed by the men and women of Team Dover. The superiority of their work is vital to the critical task of maintaining our military's prominence in the world.

TRIBUTE TO SANDRA J. HAMLIN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mrs. CAPITO. Madam Speaker, I rise today to recognize the induction of Sandra J. Hamlin into the West Virginia Affordable Housing Hall of Fame.

Born and raised in West Virginia and a graduate of Marshall University, Hamlin has demonstrated a commitment to affordable housing. As the executive director of the Religious Coalition for Community Renewal (RCCR), Hamlin oversees housing assistance for low income families, people with disabilities, seniors and the homeless.

In addition to her work with RCCR, Hamlin is the chair of the West Virginia Affordable Housing Trust and was instrumental in the development of EcoDwell, a partnership that utilizes an environmentally friendly home in Charleston's East End.

Madam Speaker, the West Virginia Affordable Housing Hall of Fame was created for the purpose of honoring those who are true leaders in affordable housing and have shown dedication and worked diligently to address the affordable housing in the State. Without question, Sandra Hamlin's lifetime of service merits this honor.

Congratulations, to Sandra on her accomplishments to provide West Virginians with affordable housing. The Mountain State is proud to call her one of our own.

CELEBRATING THE DEDICATION OF THE TOM HARPOOL WATER TREATMENT PLANT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to celebrate the dedication of the Tom Harpool Water Treatment Plant. The dedication ceremony for this new water plant in North East Denton County, Texas, is scheduled for May 13, 2008. The facility is named after the past president of the Upper Trinity Regional Water District President, Tom Harpool, a water pioneer for the Denton County area.

The water treatment plant incorporates technology that is at the forefront of the industry and will improve the reliability of the water system for the entire region. It is the first facility in the area that will incorporate advanced membrane technology. This new technology is the latest advancement in the treatment of potable water that will provide a barrier against pollutants as well as helping to assure the health and security of all water that leaves this facility.

With the naming of this facility, the Upper Trinity Regional Water District is bestowing a well-deserved honor on a local civil leader. Tom Harpool is credited with securing the large water supply the people of his community will require in the future. Mr. Harpool began his service in 1954 by serving on the Denton Independent School District Board of Trustees. Since then he has committed his life to serving his community, and Denton County is a better place because of it.

Madam Speaker, I hope you will join me in rising to celebrate the dedication of the Tom Harpool Water Treatment Plant in the 26th District of Texas. I am proud to represent this area and I am glad to know that the people of my district have this remarkable facility to provide them the highest quality water possible. I am comforted knowing the Denton County vicinity will have a healthy and secure water supply for many years to come.

INTRODUCTION OF THE ''BIOMETRIC ENHANCEMENT FOR AIRPORT-RISK REDUCTION ACT OF 2008''

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, today, I am introducing the Biometric Enhancement for Airport-Risk Reduction Act of 2008, also cited as the BEAR Act of 2008.

Nearly a year ago, I stood here before you to discuss H.R. 1, legislation implementing the unfinished business of the 9/11 Commission recommendations to secure America against terrorism. Since its enactment, the Committee has continued aggressive oversight of the Transportation Security Administration's efforts to comply with security mandates set forth in one of the most important laws enacted by this Congress, the Implementing the Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53).

I must recognize Assistant Secretary Kip Hawley, the head of the Transportation Security Administration, TSA, who has always shown a willingness to engage in open dialogue with me and Committee Members when we have raised particular questions or concerns having to do with TSA. One area of concern that has been raised on numerous occasions is how to best strengthen security for airport workers with unescorted access to sterile and secure areas of the airport. I strongly believe that biometric technologies can be an invaluable homeland security tool—especially with regard to this security challenge.

I am introducing the BEAR Act to promote progress on this issue and legislate a smart security approach that promotes collaboration between TSA, industry, and other key stakeholders to provide airports with a blueprint on how to make biometrics work for them. Specifically, the bill requires TSA to study how airports can transition to uniform, standards-based and interoperable biometric identifier systems for airport workers with unescorted access. TSA, together with a working group comprised of key stakeholders, will examine existing programs and identify approaches that can enhance protections for secure and sterile areas of the airport.

Additionally this bill requires TSA to provide Congress and airport operators with a breakdown on best practices for utilizing biometrics to better protect airports. Today, workers with unescorted access to this critical infrastructure go through background screening to get issued badges that includes terror watch list checks. While this is a necessary and important check, a job applicant's biometrics are not being captured to check against biographic information provided and establish identity. This is a problem, as revealed when Federal law enforcement raided Chicago's O'Hare International Airport in November 2007 and arrested 23 people for fraudulently securing badges to gain access to sensitive airport locations. According to the charging affidavit, more than 100 temporary workers were found to be in possession of the fraudulent badges and the staffing agency that sponsored told them that they needed identification, but such identification did not have to be legitimate. Studying approaches to bring biometrics into airports is all the more important since the struggling Transportation Worker Identification Credential, TWIC, program is not likely to be introduced into the airport environment any time soon.

Additionally, this bill requests TSA to consider existing parallel biometric security systems such as FIPS 201-compliant cards, TWIC, and the GSA Smart Card. This bill is not about re-inventing the wheel or putting a stop to any good work at TSA on this issue. It is about encouraging public-private partnerships and promoting an open dialogue between TSA, industry, and Congress on how best to secure our airports.

Madam Speaker, I ask that you support the BEAR Act, for it frames a series of important biometric and security credentialing issues that need to be addressed in a study and that will build on what this Congress has supported in the past. More importantly, it will provide Congress with the necessary information to continue building on smart, efficient and effective airport security measures needed to secure Americans and protect this critical sector in our economy.

RECOGNIZING RABBI HOWARD SHAPIRO ON THE OCCASION OF HIS RETIREMENT

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a leader in our community. A man of faith and a deep generosity of spirit, Rabbi Howard Shapiro has served his congregation at Temple Israel in Palm Beach County, Florida, with distinction for the last 27 years. His retirement in June will be bittersweet for all those who have come to know the rabbi.

Rabbi Howard Shapiro has served our community for nearly 30 years and has also served our country as an Army chaplain in Vietnam. The rabbi is a family man, and often speaks proudly of his wife, Eileen, his son, David, and daughter, Rachel, and her husband Bobby Green. The Shapiros have five grandchildren—Tali, Jacob, Maya, Samantha and Cory.

Since coming to South Florida, Rabbi Shapiro has been a steadfast leader, serving as president of the Palm Beach County Board of Rabbis and Urban Interfaith Council. He leads his congregation in regular good works, mitzvot, that include helping the elderly and the needy.

Rabbi Shapiro is not only a leader in our Jewish community. He frequently organizes joint programming with Christian congregations and interfaith groups. The rabbi is a community builder in the Palm Beaches, bridging different institutions and forging links between people, traditions and congregations. He cares deeply for Jewish education and loves to teach and to learn.

Rabbi Shapiro has been a blessing to the thousands of congregants he has served over the years. He will be sorely missed.

HONORING THOMAS S. CONELY, SR., OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who was wounded in service to our Nation during the conflict in Vietnam. Mr. Thomas S. Conely, Sr., is a Marine who served with honor and distinction on the battlefield. It is truly an honor to present this brave patriot with his long overdue Purple Heart medal.

Born in Wheeling, West Virginia, Mr. Conely's family moved to Pittsburgh when he was in ninth grade. Enlisting in the Marine Corps at the age of eighteen, Mr. Conely was one of about 78 enlistees dubbed the ''Pittsburgh Pirate Platoon'' when, all gathered around home plate for the ceremony, they were sworn into the Marines in the 7th inning of a baseball game at Forbes Field.

After completing his basic training at Parris Island, South Carolina, Mr. Conely went on to attend radio operator school in California and then served as the 2531 Field Radio Operator

with the 9th Marines in Vietnam. Near the end of his tour of duty, his unit was near the Rock Pile in the Northern Eye Core of Vietnam when a mortar round landed between Mr. Conely and another soldier. The other man was thrown 23 feet and killed, while Mr. Conely ended up with shrapnel throughout his body.

A third generation soldier whose grandfather served in World War I and his father in World War II, Mr. Conely's wounds sadly forced him to leave the military. He had planned to make a career in the Marines, but after the blast injured him in Vietnam he returned to Bethesda Naval Hospital where he remained for 13 months prior to being discharged. Continuing the tradition of military service, Mr. Conely's three sons have all served in the Marine Corps, and one has had four tours of duty in Iraq.

Madam Speaker, it is soldiers like Thomas S. Conely, Sr., who joined the military to protect the freedoms that all Americans hold dear. While brave men like Mr. Conely were wounded fighting for freedom and liberty, his family, friends and loved ones know that this Congress will always remember his bravery and commitment in battle.

INTRODUCTION OF THE TAX RELIEF FOR TRANSPORTATION WORKERS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. PAUL. Madam Speaker, I rise to introduce the Tax Relief for Transportation Workers Act. This legislation helps those who work in the port industry cope with the costs of complying with Congress's mandate that all those working on a port obtain a Transportation Worker Identity Card (TWIC). The Tax Relief for Transportation Workers Act provides a tax credit to workers who pay the costs of obtaining TWICs. The credit is refundable against both income and payroll tax liabilities. This legislation also provides a tax deduction for businesses that pay for their employees to obtain a TWIC.

When Congress created the TWIC requirement, it placed the burden of paying the cost of obtaining the card on individual workers. Imposing the costs of obtaining TWICs on port workers has several negative economic impacts that Congress should help mitigate by making the cost associated with obtaining a TWIC tax deductible. According to the Department of Homeland Security, a port worker will have to pay between $100 and $132 dollars to obtain a card. The worker will also have to pay a $60 fee for every card that is lost or damaged. Even those employers whose employers pay the substantial costs of obtaining TWICs for their workforce are adversely affected by the TWIC requirement, as the money employers pay for TWICs is money that cannot go into increasing their workers' salaries. The costs of the TWIC requirement may also cause some employers to refrain from hiring new employees.

Ironically, many of the employees whose employers are unable to pay the TWIC are part-time or temporary workers at the lower end of the income scale. Obviously, the TWIC requirement hits these workers the hardest. According to Recana, an employer of port workers in my district, the fee will have a ''significant impact'' on port workers.

Unless Congress acts to relieve some of the economic burden the TWIC requirement places on those who work in the port industry, the damage done could reach beyond the port employers and employees to harm businesses that depend on a strong American port industry. This could be very harmful to both interstate and international trade.

Regardless of what one thinks of the merits of the TWIC card, it is simply not right for Congress to make the port industry bear all the costs of TWIC. I therefore urge my colleagues to stand up for those who perform vital tasks at America's ports by cosponsoring the Tax Relief for Transportation Workers Act.

SUPPORT FOR THE COPPER-BASE CASTING TECHNOLOGY PROGRAM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to express my strong support for the Copper-Base Casting Technology Program, C–BCT, a program of great importance to the people of South Carolina, as well as the men and women serving in the United States military at home and overseas. The C–BCT program is a cooperative relationship between the copper industry and the Department of Defense, working to apply high-performance copper alloys in military applications.

Since it's inception in 2004, the C–BCT program has provided multiple, breakthrough technologies for defense and industrial systems that have benefits for all branches of the military. Advances include the design and creation of prototype high-efficiency induction motors using copper rotors. Copper rotors increase motor energy efficiency, lower manufacturing costs due to reductions in overall materials used, increase motor life, and reduce motor weight and size. C–BCT provides the military a technology that has produced crucial advances for the American war-fighter in land base, shipboard, and aerospace applications and has done so in a cost-effective manner.

I would like to recognize Daniel Gearing with the Defense Logistics Agency, DLA, for his support and oversight of the launching of C–BCT. In addition, Victor Champagne with the Army Research Lab, ARL, has begun advanced work to apply C–BCT in applications that advance the defense community requirements. The applications are driven by the need for higher efficiency, lighter weight, lower cost, environmentally friendly, and more reliable materials. Reduced weight, in particular, is a common goal for all weapon systems and logistics support items. With DLA and ARL's commitment to continue the success of C–BCT, advances to date may soon be brought to our service men and women serving overseas. Together with the Copper Development Association and the Advanced Technology Institute, these organizations are working to demonstrate and evaluate copper's ultimate potential for our military.

I recognize the crucial benefits that C–BCT offers both the domestic copper industry and the U.S. armed services as well as the successes of the current program and the critical nature of copper in most military applications.

INTRODUCTION OF THE HOMELAND SECURITY NETWORK DEFENSE AND ACCOUNTABILITY ACT OF 2008

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. LANGEVIN. Madam Speaker, today we are introducing the Homeland Security Network Defense and Accountability Act of 2008, a bill designed to improve the cybersecurity posture of the Department of Homeland Security.

The security of our federal and critical infrastructure networks is an issue of national security. The United States and its allies face a significant and growing threat to our information technology, IT, systems and assets, and to the integrity of our information. The acquisition of our government's information by outsiders undermines our strength as a nation and over time could cost the United States our advantage over our adversaries. This is a critical issue that we can no longer ignore.

One of the first things that Chairman THOMPSON tasked me with when I was named Chairman of the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology was to lead a bipartisan inquiry into the cybersecurity posture of our federal networks and our critical infrastructure. Viewing the potential for cyber attacks on federal networks as an emerging threat that warrants attention, Chairman THOMPSON challenged me to address the four areas that the 9/11 Commission determined our systems failed: in imagination, policy, capabilities, and management. The same can be said of the federal government's approach to cybersecurity—and as a result, our critical information and technology systems are vulnerable to cyber terrorists.

So far in the 110th Congress, we have held seven hearings on cybersecurity, heard from hundreds of experts on how best to tackle this issue, reviewed information security best practices in the public and private sectors, investigated cyber incidents across the spectrum, from the State and Commerce Departments to our Nation's electric grid, and uncovered and assisted law enforcement in investigating breaches at the Department of Homeland Security. It has become clear that an organization is only as strong as the integrity and reliability of the information that it keeps. Therefore we must make cybersecurity a national priority.

This legislation represents a small but critical step toward improving the cybersecurity posture at the Department of Homeland Security by addressing two key issues: ensuring a robust defense-in-depth of our information systems, and holding individuals at all levels accountable for mitigating vulnerabilities. Early in our investigative process, I announced that the Committee's oversight goals were to increase public awareness of the problems associated with federal network security; fix those vulnerabilities that are, or could be, successfully exploited; and hold individuals, agencies, and private sector entities responsible for their

actions. Though much work remains to be done, I believe that we are moving in the right direction. The Department has already begun acting to improve its information security as a result of several Committee hearings. By fully implementing and carefully considering the intent of this bill, I believe the Department of Homeland Security will continue to make great strides in improving its information security posture. I hope that one day DHS will be considered a global leader in cybersecurity.

This measure is comprised of several important pieces. First, this bill would establish authorities and qualifications for the Chief Information Officer, CIO, position at the Department of Homeland Security. In March 2007, Secretary Chertoff issued a management directive giving the Chief Information Officer hiring authority for CIOs and approval authority over agency CIO budgets and IT investments. This bill statutorily authorizes that directive, but includes additional requirements for information security qualifications. In a number of hearings, we expressed concern that the lack of an information security background can hamper the CIO's understanding and efforts to secure the Department's networks. We cannot allow future Presidents to repeat the mistakes made by this Administration in appointing unqualified individuals to this important office.

This bill would also establish specific operational security practices for the CIO, including a continuous, real-time cyber incident response capability, a network architecture emphasizing the positioning of security controls, and vulnerability assessments for each external-facing information infrastructure. As we learned through our investigations of cyber incidents on DHS networks, the absence of a 24 hour/7 day a week real-time response capability can lead to devastating consequences, and we simply cannot afford significant time lapses in our response to cyber incidents.

This legislation also includes testing protocols to reduce the number of vulnerability exploitations throughout the Department's networks. Through our investigations and oversight hearings, we identified a significant gap between requirements under the Federal Information Security Management Act, FISMA, and the current threat environment. As we have learned, agencies that receive high FISMA scores are not necessarily secure from the latest attacks. This provision will require the CIO to consult with other federal agencies and establish attack-based testing protocols to secure Department networks. Today, one of the biggest problems with FISMA is that while we continue to identify vulnerabilities in our systems, we fail to provide adequate funding to mitigate those vulnerabilities. This bill will hold both the CIO and the agency head responsible for developing and implementing a vulnerability mitigation plan that includes budget and personnel marks.

The ubiquitous nature of the Internet can lead to significant problems if one party is infected with a virus or rootkit that can penetrate another person's network undetected. That is why our bill requires the Secretary to determine if the internal security policy of a contractor who provides network services to the Department matches the requirements of the Department. Network service providers for the Department are also required to implement and regularly update their internal information security policies, and deliver timely notice of any computer incidents that could affect the Department's computers. This section is similar to provisions contained in the security controls developed by the National Institute of Standards and Technology, NIST, special condition ''SA–9.''

Finally, we seek a formal report from the Secretary on several critical issues. I was disturbed to learn that the Department still has not conducted a risk assessment on its unclassified network, despite a series of breaches, and we seek a detailed counter-intelligence plan from the Secretary to investigate all breaches, as well as an outline of a program to increase threat information sharing with cleared contractors. DHS must also examine a similar undertaking, and consider offering training to contractors using the attack-based protocols established in consultation with the defense and intelligence communities. We also ask the Secretary to update us on how effective the Department has been in meeting the deadlines established by the Office of Management and Budget, OMB, for Trusted Internet Connections, TIC, encryption and authentication mandates.

Regrettably, poor information security practices plague the entire federal government, not just DHS. NIST continues to serve as an excellent guide for robust cybersecurity practices; unfortunately, federal agencies are often quick to cut cybersecurity budgets in favor of tangible products. If we care about information security, then we must not allow agencies to bleed money out of these programs.

Of course, legislation alone will not accomplish our goals. The Homeland Security Committee continues to conduct robust oversight over this Administration's Cyber Initiative. While I support the aim of the Cyber Initiative, I continue to have significant questions about the scope, budget, and secrecy of these efforts. Furthermore, there are several critical issues that each federal agency must immediately address to improve its security posture. We must start conducting robust damage assessments that can measure exposure to current attacks, and continue to fix those vulnerabilities. We must enhance and educate the federal workforce to limit successful exploits. We must support focused R&D efforts to solve the big challenges that face us in the world of cybersecurity. We must support and enhance initiatives like the Federal Desktop Core Configuration, the OMB-mandated security configuration for all Microsoft Windows Vista and XP operating system software. We must continue to monitor the efforts of the Administration to collapse federal connections to the Internet, known as the TIC Initiative. And finally, we must hold accountable those responsible for these efforts—whether they are our CIOs or Chief Information Security Officers, OMB, DHS, the Defense Department, the Intelligence community or contractors charged with securing our networks. Information security must become a prime concern for each of us if we are to ever be successful in defending ourselves from attack.

Madam Speaker, the Homeland Security Network Defense and Accountability Act of 2008 is a robust and carefully crafted bill, and is the result of a bipartisan effort to treat information security and cybersecurity with the same attention and effort that our adversaries would use to exploit us. I thank Chairman THOMPSON for co-sponsoring this bill with me, and I send the bill to the desk and ask that it be properly referred to the Homeland Security Committee.

RICHARD WIDMARK AND THE SPIRIT OF TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. POE. Madam Speaker, the Spirit of Texas has been a popular genre in the classic Westerns of Hollywood. Recently, Hollywood and Texas lost Richard Widmark, who starred as Jim Bowie in the 1960 John Wayne version of The Alamo. Widmark's portrayal of Bowie is a classic representation of the fire that drove the defenders of the Alamo and soldiers of Texas to secure their independence.

John Wayne's version of The Alamo does more than just tell a story. Characters attach themselves to the audience. Richard Widmark did just that in his role as Jim Bowie. The contrast between the liberal minded Widmark and the conservative John Wayne is one of the highlights of the movie, and illustrates that the defenders of the Alamo came from all different backgrounds and mindsets. More importantly, however, is that Widmark and his fellow cast members captivated audiences with the Spirit of Texas and the devotion the defenders had in sacrificing their lives for their country. Widmark himself captures this spirit near the end of the movie, when he fights to the death with his famous Bowie Knife as he is lamed up in bed.

Richard Widmark recently passed away at his home in Roxbury, Connecticut on March 24. While not a Texan by birth, his contribution to the movies and the story of the defenders of the Alamo is one that should be remembered. His portrayal of Jim Bowie is a testament to the Spirit of Texas and her citizens. As we ''Remember The Alamo,'' we should also ''Remember Richard Widmark.''

IN HONOR OF THE AZERBAIJANI CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KUCINICH. Madam Speaker, and colleagues, I rise today in recognition of the grand opening of the Azerbaijani Cultural Garden on May 12, 2008.

The Azerbaijani Garden is part of the Cleveland Cultural Gardens along Doan Brook in Cleveland's Rockefeller Park. I strongly support the addition of the Azerbaijani Garden as part of the Cleveland Cultural Gardens Federation and all the international communities represented through its gardens.

The Cleveland Cultural Gardens date back to 1916 when the Shakespeare Garden was built. By 1926, the concept of a series of gardens, recognizing various nationalities, was established. The formal group was completed in 1939 with funding to a large degree provided by the federal government. At that time, a series of 18 gardens was dedicated to the City of Cleveland, symbolizing the fusion of distinct nationalities into one American culture.

More importantly, these gardens stood for the brotherhood among all the people of all nations and to this day remain a unique embodiment of that purpose. On July 30, 1939,

soil from 28 nations was deposited by ambassadors of those nations into a marble crypt into the Garden of Nations. Soil from historic shrines of the United States was also deposited into the adjacent Garden of the United States. In both ceremonies, the intermingling of the soils symbolized a united effort by people of all nationalities toward mutual understanding, harmony, peace, and brotherhood throughout the world.

The Gardens are an important part of the city's history and reflects the diverse ethnicities and cultures that have been instrumental in the city's development. The symbolic meaning of the gardens is that people of diverse backgrounds, traditions, and religions can exist side by side in peace and harmony with the freedom to exercise their beliefs and cultures.

With the addition of the Azerbaijani Garden, the Cleveland Cultural Gardens now consists of 27 individual gardens, with new gardens having been recently designated and even more under proposal. Recently, I proudly noted the dedication of the Indian and Latvian gardens. In addition to these and the Azerbaijani Garden, various stages of planning are underway for African-American, Native American, Serbian, Hispanic, Syrian, Croatian, Scottish, Nordic, Philippine, and Vietnamese gardens.

I welcome not only the symbolism of so many great nations represented in these gardens, but the actual joining of the people of these nations in Cleveland. The Cleveland Cultural Gardens is frequently visited diplomatic, educational, or trade delegations when they are visiting Cleveland. I am proud that the people of Azerbaijan now have a place in Cleveland to celebrate their culture.

Madam Speaker and distinguished colleagues, it is my hope that Azerbaijan's participation will help to fulfill our vision of the Cleveland Cultural Gardens as an international park for the people of all nations to come together in cooperation and peace. Please join me in celebrating the dedication of the Azerbaijani Cultural Garden and to welcome the Azerbaijani people to the family of nations represented at the Cleveland Cultural Gardens.

RECOGNIZING THE 2008 RECIPIENTS OF THE MCGOWAN COURAGE AWARD

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. JORDAN of Ohio. Madam Speaker, I enjoy sharing positive stories about young people from our district who overcome adversity. Today, I am pleased to introduce you to eight such individuals.

Michael ("Mick") Benson, Clear Fork High School—Though autistic, this young man maintains a positive attitude as he volunteers in the community and participates in athletics, including many Special Olympics events.

Kati Jo Walters, Crestview High School—This athlete became wheelchair-bound due to an auto-immune medical condition, but through fierce determination and persistence, she remains both a great student and an inspiration to all.

Corey Sayer, Lexington High School—Growing up in a family torn apart by drug abuse, he was taken in by the parents of a friend and now excels academically, hoping to attend Ohio State University—Mansfield upon graduation.

Jill Leiendecker, Lucas High School—A leader in and outside the classroom, she serves as student council president, crediting the love and support of her father after losing her mother in an auto accident.

Curtis Alan Remy, Madison Comprehensive High School—Impaired with nerve deafness, he earned the starting point guard position and was named captain of his high school basketball team—all in addition to his academic achievements.

Daniel Porter, Mansfield Christian High School—Through self-motivation, he overcame dyslexia to become proficient in computers, power equipment, and small engines, and has secured a job with a landscaping company after graduation.

Jessica White, Mansfield Senior High School—This courageous young lady overcame obstacles associated with hearing impairment to perform at the highest levels in both school and extracurricular activities, including basketball and track.

Penelope Mitman, Ontario High School—Despite her hearing problems, she remains an active and inspirational student, participating in student council, band, and basketball, and volunteering in the guidance office.

I am pleased to join the Rotary Club of Mansfield, Ohio, in honoring the achievements of these recipients of the McGowan Courage Award, which will be presented on May 13.

HONORING ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSIONER ERIC MOWER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to my friend, a dedicated public servant in his own right, Eric Mower. Eric has an outstanding record of dedicated service and contributions to the betterment of communities across upstate New York.

A highly successful civic and business leader, Eric is the chairman and CEO of Eric Mower and Associates, one of our Nation's largest public relations firms. He is also a member of numerous community boards and organizations, including United Way of Central New York, the Boy Scouts of America, and the Greater Syracuse Chamber of Commerce.

Eric was the initial chair of the highly successful Syracuse Neighborhood Initiative, a private-public non-profit collaboration that I launched in 1999 to revitalize neighborhoods and increase home ownership in the city of Syracuse. He capably led efforts to develop partnerships and garner support from the private sector to leverage federal resources.

Eric currently serves as chair of the Erie Canalway National Heritage Corridor Commission, a position he will be vacating in June. His leadership on the Erie Canalway National Heritage Corridor Commission has been integral. The Corridor, founded in 2000, encompasses 80 percent of upstate New York's population, including 234 communities. Since 2002 when Eric was named chair of the commission, he has led the fledgling National Heritage Corridor through much growth and success. Under his direction the Corridor Commission has leveraged millions of dollars in support and has helped multiple canal communities fund projects to enhance and showcase the canal. The successful Trails and Rails program continues to grow, and last year the Commission hosted an historic 1,000-mile Grand Canal Journey of a replica schooner visiting 28 cities and towns along the Erie Canal.

On behalf of the people of the entire 25th Congressional District of New York, I thank him for his distinguished service. I am very proud to have worked with Eric over the years. He is an extraordinary individual and brings his considerable talents to every endeavor he undertakes. While he will no longer be chair of the Commission, I'm confident that his presence as a member will continue be a great benefit to the Erie Canalway National Heritage Corridor Commission.

HONORING DR. BRENDA DEEN SCHILDGEN OF DAVIS, CALIFORNIA, RECIPIENT OF THE 2008 UC DAVIS PRIZE FOR UNDERGRADUATE TEACHING AND SCHOLARLY ACHIEVEMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Dr. Brenda Deen Schildgen, the 2008 recipient of the University of California, Davis Prize for Undergraduate Teaching an Scholarly Achievement. The prize is awarded to recognize scholars who are successful not only in their research, but convey their excitement and love of scholarship to students they teach. Dr. Schildgen is an eminent scholar of medieval European literature and biblical studies, but her hallmark at UC Davis is imparting her knowledge and passion for these subjects to students.

Born in London to a Russian mother and Indian father, Dr. Schildgen was the first in her family to go to college. Her Jewish mother and Muslim father sent her to a French convent in England through high school. Crossing the Atlantic for college, she earned a bachelor's degree in English and French at the University of Wisconsin—Madison, a master's and Ph.D. in comparative literature at Indiana University and a second master's, in religious studies, at the University of San Francisco.

Her path to an academic career was also unconventional. Dr. Schildgen served for 8 years as a lecturer at UC Davis before she was hired in 2002 as a full professor of comparative literature—an almost unheard-of jump in academia, where faculty typically climb, rung by rung, from assistant professor to associate professor to professor. In addition to her research and teaching, Dr. Schildgen has been instrumental in building UC Davis' highly praised University Writing Program and has been a staunch advocate for the development of writing skills not just in English courses but across all disciplines.

A scholar who works with literature in English, Italian, French, Spanish, Greek and Latin—she describes herself as "dabbling" in

Sanskrit as well—Dr. Schildgen has written five critically acclaimed books and edited four others, as well as authoring some three dozen scholarly articles and more than a dozen invited book or article reviews. An internationally respected authority on Dante, Chaucer and the gospel of Mark, especially in the context of Islam and Judaism, she has lectured throughout the United States, in India, the Middle East and Europe, and received numerous fellowships, grants and awards from the National Endowment for the Humanities and other prestigious organizations.

Madam Speaker and colleagues, it is appropriate at this time for us to acknowledge and thank Dr. Schildgen for her years of exemplary work as a scholar and educator, and congratulate her on receiving this well deserved award. Her commitment to inspiring and educating students has been unwavering, and she deserves our collective recognition and thanks.

TRIBUTE TO KENNETH E. STREET

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of Committeeman Kenneth E. Street. On May 13, 2008, Mr. Street will be celebrated for his contributions as a member of the Hainesport Township Committee as he retires after more than forty years of faithful service to the citizens of South Jersey.

Kenneth has dedicated his life to serving the residents of Hainesport Township. First elected to the township committee in 1950, Kenneth was then appointed mayor in 1953. He served in that position for an impressive twenty-one years. During his time as an elected official, his contributions helped to shape the township into what it is today. Most notably, he worked on developing the township's zoning and property maintenance, as well as the master plan.

In addition to his responsibilities within Hainesport, Kenneth became involved in the League of Municipalities, a statewide organization dedicated to the cooperation of neighboring communities. He served as the league's president, along with various other positions, and remains active in the group today.

Madam Speaker, I would like to extend my sincere gratitude for his leadership, commitment, and service as Kenneth celebrates his retirement.

ONE YEAR AFTER PASSAGE OF H. RES. 376

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. WOOLSEY. Madam Speaker, I rise today on the anniversary of the passage of H. Res. 376, a resolution recognizing the work of our Nation's classified school employees and their continuing contributions to education and to the students of our Nation.

By passing H. Res. 376, the House recognized the National Classified School Employee of the Year and urged the Department of Education, all States, State education agencies, local education agencies, community colleges, and members of the public to join in this observance. H. Res. 376 congratulated all classified school employees across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring student achievement, student safety, and well-being.

I look forward to working with the National Association of Classified School Employees and other education groups to continue to honor the important work of school classified employees.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BARROW. Madam Speaker, on May 1, 2008, I was unavoidably detained and missed roll No. 234, H.R. 493, The Genetic Information Nondiscrimination Act of 2008. Had I been present, I would have voted "yea."

CONGRATULATING CHARTER SCHOOLS

SPEECH OF

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. HALL of New York. Mr. Speaker, I have no doubt that the faculty and staff employed in America's charter schools are working hard to educate their students and give them the tools needed to succeed, I respect their efforts, as well as the overall goal of charter schools to pursue innovative approaches to education that will allow children throughout our Nation to reach their potential. However, in an era when the funding shortfalls under No Child Left Behind have created a burdensome unfunded mandate on public schools and property taxpayers, I am extremely concerned about any diversion of funds, to charter schools or otherwise, from public schools across the country that are already struggling to maintain a diverse curriculum and serve their students. I voted present on H. Res.1168 in order to make sure that this concern was acknowledged.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 5, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall No. 240; rollcall No. 241; rollcall No. 242; rollcall No. 243; rollcall No. 244.

WORLD AIDS ORPHANS DAY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WEXLER. Madam Speaker, I want to join my colleagues in Congress as well as the entire international community in recognizing World AIDS Orphans Day. This is a critically important day because we are reminded of our collective responsibility to address the needs of the world's most vulnerable population—millions of orphans and vulnerable children who need desperately need our support, care, attention and resources.

According to the U.S. Agency for International Development, highly vulnerable children include those who receive inadequate adult support because of abandonment, economic distress, or chronic illness; have HIV/AIDS or are suspected of having HIV; are directly affected by armed conflict; live outside of family care; or in some other way have suffered from a collapse of traditional social safety nets in their communities. Disease, conflict, violence, natural disaster, and severe economic strife leave millions of the world's youngest people orphaned or otherwise vulnerable. Globally, an estimated 132 million children in the developing world have lost one or both parents, while an additional, larger number of children are highly vulnerable, facing serious risks to their survival and wellbeing. According to UNAIDS, by 2010, 20–25 million children could be orphaned by HIV/AIDS alone.

These children face a number of challenges, including finding money for school fees, food, clothing, and access to basic healthcare. Their desperate plight makes them more vulnerable to abuse and exploitation, ultimately making them more susceptible to contracting HIV. To that end, Congress along with the international community and non-governmental organizations must be prepared to assist those communities where these orphans live and receive most of their assistance. Today less than 10 percent of orphaned and vulnerable children (OVC) receive any kind of international support—the majority of the support they receive comes from their own communities. I support the sentiments of such organizations as Global Action for Children and other leading NGO's who believe that an effective response to the challenges facing these children must be to strengthen the capacity of families and communities to continue to provide care, protection, and assistance to them in, at a minimum, meeting their basic needs.

According to UNAIDS, an $800 million U.S. investment in 2009 is needed to provide universal HIV treatment, care, support and prevention services by 2015 to 19 million orphans and vulnerable children. Under the United States leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 10 percent of all resources devoted to HIV/AIDS have been designated for programs to meet the needs of orphans and vulnerable children. While the U.S. contribution over the past several years has been significant, it will only be successful if we continue to provide the necessary assistance and renew our commitment to pass the President's Emergency Plan for AIDS Relief (PEPFAR) reauthorization bill.

It is clear that Congress must do its part to meet America's international commitment to

assist orphans and vulnerable children. In that vein, I urge all of my colleagues to recognize World AIDS Orphans Day and join me in supporting swift passage of PEPFAR so that we can continue to meet the needs of millions of children around the world who desperately need our help.

COMMEMORATING PRESIDENT HEYDAR ALIYEV

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on May 10, we commemorate the 85th Jubilee of the late President Heydar Aliyev. President Aliyev's significant contributions to the country of Azerbaijan provided a fertile ground for the seeds of democracy to flourish after Soviet rule and have paved the road for Azerbaijan's regional and international success.

Azerbaijan is the gateway to Central Asia. It is on the modern Silk Road which transports goods and services from China through Central Asian countries, Azerbaijan, and Georgia. Remarkably, with only 19 years of independence, Azerbaijan has become a key player in this region. After brief independence from 1918–1920, Azerbaijan fell under Russian domination for 70 years. When Soviet troops invaded Baku on January 20, 1990, many died, including innocent civilians, thereby giving birth to the independence movement in the country.

After the collapse of the Soviet Union in 1991 and the emergence of a democratic Azerbaijan Republic, the first few years were not easy. While Azerbaijan became the first former Soviet Republic outside the Baltic States with no foreign troops on its soil, it was a small country with powerful neighbors. Mindful of its geography, Azerbaijan developed close ties with the United States, Western Europe, Turkey, and Israel.

In 1993, Heydar Aliyev became President of the Republic, first by appointment under the constitution, then through direct election. A cease-fire in the war with Armenia over the Nagorno Karabakh region of Azerbaijan was negotiated and implemented in 1994. During this time, the country's economy was wrecked by war and burdened by the effects of communism. Parliament began enacting laws to make the country friendlier to foreign investment and a member of the international market economy.

In 1994, the ''Contract of the Century'' was signed between American and western companies and Azerbaijan. The Contract was designed to allow Azerbaijan to develop its energy resources in order to diversify western energy supplies. The Baku-Tbilisi-Ceyhan pipeline (supported by both the Clinton and Bush Administrations) is now fully operational, and helps to bolster the political and commercial independence of the countries in the region, while diversifying Europe's energy supplies.

President Aliyev was clear regarding Azerbaijan's western orientation. Azerbaijan joined NATO's Partnership for Peace Program in 1994, and has consistently integrated into the Euro-Atlantic security architecture; further deepening U.S.-Azerbaijani military to military cooperation.

Azerbaijan works with the U.S., both bilaterally and multilaterally, through the GUAM framework (Georgia, Ukraine, Azerbaijan, and Moldova) to prevent illegal trafficking and to secure borders. A strong friend of the United States, President Heydar Aliyev offered support for the fight against terrorism immediately after 9/11. Today Azerbaijani troops are in Iraq and Afghanistan with the coalition.

Azerbaijan has excellent relations with Israel and a 2,000 year old Jewish community with representation in Parliament. As a secular country with a predominantly Shiia population, the participation of its troops in Iraq and Afghanistan sends the right message regarding international cooperation.

Because of the late President Aliyev's efforts, today Azerbaijan is a developing democracy with a growing and vibrant economy. There are no longer any doubts regarding the viability of this Republic. The future of U.S.-Azerbaijani relations is bright, as our two countries share values and interests in the region.

IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE FOUNDING OF THE FIRST BAPTIST CHURCH OF SYLACAUGA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition the members of First Baptist Church of Sylacauga, Alabama, who on May 25 will celebrate their congregation's 175th anniversary.

On May 25, 1833, George Hill sought the approval of the Tallasahattchie Church to establish a new branch in what would become Sylacauga, Alabama. The small wooden cabin that first served as a meeting place for the church's eight charter members became an independent church in 1835 with 33 members.

Since that time, the church has grown steadily becoming one of the many fixtures of the Sylacauga community. The celebration on May 25 will help pay tribute to the work of First Baptist Church on behalf of its members and community.

I am pleased to recognize the First Baptist Church of Sylacauga today for reaching this important milestone in the history of their congregation, and wish its members all the best in its next 175 years of faith and witnessing in the community.

HONORING DEAN TIPPS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise along with my fellow Members of Congress ANNA ESHOO, SAM FARR, MIKE HONDA, BARBARA LEE, DORIS MATSUI, JIM MCNERNEY, GEORGE MILLER, JACKIE SPEIER, PETE STARK, ELLEN TAUSCHER, MIKE THOMPSON, and LYNN WOOLSEY to congratulate Dean Tipps on his retirement and to honor a man whose career of over 40 years has been dedicated to empowering and bettering the lives of working men and women.

For the last 22 years, Dean Tipps has been executive director of the California State Council of the Service Employees International Union. In this capacity, he has directed the council's statewide legislative and political activities on behalf of the 650,000 California members of the Service Employees International Union. As the director of the largest union in California, Dean Tipps' impact has reached beyond SEIU membership as the growth, innovation, and persistent advocacy of the SEIU has served as an example to other unions in a variety of industries.

Mr. Tipps' vision, leadership, and strategic thinking have had a substantial impact on California's people and politics over the last few decades. Dean's ability to build coalitions and bring together the necessary resources has meant that working people have had a powerful voice in electoral and legislative arenas. Dean Tipps has been a leader in many of the labor movement's victories in California, including the defeat of State Proposition 226, the election of Gray Davis, and labor's special election victories in 2005.

He began his political work in 1976 as the first legislative advocate for the California Tax Reform Association and was deeply involved in the politics of California's property tax revolt. In 1979, he moved to Washington, D.C., to become the founding executive director of Citizens for Tax Justice. At CTJ, Mr. Tipps developed the successful campaign strategy that defeated Howard Jarvis' Proposition 9 in 1980 and was involved in initiative campaigns in Massachusetts, Ohio, and other States. He subsequently went to work for the Service Employees International Union where he became the Public Sector Division Director. In 1986, he returned to California to assume direction of SEIU's California State Council and has continuously led the council except for taking leave in 1988 to navigate the Assembly Democratic Campaign Committee.

In his many capacities and positions with various groups, Dean Tipps has remained constant in his dedication to helping our country fulfill its responsibility to the men and women who labor in service jobs that make our lives more comfortable. He leaves grateful colleagues and a grateful membership. We are proud to add our thanks for his many years of advocacy and our congratulations for all his achievements.

THE DAILY 45: PROMISING LOYOLA STUDENT SHOT TO DEATH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States. The recent news of the death of an aspiring journalism student at Loyola University who was killed, May 4, when someone fired shots into her car on Chicago's South Side is tragic and sad. Twenty-year-old Ishma Stewart, a 2005 graduate of Oak Park-River Forest High School, was an intelligent

young lady who completed her studies in only three years. She was expected to graduate from Loyola in December.

Another promising life cut short. Another life ended by gun violence. Another family forced to ask why their loved one, who was not involved in guns, drugs or gangs, had to leave tragically and so soon.

Americans of conscience must come together to stop the senseless death of "The Daily 45."

When will Americans say "enough is enough, stop the killings!"

NATIONAL NURSES WEEK

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1086, a resolution recognizing the designation of May 6 through May 12, 2008 as the National Nurses Week. I commend my colleague Representative EDDIE BERNICE JOHNSON for introducing this resolution and am honored to be a cosponsor of the legislation. This is an overdue resolution that recognizes the vital service that nurses provide to health of our citizens.

I need to acknowledge that it is because of the efforts of the nurses that are helping the health care system to survive in its fragile state. It is only fitting that the end of National Nurses Week is the birthday of Florence Nightingale who is the founder of modem nursing that has initiated the blossoming of about 2,500,000 registered nurses in the United States.

I would like to specifically recognize the 190,000 registered nurses in Texas for their unprecedented service tending to the needs of my State. This legislation is a testament to our Nation's ability to honor those that dedicate their lives to humanitarian causes.

Mr. Speaker, this resolution allows everyone to realize the foundational contributions that they have and continue to contribute to everyone. I would like to point out that everyone has interacted with a nurse in their lives and nurses should never be taken for granted.

Not only does this recognition honor the servants of humanity, but also paves the way for inspiration and education for those that aspire to serve in humanitarian needs. Our Nation is facing hardship through the shortage of nurses and medical care is essential to the viability of the United States.

Mr. Speaker, it is imperative for the government to recognize the importance of nurses in our country. I urge my colleagues to wholeheartedly support this resolution and other initiatives to properly recognize National Nurses Week.

COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes:

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise today in strong support of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act. This legislation would require the U.S. Occupational Safety and Health Administration (OSHA) to issue rules regulating combustible industrial dusts, like sugar dust, that can build up to hazardous levels and explode.

Working families are the backbone of Minnesota and our Nation, and it is critical that all Americans to have a safe and healthy workplace. Unfortunately, due to the Bush Administration's failure in leaving worker safety in the hands of industry, OSHA has issued only one major safety standard, the fewest in its history, and killed and delayed dozens of existing and proposed regulations since President Bush took office. In 2005, over 5,700 workers were killed on the job and another 4.2 million workers were injured. It is clear that there is still a need for greater workplace protections.

A tragic example of this need occurred in early February when the Imperial Sugar refinery in Savannah, Georgia, exploded, killing thirteen people and injuring many others. When dust builds up to dangerous levels in industrial worksites, it can become fuel for fires and explosions. Combustible dust can come from many sources, such as sugar, wood, furniture, textiles, and metals, and therefore poses a risk across a number of different industries throughout the United States. There have been 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured several others. Despite this, OSHA has failed to act to provide the necessary safety regulations.

The Combustible Dust Explosion and Fire Prevention Act (H.R. 5522) recognizes the serious hazard presented by combustible dust in American industry, and requires OSHA to issue rules regulating combustible industrial dusts. This bill sets a timeline for OSHA to respond, and requires workers to receive information and training about the hazards of combustible dusts. OSHA has known about these dangers for years, but has failed to act. Since 2001, in case after case and industry after industry, OSHA has chosen to emphasize voluntary compliance over setting strong rules and enforcing them.

Workers cannot be asked to wait any longer for these basic worker protections. The tragedy at Imperial Sugar shows that the threat of dust explosions is very real at industrial worksites across America and needs to be addressed immediately. Methods to control combustible dust hazards are well known. However, as we have tragically seen, voluntary standards are not enough. Without an OSHA standard, many employers are unaware of the hazards of combustible dusts, while others have chosen not to adopt voluntary standards.

It is time for Congress to take action to protect American workers, because OSHA did not. I urge my colleagues to join me in supporting the Combustible Dust Explosion and Fire Prevention Act to save American workers from harm.

ON THE OCCASION OF THE DEDICATION OF TOLEDO BLESSED SACRAMENT NEIGHBORHOOD CENTER AND MIDDLE SCHOOL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. KAPTUR. Madam Speaker. I rise today, pleased to recognize a milestone for Toledo Blessed Sacrament Catholic Parish. They celebrate the dedication of a neighborhood center and middle school.

Blessed Sacrament became the Mother Church of West Toledo, established December 31, 1924, by Father Otto C. Kappus, in the forested epicenter of western Toledo. Struggling middle-class families of the densely populated, majority Catholic residential area settled and thrived though the Great Depression and World War II. September 6, 1925, marked the laying of the cornerstone for the first church and school by Monsignor J. T. O'Connell. However, the church and school were completed in February 1926.

The Sisters of Blessed Sacrament who served the Parish in 1925 belonged to the Dominican Order. The sisters found residence originally in the school building. In 1925, there were 112 pupils enrolled, with Sister Mary Leonilla as principal and 3 assistant nuns. The 1952 enrollment was 778 pupils with 14 nuns, 2 lay teachers and Sister Helen Patrick as principal. For much of the parish's history, Dominican Sisters shepherded generations of the youth through the school. They remain much loved, greatly respected and well remembered. Their teacher successors have upheld the grand tradition.

Between 1938 and 1952, school registration increased to the point where the entire floor space, occupied as residence by the nuns, was converted to classrooms. Then, the Sisters resided at 4110 Bellevue Road until the spring of 1948, when they moved to the convent on Castlewood Drive in Toledo, OH.

Blessed Sacrament Parish experienced rapid growth in its early years. To help serve the growing congregation, a new church was constructed. It was completed in 1954 and is still in use today. The charter members chose a Southern California Spanish architectural theme that has been faithfully reflected in the new constructions. This style was remarkably suited to accommodate the liturgical reforms of the Vatican Council, but also made the addition of narthex, in the 1970s, possible. Finally, the 2008 opening of the new middle school, neighborhood center and gymnasium facility marked the newest stage in Blessed Sacrament's development.

Today, Blessed Sacrament's parish community continues to be a hallmark of hospitality and ministry to its neighbors. The parish is lively with young families and a thriving

school, currently enjoying an increase in enrollment. Thus, the parish recognized the necessity for a hub to carry on the progress and traditions of the Blessed Sacrament community. The establishment of a neighborhood center invites parish members and neighborhood residents to enter a partnership to ensure and enhance the neighborhood's vitality. In lieu of the new landmark, the neighborhood formed an organization named ''The Greater Close Park Neighborhood Organization.'' Their mission is to maintain and improve the quality of life in the neighborhood. They strive to beautify the area with trees and flowers, develop programs for seniors and children, enhance lighting in the Block Watch Program for safety, and establish community projects like Spring Clean Up, Welcome Wagon and a neighborhood garage sale. These programs will create recreational and social opportunities for all ages. I stand here to applaud the efforts of Blessed Sacrament to bolster a strong tradition of community in this West Toledo neighborhood.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. HODES. Madam Speaker, due to unavoidable circumstances, I missed one vote in a series of votes on Tuesday, May 6, 2008. I would have voted ''yes'' for the following vote: (1) Rollcall vote 248—To Table Motion To Reconsider.

NATIONAL NURSES WEEK

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a registered nurse with a Master's in Public Administration, it is a privilege and a delight to offer a resolution recognizing National Nurses Week, which is May 6th through the 12th.

My colleagues, Congresswoman LOIS CAPPS and Congresswoman CAROLYN MCCARTHY, are also nurses and champions of this resolution, and of the profession.

I thank them for their efforts to encourage more than 110 Congressional colleagues to cosponsor this bill honoring nurses.

The Congressional Nursing Caucus was also helpful in promoting the legislation, and I appreciate Members' efforts to rally support for H. Res. 1086.

National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing.

Nurses are a key component of our Nation's health care system.

Whether on the battlefield or at sea, in a skilled nursing facility, in a hospital or even in a patient's own home, the care that a nurse provides is so very valuable.

Nurses are intelligent individuals who must often make quick decisions in an effort to save the life of a patient.

Nurses are recognized as the patient's primary advocate.

Nurses are tasked with closely monitoring even small changes in patients' health.

Nurses are tough. They often do their work under duress, and in difficult conditions.

For 15 years, I provided hands-on patient care as a psychiatric nurse.

The work was challenging and fulfilling.

Although more than 2.5 million nurses work in the United States, our Nation has suffered from a nursing shortage.

Those currently in the profession are beginning to retire. There are fewer individuals entering the profession.

The nursing shortage is unprecedented in its depth and duration, with a projection of over 1 million new and replacement nurses needed by 2016.

Nursing schools need help attracting well-prepared faculty to recruit the best and brightest into their educational programs.

Loan forgiveness and educational incentive programs can help, but Congress must do more to encourage bright young minds toward nursing.

Nursing is a career that has been valued for a long time, and it is fitting to recognize the Navy Nurse Corps on its 100th Anniversary this year.

For nearly 100 years before Congress formally established the Navy Nurse Corps in 1908, women worked as nurses aboard Navy ships and in Navy hospitals.

As early as the War of 1812, volunteers performed nursing duty in places that were often dangerous and required courage in the face of adversity.

Members of the esteemed Navy Nurse Corps care for those brave men and women who fight for our freedoms.

They contribute to relief efforts in all corners of the globe.

They serve in lead roles as part of a unified health-care team.

The Navy Nurse Corps practices progressive patient care.

It enjoys a rich heritage accompanied by high-tech training.

A registered nurse in the Navy is also a respected Officer, serving in modern facilities at home, at sea, around the country and across the globe.

I am proud to especially recognize the Navy Nurse Corps for its centuries of outstanding service for our military men and women.

Today's resolution honors the good work that all nurses do.

H. Res. 1086:

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of this Nation to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Along with my many supportive colleagues, I want to thank the House leadership for bringing this important resolution to the Floor.

TRIBUTE TO KENTWAN BALMER

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BUTTERFIELD. Madam Speaker, on October 15, 1986, Christa and Charles Balmer, Sr., were blessed by the birth of their youngest child, Kentwan.

Kentwan grew up in Weldon, a very small town in my congressional district with a population of about 1,375 people. Kentwan attended O.R. Pope Elementary, Weldon Middle and Weldon High School. As a high school junior and senior, he earned All-Area and All-Conference honors. Kentwan was also an impressive bowler and dedicated a good deal of his time as a member of the North Carolina Shrine Bowl Team.

Kentwan earned a full scholarship to play football at the University of North Carolina at Chapel Hill. He saw limited action in nine games as right defensive end as a freshman, coming up with one assisted tackle. As a sophomore, he appeared in II games, and started in the final 3 games of the season.

As a junior, Kentwan appeared in 10 games, starting the final 8 games as left defensive tackle. The highlight of his season came against rival Duke when he blocked two extra point kicks in a one-point victory.

As a senior, he shifted to right defensive tackle. He earned second-team All-Atlantic Coast Conference honors and received the team's James Southerland Award. He ranked second on the team with 59 tackles, including 3.5 sacks.

In 42 games at the University of North Carolina, Kentwan started 23 times. He collected 93 tackles with 7 sacks. He also deflected three passes and blocked a pair of kicks.

On April 26, 2008, the San Francisco 49ers selected Kentwan with the 29th overall pick in the first round of the National Football League draft. He's expected to play either nose tackle or left defensive end. Kentwan is UNC's 17th first-round draft pick in school history.

Kentwan is known for his strength, athleticism, and versatility, and the 49ers expect him to anchor their defense for many years to come.

Madam Speaker, this is a great day for the town of Weldon—the place of Kentwan's roots and a very significant part of the First Congressional District of North Carolina. As friends, family and fans come together to celebrate at Clem's Grand Ballroom in Weldon on May 9, I ask my colleagues in the United States House of Representatives and folks all across North Carolina to join me in wishing Kentwan many successful years with the San Francisco 49ers. We applaud Kentwan's commitment, determination and dedication in achieving such a major accomplishment.

MAY 10TH IS A SPECIAL DAY FOR THE PEOPLE OF AZERBAIJAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BURTON of Indiana. Madam Speaker, on May 10, 2008 the people of Azerbaijan

commemorate the 85th Jubilee of the birth of their late President Heydar Aliyev. A larger than life personality and a man of enormous political skill and stature, Heydar Aliyev worked tirelessly for more than 30 years—first as part of the Soviet Union, and later as President of a free and independent Azerbaijan—to build a strong, vibrant, healthy and prosperous nation.

When Azerbaijan regained its independence in 1991, the political and economic vacuum caused by the collapse of the Soviet Union, domestic tensions fueled by competing forces at home and the disastrous war in Nagorno-Karabakh—which resulted in the military occupation of 20 percent of Azerbaijan, and nearly one million refugees and internally displaced people—threatened to rip the country apart. Many Azerbaijanis were fearful that their first experience as the short-lived first Republic in the Muslim world (1918–1920), would be repeated; and that a free and independent Azerbaijan would be nothing but a footnote in history.

Heydar Aliyev, however, had a vision for Azerbaijan. He knew that Azerbaijan's future would be assured if countries around the world had a stake in its independence and he knew that the key to attracting international investment in Azerbaijan's rich resources was stability. In 1993, when Heydar Aliyev became President of the Republic, first by appointment under the constitution, then through direct popular election he moved quickly to implement his vision. First, he negotiated a ceasefire in the war with Armenia—which was implemented in 1994—and next he pushed Parliament to begin enacting a series of laws to make the country friendlier to foreign investment and a member of the international market economy. President Aliyev opened up the country to investment from the United States, Western Europe, Russia, and Turkey and Azerbaijan soon became a pioneer in opening the Caspian Sea to international cooperation and oil and gas exploration. In fact, since the so-called ''Contract of the Century'' was signed in 1994, Azerbaijan has extensively developed its energy resources to help diversify western energy supplies. The Baku-Tbilisi-Ceyhan (BTC) oil pipeline, for example, which became fully operational in July 2006 and will soon provide one-third of the new oil flowing into the international market. In addition to the BTC pipeline, the Baku-Tbilisi-Erzurum gas pipeline is now functioning.

President Aliyev was also aggressive in asserting Azerbaijan's place on the international political stage. He became a great friend to the United States and one of the first international leaders to offer unconditional assistance to the U.S.-led fight against global terrorism after 9–11—and was also one of the few Muslim leaders to agree to send troops to Iraq and Afghanistan. The strong relations between our two nations are a monument to his determination and will not be forgotten.

Madam Speaker, despite foreign and domestic critics of President Aliyev's pro-western policies, most people acknowledge that President Heydar Aliyev represented security during those very dark early years of Azerbaijan's second independence; and most Azerbaijanis felt at the time that as long as Heydar Aliyev was at the helm, the ship of state would not sink. Today it's up to the youth of Azerbaijan to steer that ship and to carry on Heydar Aliyev's vision of a strong, vibrant, healthy and prosperous, and independent Azerbaijan. If they build upon the legacy President Aliyev left, I have no doubt they will succeed.

SUPPORTING THE GOALS AND IDEALS OF MOTHER'S DAY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H. Res. 1113, ''Celebrating the Role of Mothers in the United States.'' I would like to thank my colleague, Congressman JEFF FORTENBERRY of Nebraska, for introducing this heartfelt legislation.

Mr. Speaker, as a Mother myself, I am extremely proud to stand before you on a day recognizing mothers. Mothers are the strongest link in the family chain. She holds the family together, nurturing both child and husband.

I want to thank my own mother and grandmother for their support over the years. I also want to thank all of the mothers who take care of not only their natural children but also the children in the community, the children in foster care, and children overseas.

The annual number of Texas children in foster care has risen steadily in recent years. In November 2003, there were about 16,000 children in foster care and an additional 5,000 in other care, such as kinship care; 2,146 children were served in emergency shelters and homes; 671 children were served in placements outside the foster care system, such as nursing homes, mental health/mental retardation facilities, hospitals and juvenile justice facilities.

In a study by the Texas Health and Human Services Commission, which oversees the Department of Family and Protective Services, they stated that Black children stay in foster care significantly longer, are less likely to be reunited with their families, and wait longer for adoption than white or Hispanic children.

They are everybody's children, and nobody's children. They are the forgotten children in the Texas foster care system. Black, White, Hispanic, Asian—they all need the love of a mother, the nurturing of a family, and the support of their community. Some of them find homes with caring foster parents, or in treatment centers with experienced and caring providers. And some do not.

Some foster children have been moved among 30, 40, or even more all-too-temporary ''homes.'' Some have been sexually, physically, and emotionally abused while in the system; some have run away and joined the ranks of the missing. A few have even died at the hands of those entrusted with their care.

The mission of the Department of Protective and Regulatory Services, DPRS, now called the Department of Family and Protective Services, is to protect the unprotected—children, the elderly and people with disabilities—from abuse, neglect and exploitation. The system responsible for protecting our foster children sometimes is little better than the homes from which they were taken.

Many of these children are not safe, and their futures are uncertain. They didn't ask to be put in foster care, and many endured great suffering before entering the system.

These children need mothers too. They need families. At a time when we are celebrating all that mothers bring, all that grandmothers bring, and all that a real family brings to the upbringing of healthy and successful children; we must remember the children who do not have mothers and we must reach out.

As we near Mother's Day, let me say thank you to all the mothers near and far, in Congress, in my district, and even working in my office. I celebrate you and your children celebrate you. Thank you for all that you do for your children and for the community.

I urge my colleagues to remember not only their mothers but the other women they called mother in their schools, and in their communities. Let's celebrate mothers and H. Res. 1113.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act, H.R. 493.

I am a cosponsor of this important legislation, which bans genetic discrimination in the workplace and in health insurance on the basis of predictive genetic information. It prohibits insurance companies from denying coverage or increasing premiums because of genetic factors. Also, under this bill, employers cannot consider genetic factors in the process of hiring, firing, or promoting workers.

H.R. 493 is similar to Minnesota law, which I voted for when I was a member of the Minnesota House of Representatives. Minnesota law sets basic privacy protections for the collection of genetic information by Government agencies and private entities. Unfortunately, not all States offer protection against genetic discrimination. This leaves most Americans unsure of how their private information will be protected. National legislation needs to be implemented now, before genetic discrimination becomes more widespread as genetic testing comes into greater use.

Discrimination based on a person's genetic information, just like that based on race or disability, should not be tolerated. Genetic discrimination has the potential to affect every person in the United States. Despite advances in modern medical technology, it is impossible to predict with certainty whether a given individual will actually develop a disease. Patients recognize that few laws exist to prevent health insurers or employers from using their predictive genetic information to deny them coverage or jobs. As a result, fear of such discrimination could cause individuals to refuse potentially life-saving testing or participate in genetic research.

Federal employees are already protected from genetic discrimination by an executive order signed by President Clinton. It is time to extend this protection to the rest of our country.

H.R. 493 will give Americans the security they need to take care of their health needs without worrying that they will face discrimination. This bill has been pending for over 13

years now. Under Republican control there were no hearings on this important topic. Within one year of Democrats taking control of the House this bill was passed, and is now on its way to the President's desk.

This bill is the right thing to do to protect access to health care and against genetic discrimination in the workplace. I urge my colleagues to join me in supporting this bill.

HONORING LOUIS M. THOMSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize Louis M. Thomson, Jr. of Toledo, Ohio.

Louis M. Thomson, Jr., blessed Toledo, OH with his many talents, always giving an enthusiastic word about his native city. Louis passed from this life April 18, 2008, but will always be remembered by his family and friends for his warm smile, quick wit and uncompromising passion to better his community. Louis served as a longtime labor arbitrator, fact-finder, and mediator. Mr. Thomson, a Toledo native, graduated from Scott High School in 1945. Afterwards he serve in the U.S. Army from 1945 to 1947, later graduating from the University of Toledo in 1950. Louis started his career with the city of Toledo in 1960 as director of public information and industrial relations, a position he held until 1968.

Following his position with the city of Toledo, he served as the director of the Toledo Labor-Management-Citizens Committee from 1968 until 1991. He worked as an independent arbitrator, fact-finder, and mediator. During his years on the job, he was known for working behind the scenes to improve the local labor climate. His family and colleagues remembered how he enjoyed helping to resolve labor disputes. His wife, Rose Thomson, recalled that the career called on him to be neutral and exercise good judgment. She said, ''He liked listening to all the different things and trying to decide if people had been treated properly''.

He retired from the job two weeks before his death and only because of his failing health. In addition to his work, Mr. Thomson was involved with a number of local community groups, including the University of Toledo Alumni Association, which he had served as president; the Scott Alumni Association; the City of Toledo Credit Union, of which he was also a past president; the Toledo Museum of Art; the Maumee Valley Historical Society; the Committee on Relations with Toledo, Spain, and numerous other organizations.

Louis simply desired to help people and do things for other, and in the meantime improve the city of Toledo as well. However, the organization closest to his heart was the Toledo Zoo, family members recalled. They estimated he had been involved with the Toledo Zoo for nearly 50 years because it was a landmark for the people of Toledo and surrounding areas. His love for the Toledo Zoo mimicked his love for the Toledo community. Louis always promoted the city of Toledo from an industrial, business and cultural perspective, never ceasing in the opinion that Toledo was a great place to live.

Toledo will miss one of its dearest sons. May his positive spirit and love of community be remembered in word and deed by all Toledo residents.

HONORING THE LIFE OF MOSES WEINSTEIN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. CROWLEY. Madam Speaker, I rise to honor the passing of a man who I deeply admired and knew for many years; Mr. Moses Weinstein. Mr. Weinstein, or Moe as his friends called him, passed away at the age of 95. He was loved and respected, and served New York and our country honorable throughout his long life.

Mr. Weinstein was a true patriot. He was a Word War II veteran, and served our country in Europe. After graduating from Brooklyn Law School and he began working his way up the political ladder. In 1959, he started what would be an 11 year career in the New York State Assembly. During his tenure in the Assembly, he served as Chairman of the Queens Democratic Party; held the prestigious title of majority leader for the 1967 convention, where the New York State Constitution was redrafted; and was elected to the post of Majority Leader from 1965 through 1968 and Speaker of the Assembly in 1968. Much of his work as a legislator focused on the importance of promoting minorities and women to hold judicial positions.

After leaving the Assembly, Moe became a Justice of the Supreme Court of New York in 1970, and held the post for 14 years.

Moe was so accomplished. Yet, he always claimed that he was not anyone's boss, especially in his own home. He claimed that Muriel Marshall, his wife, was the true boss of the household.

I want to extend my deepest sympathies to Moe's family. Jonathan, Peter and Jeremy, your father was an extraordinary man and I feel blessed to have known him.

CONGRATULATING COASTAL BEND COLLEGE ON ITS 40TH ANNIVERSARY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate Coastal Bend College, in Beeville, Texas on its 40th Anniversary. Bee County Junior College District was created by election on November 2, 1965. The election resulted from several years of work to establish a community college for Bee County. Support was shown by residents in an overwhelming five-to-one majority for the creation of the district. The desire for a community college was again demonstrated on December 7, 1965, when district citizens approved a tax to support BCC, and bond issues to build the college. Bee County College opened in September 1967 with 790 students, 24 full-time instructors and 11 part-time teachers. Its first class graduated in May of 1968.

In 1998 Bee County College changed its name to Coastal Bend College to reflect its expanding role in the region. Today, the Coastal Bend College service area includes Karnes, McMullen, Live Oak, Bee, Duval, Jim Wells and Brooks Counties, and parts of Atascosa and Kleberg Counties with campuses in Alice, Beeville, Kingsville and Pleasanton. Enrollment in academic, workforce education and continuing education classes during the spring of 2006 was 3,534. More than 100,000 students have passed through at least one of the four campuses over the past 40 years.

Coastal Bend College's current president, Dr. Thomas B. Baynum, came to the college in 2007. Under his leadership, the Texas Coordinating Board recently approved the opening of a full nursing program at Coastal Bend College. This new nursing program will help the school provide training that will not only offer graduates good paying jobs, but will also help alleviate the severe nursing shortage which this rural region faces as well as our State of Texas.

As a Hispanic Serving Institution, Coastal Bend College plays a critical role in graduating Hispanic students who will make up a large portion of our future workforce. The Higher Education Reauthorization Act, which is currently being negotiated in Congress, will help colleges like Coastal Bend increase their recruitment of minority students.

This weekend, Coastal Bend College will be celebrating this important 40th anniversary with a variety of events, including musical performances, art exhibits and most importantly, the graduation of students in its 40th graduating class. I want to again congratulate Coastal Bend College for reaching this important milestone and wish every graduating student success in their future endeavors.

TRIBUTE TO THE SCOTTSBLUFF DECA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SMITH of Nebraska. Madam Speaker, since 1946, DECA has been the premier student organization preparing high school and college students for careers in marketing, management and entrepreneurship. Students are able to develop academic, leadership, communication, and civic responsibility skills.

Through the efforts of this organization, thousands of students have become leaders and have improved their communities in countless ways.

Today, I want to congratulate the thirty-nine students from the Scottsbluff DECA Chapter who qualified for and attended the International DECA Career Development Conference in Atlanta, Georgia. I also want to congratulate their advisor, Mr. Derek Deaver.

Over 14,000 DECA members from all fifty states as well as Canada, Guam, Puerto Rico and Mexico attended the conference, held late last month.

In this international competition, the Scottsbluff DECA Chapter made Nebraska proud. Many members received awards of excellence with one project—whose members include Brittany Shaneman, Jordyn Gray and

Breanna Elley—placed in the top twenty, and Seth Wallace finishing in the top ten, placing third in the nation.

The continued success of Mr. Deaver and his DECA students is a testament to the fact young Nebraskans represent a truly valuable resource. I applaud their achievements and wish them the best next year.

PROVIDING FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1512, to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors, introduced by my distinguished colleague from California, Representative LINDA SÁNCHEZ, of which I am a proud cosponsor.

Mr. Speaker, for over a decade, the States have gone through difficult budgetary times and sometimes the federal government has not done enough to pay its fair share when the States have partnered with it. I am glad H.R. 1512 is a step in the right direction.

The State Criminal Alien Assistance Program (SCAAP) was created in 1994 to reimburse States and localities for the arrest, incarceration, and transportation costs associated with criminal aliens. Currently States and localities are only able to be reimbursed for incarcerating criminal aliens who are ''convicted of a felony or two or more misdemeanors'' and be incarcerated for at least four consecutive days.

In 2003, the Department of Justice (DOJ) reinterpreted the SCAAP statute in a way that caused a drastic drop in every State's reimbursement. Now States no longer receive reimbursement unless (1) the criminal alien is convicted of a felony or two misdemeanors; and (2) the arrest and conviction occurred in the same fiscal year.

I commend Congresswoman SÁNCHEZ for introducing H.R. 1512, a bipartisan bill which exemplifies the spirit in which we should approach many challenges in the immigration field. H.R. 1512 would amend the Immigration and Nationality Act so that States and localities can be reimbursed for the cost of incarcerating aliens who are either ''charged with or convicted'' of a felony or two misdemeanors regardless of the fiscal year of the incarceration and conviction.

Mr. Speaker, it is important that H.R. 1512 has been endorsed by the National Sheriffs' Association and the U.S./Mexico Coalition of Border Counties.

The SCAAP program is administered by the Bureau of Justice Assistance (BJA), which is part of DOJ's Office of Justice Programs (OJP). The Department of Homeland Security (DHS) aids BJA in administering the program.

Mr. Speaker, H.R 1512 is an important step toward fulfilling our federal government's obligations to States, many experiencing budgetary pressures, including when partnering with the Federal Government in the immigration field. I urge all my colleagues to join me in supporting this important legislation.

COMMEMORATING THE RENOVATION OF THE MONCLOVA, OHIO POST OFFICE BUILDING

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. KAPTUR. Madam Speaker, this month marks a celebration in the community of Monclova, Ohio. After four years, hundreds of volunteer hours given by dozens of volunteers, and many donations and financial contributions from generous sponsors, the citizens of Monclova will dedicate a reconstructed and renovated historical Post Office. Bill Strayer and Mary Kay and Connie Nuhfer of the Monclova Historical Society prepared a wonderfully descriptive history of the building and the effort to restore it, which I am pleased to submit for the RECORD.

A BRIEF HISTORY OF THE MONCLOVA OLD POST OFFICE

By the late 1800s and early 1900s, Monclova Township boasted a variety store, a mercantile, a drugstore and a barbershop, as well as wagon makers, blacksmiths, and a lyceum. Home mail delivery was also provided to area residents following the Rural Free Delivery legislation enacted by Congress. Ira Hinkle became the first mail carrier in the Township, using a horse and covered wagon on good weather days and riding the horse in snowy weather. Claire Metzger became the first Postmistress of Monclova Township on March 19, 1915; she served for 41 years before retiring on October 31, 1956. Prior to Miss Metzger becoming Postmistress, the Trapp Mercantile Store housed the Monclova Post Office. Claire, however, had a cement block building erected on property owned by her father, John Metzger, creating the first stand-alone post office in the Township. This one room building was unique in that it was the only post office in the country to have a piano; Claire would often entertain her customers by playing songs on it. The post office continued to operate until December of 1961, when the current Monclova Post Office opened on the corner of Monclova and Waterville-Monclova Roads.

Within a few years after its creation, the Monclova Historical Foundation was approached by the Kerscher family to see if its members would like to have the old Post Office building that now sat empty. The Kerschers, who owned the land where the old post office was located, requested that the building be moved from its current site and relocated on the Community Center property. At that time, the Foundation did not have the resources to take on the property and so the project was put on hold.

In 2004, however, the Foundation was approached by retired Master Carpenter and builder Ray Parker. He and friend Peggy Brown were willing to take on the project of saving and restoring the old building. In June 2004, a letter was signed granting the Foundation ownership of the old Monclova Post Office with the condition that it be removed from the Kerscher property. In early fall 2004, a meeting with Ray Parker, Peggy Brown, Bill Strayer, then president of the Foundation, and Tom Meyer, architect and friend of Bill's, met to discuss what had to be done to move the building. Ray made detailed drawings of the building including noting where each block was located. There were four different style blocks used in the Post Office and Ray wanted to be sure it would be reconstructed exactly as it was before it was taken down.

A few weeks later a group of volunteers took apart the building block by block. The blocks themselves were the only part of the building that were salvageable, but small pieces of trim were saved to be used as a pattern for creating new trim work. The blocks were stored behind the Community Center until plans, prints, permits and funds were ready. In late summer 2005, reconstruction of the old Post Office began and the building was under roof by winter. In early 2006, Ray Parker died of cancer. Peggy, along with Bill and many other volunteers, have worked to complete the building the way Ray would have wanted. Over seventy volunteers have put in hundred of hours of work on the project and contributors have given both large and small donations in order to make this restoration possible. On May 24, 2008, the building will be officially dedicated; it will then be used as a museum for area schoolchildren and visitors to explore and to learn about the history of this great community.

CONGRATULATING FORT A.P. HILL

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I am proud to recognize Fort A.P. Hill as the winner of the 2008 Commander in Chief's Annual Award for Installation Excellence and am honored to represent the men and women of Fort A.P. Hill. The Commander in Chief's Annual Award for Installation Excellence recognizes outstanding and innovative efforts of those who operate and maintain U.S. military installations, and A.P. Hill was selected based on their exemplary support of Department of Defense missions.

Excellent military installations enable better mission performance and enhance the quality of life for military men, women and families. Each winning installation succeeded in providing excellent working, housing and recreational conditions.

To compete for the award, installations completed detailed organizational self-assessment packages answering questions posed in the Army Performance Improvement Criteria. Top installations received a week-long site visit by a team of evaluators, and a final, detailed scoring assessment by a senior panel of judges determined the top three installations.

The assessment was a thorough study of how business processes are designed and deployed, and how the installation fares in its business results across a variety of performance areas. I am honored to recognize the accomplishments of Fort A.P. Hill as the installation continues to sharpen the combat edge of America's Defense Forces, and I am proud A.P. Hill calls the First Congressional District home.

HONORING THE LIFE AND SERVICE OF PFC ADAM LEE MARION

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. FOXX. Madam Speaker, I rise today to honor the life of sacrifice and service of PFC Adam Lee Marion of Dobson, North Carolina. Private First Class Marion, who served in the Army National Guard's 171st Engineer Company, made the ultimate sacrifice for his country last week when he fell in combat near Baghdad, Iraq.

Private First Class Marion's life exemplified the citizen-soldier ethic of the Army National Guard. He was known for his kindness and his heart for children. He loved to serve at home and in Iraq to protect the lives of these most vulnerable members of society. Taken at the age of 26, Private First Class Marion leaves a legacy of compassion, bravery and sacrifice.

His patriotism and selfless service to country is captured in his decision to deploy to Iraq with the 171st when he learned his original unit would not deploy. This is a remarkable sacrifice and a true sign of Private First Class Marion's readiness to serve his country even at the risk of his own safety.

His fellow soldiers testified to Private First Class Marion's professional skill as a soldier, his bravery in the face of danger and his sacrifice for his country. As the operator of a ''Husky,'' a vehicle that detects improvised explosive devises for convoys, he was on the front lines in Iraq. In fact, his team helped clear IEDs from more than 100 convoy routes during his service in Iraq.

Private First Class Marion is survived by his parents Pam and Don Marion and his sister, Adrian. His sacrifice for our freedom will never be forgotten. He was a man who was acquainted with the dangers of combat and yet gave his life to a cause much greater than himself. In this and much more he is a hero and he hands down to future generations a legacy of valor, honor and the love of freedom.

Madam Speaker, my prayer is that he will long be remembered as a man who faithfully answered the call of duty to country. My thoughts and my prayers are with Private First Class Marion's family. May they know comfort of God's presence at this very difficult time. The people of North Carolina and our nation are blessed to remember him as an honored son and we mourn his passing and celebrate his life.

HONORING THE 250TH ANNIVERSARY OF THE BIRTHDAY OF JAMES MONROE

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I am pleased to recognize the 250th anniversary of the birthday of James Monroe, a First District of Virginia native. James Monroe was born in Westmoreland County on April 28, 1758, and was raised and educated in the Commonwealth of Virginia.

James Monroe attended the College of William and Mary, fought as a Lieutenant Colonel in the Continental Army, and practiced law in Fredericksburg, Virginia. As a politician, Monroe served in the Virginia Assembly, The Continental Congress, as Governor to the Commonwealth of Virginia, as a US Senator, Secretary of State and Secretary of War to President James Madison. Ultimately, James Monroe became our fifth President of the United States.

As Minister to France, Monroe helped negotiate the Louisiana Purchase. During his early years in the White House his administration was known as the ''Era of Good Feelings'', a time period in American political history in which partisan bitterness abated. Yet, Monroe may be best remembered for his belief that the Americas should be free from future European colonization and interference in sovereign countries' affairs. His strong opinions and principles on foreign policy came to be known as the Monroe Doctrine.

The citizens of the Commonwealth of Virginia and especially America's First District express their gratitude to James Monroe, in commemoration of the 250th anniversary of his birthday. James Monroe was a loyal public servant and an exceptional statesman. His ideals and leadership qualities are such that all citizens, not only of Virginia, but the United States can admire and learn from.

As President Monroe once stated, ''In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for the purposes of free, enlightened, and efficient government''.

INTRODUCTION OF THE JOINT GUAM PROJECTS OVERSIGHT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. BORDALLO. Madam Speaker, today I have introduced H.R. 5931, the Joint Guam Projects Oversight Act, to ensure appropriate implementation and oversight of the realignment of military installations and the relocation of military personnel on Guam. I am joined by my colleague from Hawaii, Mr. ABERCROMBIE, in introducing this legislation.

The rebasing of military forces from Okinawa, Japan to Guam is a component of the United States-Japan Alliance Transformation and Realignment Agreement signed in May 2006. Additionally, planned for Guam is the reassignment of a significant number of airmen from Korea, the standing-up of a U.S. Army air defense battalion and improvements to Naval Base Guam. These major realignments present significant challenges and opportunities for the community on Guam.

Over the next 6 years the Department of Defense and the Government of Japan plan to spend over $10 billion to support the realignment of units of the III Marine Expeditionary Force from Okinawa to Guam and an additional $3 billion on upgrades and improvements at Andersen Air Force Base. The Government of Japan has pledged to contribute over $6 billion to support the rebasing of units from Okinawa to Guam through direct contributions to the United States Treasury and through Special Purpose Entities (SPEs). Funding of some projects by a foreign government poses significant challenges to Congress's right and responsibility to oversee this realignment. H.R. 5931 creates a new account for the realignment to Guam. The account entitled the ''Guam Defense Policy Review Initiative Account'' would help the Department of Defense manage its expenditures on projects associated with the realignment of military forces on Guam.

This legislation also addresses the unique nature of the SPEs. Department of Defense officials indicate that SPEs are intended to operate in a manner similar to other public-private ventures that currently exist with respect to other projects in the United States. Our legislation expresses a Sense of Congress that the SPEs should operate as publicprivate ventures. It also encourages the Department of Defense to ensure that all construction projects on Guam, operated and maintained by SPEs, should meet U.S. standards. It also encourages the Department of Defense along with the Government of Japan to consider utilizing the SPEs for projects other than military housing and utility infrastructure improvements. Moreover, if the SPEs are utilized to improve utilities on Guam the improvements must be made to the overall grid operated by the Government of Guam and not solely for the benefit of military installations. Improvements to the overall utility infrastructure on Guam will be more cost-effective.

The $13 billion investment by the Department of Defense and the Government of Japan is intended primarily for military infrastructure. However, the Government of Guam estimates that additional funds will be needed to improve civilian infrastructure, including schools, public safety, water, wastewater, utility, and road improvements to accommodate the additional population on the island. As we near the end of the Bush Administration's term it is important that the Federal Government work closely with the Government of Guam to develop Memoranda of Understanding, MOU, to ensure Federal commitments that Guam can rely on. The MOUs can be facilitated by utilizing the Interagency Group on the Insular Areas, IGIA, established by executive order of the President. The legislation includes a Sense of Congress that these MOUs must be developed to ensure that the build-up is a success. In reference to planning, the legislation also authorizes the Office of Economic Adjustment, OEA, within the Department of Defense to provide planning funds to the Commonwealth of the Northern Mariana, Islands, CNMI. This will support appropriate planning by the Government of the CNMI for increases in population and military activity resultant from the establishment and utilization of training ranges in the CNMI. Currently, the OEA lacks the authority in law to provide planning funds to the CNMI and this provision would correct this omission in law.

It is important that military construction projects on Guam be energy friendly and meet strong environmental design standards. The legislation requires the Department of Defense to meet Leadership in Energy and Environmental Design, LEED, silver rating standards. LEED standards have been developed and

are approved by the U.S. Green Building Council. The legislation also requires the Secretary of Defense to report back to Congress on establishing a goal for energy renewability on Guam. The major construction effort supporting the build-up should be conducted in the most environmentally friendly and energy efficient manner as possible.

The legislation also prioritizes the small business community in this military build-up. The bill contains a provision that would limit the Historically Underutilized Business Zone, HUB Zone, preference for work performed in excess of 150 miles from the primary office location of a HUBZone firm. This provision would ensure that construction projects benefit the local businesses and economy. Moreover, the legislation would authorize the establishment of a Procurement Technical Assistance Center, PTAC, on Guam to help local small businesses navigate the complexities and bureaucracy of Department of Defense contracting.

Finally, the legislation will require all contractors to certify their compliance with local tax and licensing requirements. The provision grants the contracting agent within the Department of Defense the ability to withhold final payments on contracts if the contractor is found to be delinquent in paying their local tax obligations. This provision is important to ensuring the Government of Guam will be able to collect revenue from this build-up and apply such revenue to make needed improvements to civilian infrastructure.

The military build-up on Guam presents many opportunities and many challenges. I firmly believe that the legislation I have introduced today with Mr. ABERCROMBIE will help facilitate congressional oversight and accountability of build-up activities as well as provide additional tools for the local government and businesses to make this build-up a success. This legislation addresses issues important to the people of Guam and would help to ensure the success of the military build-up both for the Department of Defense and for the people of Guam.

PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this important legislation to strengthen our nation's laws against counterfeiting and intellectual property violations which passed the House yesterday.

Article I Section 8 of our Constitution lays the framework for our nation's copyright and patent laws. It grants Congress the power to award inventors and creators, for limited periods of time, exclusive rights to their inventions and works. The founding fathers realized that this type of incentive was crucial to ensure that America would become the world's leader in innovation and creativity. As we continue our journey into the digital age, we must be sure to continue to reward our innovators with the exclusive rights to their works for limited periods of time. This incentive is still necessary to maintain America's position as the world leader in innovation.

Because the United States has been the pioneer for intellectual property protections, it is no surprise that the copyright industries are so successful and play such an increasingly crucial role in our national economy. The U.S. copyright industries have created millions of high-skilled, high-paying U.S. jobs and have contributed billions to our economy. However, the proliferation of copyright piracy and counterfeiting in America is growing and is threatening to undermine the very copyright protections our founding fathers envisioned.

In 1999, I introduced legislation with my friend, Representative ZOE LOFGREN, to prohibit the alteration or removal of product identification codes on goods or packaging, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices.

In addition, for the better part of the past six years I have been pleased to work with retailers and law enforcement agencies to attempt to solve the growing problem of organized retail crime, which has resulted in billions of dollars of loss to retailers, has often resulted in counterfeit, diverted products being placed back on store shelves, has threatened the safety of such products as baby formula and medicine, and has been linked to major organized crime rings.

I am equally pleased to be an original cosponsor of H.R. 4279. This legislation builds on current laws in many ways, including increasing penalties for both civil violations of copyright laws and repeat offenders, allowing treble damages in certain counterfeiting cases, and increasing the maximum penalties for trafficking in counterfeit goods when those offenses endanger public health and safety. The bill also raises the profile of intellectual property within the Administrative Branch by creating an Office of U.S. IP Enforcement Representative within the Executive Office of the President to coordinate all the various agencies and departments that work on IP enforcement issues, and to serve as the President's principal advisor for IP matters. In addition, it increases the number of IP liaisons from the PTO in U.S. embassies around the world and enhances DOJ's computer crime units to make sure they are equipped and being used to prosecute IP violations.

I believe this legislation is a major step in the right direction, and I look forward to continuing to work on this bill as it progresses through the legislative process.

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, May 8, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2009 for the Transportation Security Administration (TSA).
SR–253

Energy and Natural Resources
To hold hearings to examine the impacts of climate change on the reliability, security, economics, and design of critical energy infrastructure in coastal regions.
SD–366

Environment and Public Works
To hold hearings to examine proposed legislation on mercury.
SD–406

Finance
To hold hearings to examine cracking the code, focusing on tax reform for individuals.
SD–215

Judiciary
To hold hearings to examine the Bulletproof Vest Partnership program, focusing on protecting our nation's law enforcement officers.
SD–226

2:30 p.m.
Indian Affairs
To hold an oversight hearing to examine the successes and shortfalls of Title IV of the Indian Self-Determination and Education Assistance Act, focusing on twenty years of self-governance.
SD–562

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 14

9:30 a.m.
Foreign Relations
To hold hearings to examine responding to the global food crisis.
SD–419

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.
SD–342

10:30 a.m.
Aging
To hold hearings to examine the future of Alzheimer's disease, focusing on current breakthroughs and challenges.
SD–106

2:30 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine addressing the challenge of children with food allergies.
SD–430

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold an oversight hearing to examine the National Archives, focusing on protecting our nation's history for future generations.
SD–342

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Federal Trade Commission.
SD–192

MAY 15

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine nuclear terrorism, focusing on providing medical care and meeting basic needs in an aftermath.
SD–342

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine development of oil shale resources.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

10 a.m.
Judiciary
To hold hearings to examine the skyrocketing price of oil.
SD–226

JUNE 3

9:30 a.m.
Armed Services
To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.
SD–106

POSTPONEMENTS

MAY 15

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine access to contract health services in Indian country.
SD–562

Daily Digest

Highlights

House Committees ordered reported eight sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S3839–S3933

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 2985–2992, S. Res. 554, and S. Con. Res. 80–81. **Page S3891**

Measures Passed:

Use of the Capitol Grounds: Senate agreed to H. Con. Res. 308, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service. **Page S3930**

Assistance to Burma: Senate agreed to S. Res. 554, expressing the Sense of the Senate on humanitarian assistance to Burma after Cyclone Nargis. **Page S3930**

National Women's Health Week: Senate agreed to S. Con. Res. 81, supporting the goals and ideals of National Women's Health Week. **Pages S3930–31**

International Year of Sanitation: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 72, supporting the goals and ideals of the International Year of Sanitation, and the resolution was then agreed to. **Page S3931**

Measures Considered:

Flood Insurance Reform and Modernization Act: Senate began consideration of S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, after agreeing to the motion to proceed to its consideration, and taking action on the following amendments proposed thereto: **Pages S3844–84**

Rejected:

By 19 yeas to 74 nays (Vote No. 117), Wicker Amendment No. 4719, to provide for the optional purchase of insurance against loss resulting from physical damage to or loss of real property of personal property related thereto located in the United States arising from any flood or windstorm. **Pages S3850–51, S3856–61, S3877–78**

By 27 yeas to 66 nays (Vote No. 118), Vitter Amendment No. 4722 (to Amendment No. 4707), to increase maximum coverage limits. **Pages S3854–55, S3878–79**

By 23 yeas to 69 nays (Vote No. 119), Vitter Amendment No. 4723 (to Amendment No. 4707), to allow for a reasonable 5-year phase-in period for adjusted premiums. **Pages S3855–56, S3879**

By 30 yeas to 62 nays (Vote No. 120), Landrieu Further Modified Amendment No. 4705 (to Amendment No. 4707), to require the Comptroller General to conduct a study regarding mandatory purchasing requirements. **Pages S3866–72, S3879–80**

Pending:

Dodd/Shelby Amendment No. 4707, in the nature of a substitute. **Pages S3845–47**

McConnell Amendment No. 4720 (to the text of the bill proposed to be stricken by Amendment No. 4707), of a perfecting nature. **Page S3851**

Allard Amendment No. 4721 (to Amendment No. 4720), of a perfecting nature. **Pages S3851–54**

Landrieu/Nelson (FL) Modified Amendment No. 4706 (to Amendment No. 4707), to improve the Office of the Flood Insurance Advocate. **Pages S3862–66, S3872**

Nelson (FL) Amendment No. 4709 (to Amendment No. 4707), to establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program. **Pages S3880–82**

DeMint Amendment No. 4711 (to Amendment No. 4707), to require the Director to conduct a study on the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section. **Page S3882**

DeMint Modified Amendment No. 4710 (to Amendment No. 4707), to end the premium subsidy for any property purchased after the date of enactment of this Act. **Pages S3882–83**

A motion was entered to close further debate on McConnell Amendment No. 4720 (to the text of the bill proposed to be stricken by Amendment No. 4707) (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, May 9, 2008. **Pages S3851, S3884**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, May 8, 2008, and that all amendments to the bill must be offered during Thursday's session, May 8; that the only amendments in order on Monday, May 12, 2008, be the following: Dodd/Shelby Amendment No. 4707 (listed above); a managers' amendment if cleared by the managers and Leaders, McConnell Amendment No. 4720 (listed above), with Allard Amendment No. 4721 (listed above) to be withdrawn prior to a vote on or in relation to McConnell Amendment No. 4720, an amendment offered by Senator Reid and others relating to the subject of energy; provided further, that the McConnell and Reid amendments be subject to a 60 affirmative vote threshold, that if either amendment achieves that threshold, the amendment be agreed to, and that if neither achieves the 60 affirmative vote threshold, it be withdrawn; provided further, that the vote with respect to McConnell Amendment No. 4720 occur at 5:30 p.m., on Monday, May 12, 2008, to be followed by a vote on or in relation to the Reid amendment; and that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to; provided further, that Senate vote on passage of the bill, as amended. **Page S3884**

Public Safety Employer-Employee Cooperation Act—Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Page S3883**

A motion was entered to close further debate on the motion to proceed to consideration of H.R. 980, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Wednesday, May 7, 2008, a vote on cloture will occur on Monday, May 12, 2008 upon disposition of S. 2284 or H.R. 3121, Flood Insurance Reform and Modernization Act; and that on Monday, May 12, 2008, all time after the Senate convenes until 5:30 p.m., be equally divided and controlled between the two Leaders, or their designees. **Page S3883**

Subsequently, the motion to proceed was withdrawn. **Page S3833**

House Messages:

Higher Education Act Programs Extension: Senate concurred in the amendment of the House of Representatives to S. 2929, to temporarily extend the programs under the Higher Education Act of 1965. **Pages S3929–30**

Appointments:

Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appointed the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Robin Cleveland of Virginia, and James Talent of Missouri. **Page S3931**

Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appointed the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Graham Allison of Massachusetts, and Richard Verma of Maryland. **Page S3931**

Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appointed the following individual to serve as a member and Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: The Honorable Bob Graham of Florida. **Page S3931**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13338 of May 11, 2004, with respect to the blocking of property of certain persons and prohibition of exportation and re-exportation of certain goods to Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–46) **Page S3889**

Transmitting, pursuant to law, a report on the principal agreement and administrative arrangement that has been established between the U.S. and Czech Republic relative to social security; which was referred to the Committee on Finance. (PM–47) **Page S3889**

Nominations Received: Senate received the following nominations:

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

3 Navy nominations in the rank of admiral.

Page S3933

Messages from the House: Page S3889

Measures Referred: Page S3889

Measures Read the First Time: Pages S3890, S3931

Executive Communications: Pages S3890–91

Executive Reports of Committees: Page S3891

Additional Cosponsors: Pages S3892–93

Statements on Introduced Bills/Resolutions: Pages S3893–S3908

Additional Statements: Pages S3886–89

Amendments Submitted: Pages S3908–29

Authorities for Committees to Meet: Page S3929

Privileges of the Floor: Page S3929

Record Votes: Four record votes were taken today. (Total—120) Pages S3878–80

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:01 p.m., until 9:30 a.m. on Thursday, May 8, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3932.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF LABOR

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Labor, after receiving testimony from Elaine L. Chao, Secretary of Labor.

APPROPRIATIONS: UNITED STATES INTELLIGENCE COMMUNITY

Committee on Appropriations: Subcommittee on Defense concluded a closed hearing to examine proposed budget estimates for fiscal year 2009 for the United States intelligence community, after receiving testimony from Mike McConnell, Director, National Intelligence; and James Clapper, Jr., Under Secretary for Intelligence, Department of Defense.

APPROPRIATIONS: COMMODITY FUTURES TRADING COMMISSION AND THE SECURITIES AND EXCHANGE COMMISSION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Commodity Futures Trading Commission and the Securities and Exchange Commission, after receiving testimony from Walter L. Lukken, Acting Chairman, Commodity Futures Trading Commission; and former Representative Christopher Cox, Chairman, United States Securities and Exchange Commission.

REGULATION OF INVESTMENT BANKS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine United States credit markets, focusing on the regulation of investment banks by the United States Securities and Exchange Commission, after receiving testimony from Erik Sirri, Director, Division of Trading and Markets, and Arthur Levitt, Jr. and David S. Ruder, both former Chairmen, all of the United States Securities and Exchange Commission.

NASA REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Space, Aeronautics, and Related Agencies concluded a hearing to examine issues relative to the upcoming reauthorization of the National Aeronautics and Space Administration (NASA), after receiving testimony from Gene Kranz, Coalition for Space Exploration, Seabrook, Texas; Joan Johnson-Freese, Naval War College National Security Decision Making Department, Newport, Rhode Island; Frederick A. Tarantino, Universities Space Research Association, Columbia, Maryland; Major General Robert Dickman, USAF (Ret.), American Institute of Aeronautics and Astronautics (AIAA), Reston, Virginia; and George T. Whitesides, National Space Society, Washington, D.C.

AIRLINE MERGER

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine the financial state of the airline industry, focusing on the impact of the Delta Airlines, Inc.-Northwest Airlines, Inc., merger, after receiving testimony from Richard H. Anderson, Delta Air Lines, Inc., Atlanta, Georgia; Mark Cooper, Consumer Federation of America, on behalf of Consumers Union, Patricia A. Friend, Association of Flight Attendants—CWA, AFL–CIO, and Patrick V. Murphy, Jr., Gerchick-Murphy Associates, LLC, all of Washington, D.C.; Ray Neidl, Caylon Securities, New York, New York; Robert

Roach, Jr., International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland; and Douglas M. Steenland, Northwest Airlines, Inc., Saint Paul, Minnesota.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported:

S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement, with an amendment in the nature of a substitute;

S. 570, to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, with an amendment in the nature of a substitute;

S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans, with an amendment in the nature of a substitute;

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, with an amendment in the nature of a substitute;

S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, with an amendment in the nature of a substitute;

S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, with an amendment in the nature of a substitute;

S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value, with an amendment;

S. 868, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute;

S. 900, to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act, with an amendment;

S. 1171, to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, with an amendment in the nature of a substitute;

S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute;

S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado, with an amendment in the nature of a substitute;

S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, with an amendment;

S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed;

S. 2124, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery;

S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range, with an amendment in the nature of a substitute;

S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, with an amendment in the nature of a substitute;

S. 2262, to authorize the Preserve America Program and Save America's Treasures Program, with an amendment in the nature of a substitute;

S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project;

S. 2379, to authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of

certain Monument land in exchange for private land, to designate certain Monument land as wilderness, with an amendment in the nature of a substitute;

S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, with an amendment in the nature of a substitute;

S. 2513, to modify the boundary of the Minute Man National Historical Park;

S. 2593, to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, with an amendment in the nature of a substitute;

S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, with an amendment in the nature of a substitute;

S. 2804, to adjust the boundary of the Everglades National Park, with an amendment in the nature of a substitute;

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;

S. 2833, to provide for the management of certain public land in Owyhee County, Idaho, with an amendment in the nature of a substitute;

H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund;

H.R. 189, to establish the Paterson Great Falls National Historical Park in the State of New Jersey, with an amendment in the nature of a substitute;

H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, with an amendment in the nature of a substitute;

H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district;

H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station;

H.R. 1311, to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute;

H.R. 1483, to amend the Onmibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, with an amendment in the nature of a substitute;

H.R. 1528, to amend the National Trails System Act to designate the New England National Scenic Trail, with an amendment in the nature of a substitute;

H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycle/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment Facility Project;

H.R. 1855, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project;

H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma;

H.R. 2197, to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio;

H.R. 2515, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, with an amendment in the nature of a substitute;

H.R. 2627, to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site, with an amendment in the nature of a substitute;

H.R. 3332, to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969;

H.R. 3998, to establish a National Commission on the Infrastructure of the United States, with an amendment in the nature of a substitute;

H.R. 5151, to designate as wilderness additional National Forest System Lands in the Monongahela National Forest in the State of West Virginia, with amendments; and

The nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

SCIENCE AND ENVIRONMENTAL REGULATORY DECISIONS

Committee on Environment and Public Works: Subcommittee on Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection concluded an oversight hearing to examine science and environmental regulatory decisions, after receiving testimony from George Gray, Assistant Administrator for Research and Development, Environmental Protection Agency; Francesca T. Grifo, Union of Concerned Scientists, David Michaels,

George Washington University Department of Environmental and Occupational Health, and John M. Balbus, Environmental Defense Fund, all of Washington, D.C.; Paul Gilman, Covanta Energy, Fairfield, New Jersey; George D. Thurston, New York University School of Medicine, Tuxedo, New York, on behalf of the American Lung Association; Lorenz R. Rhomberg, Gradient Corporation, Cambridge, Massachusetts; and Roger O. McClellan, Albuquerque, New Mexico.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Marcia Stephens Bloom Bernicat, of New Jersey, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali, who was introduced by Representative Pomeroy, Donald Gene Teitelbaum, of Texas, to be Ambassador to the Republic of Ghana, Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia, Peter William Bodde, of Maryland, to be Ambassador to the Republic of Malawi, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Zambia, Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde, Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana, and Patricia McMahon Hawkins, of Virginia, to be Ambassador to the Togolese Republic, all of the Department of State, after the nominees testified and answered questions in their own behalf.

TREATIES

Committee on Foreign Relations: Committee concluded a hearing to examine the International Convention for the Suppression of Acts of Nuclear Terrorism (the ''Convention''), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (Treaty Doc. 110–04), Amendment to the Convention on the Physical Protection of Nuclear Material (the ''Amendment''). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna (Treaty Doc. 110–06), and the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the ''2005 SUA Protocol'') and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the ''2005 Fixed Platforms Protocol'') (together, ''the Protocols''), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006 (Treaty Doc. 110–08), after receiving testimony from John C. Demers, Deputy Assistant Attorney General, National Security Division, Department of Justice; Patricia A. McNerney, Principal Deputy Assistant Secretary of State for International Security and Nonproliferation; and Richard Douglas, Deputy Assistant Secretary of Defense for Counter-Narcotics, Counter-Proliferation and Global Threats.

FUEL SUBSIDIES

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine fuel subsidies relating to food supply and prices, after receiving testimony from Andrew Siegel, When Pigs Fly, Inc., York, Maine; Bruce A. Babcock, Iowa State University Center for Agricultural and Rural Development, Ames; and David Beckmann, Bread for the World, and Mark W. Rosegrant, International Food Policy Research Institute, both of Washington, D.C.

NOMINATIONS

Committee on the Judiciary: Committee concluded open and closed hearings to examine the nominations of Helene N. White, and Raymond M. Kethledge, both of Michigan, each to be a United States Circuit Judge for the Sixth Circuit, and Stephen Joseph Murphy, III, to be United States District Judge for the Eastern District of Michigan, who were introduced by Senators Levin and Stabenow, after each nominee testified and answered questions in their own behalf.

ANTITRUST ENFORCEMENT IN AGRICULTURE

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine antitrust enforcement in the agriculture marketplace, focusing on recent acquisitions, challenges and opportunities in international markets, major technological changes, and major concerns of the business relationships between the producers and processors, including S. 1759, to provide for the review of agricultural mergers and acquisitions by the Department of Justice, after receiving testimony from Douglas Ross, Special Counsel for Agriculture, Antitrust Division, Department of Justice; Peter C. Carstensen, University of Wisconsin Law School, Madison; Wesley M. Batista, JBS Swift and Company, Greeley, Colorado; Steven D. Hunt, United States Premium Beef, Ltd., Kansas City, Missouri; Bill Bullard, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America

(R–CALF USA), Billings, Montana; Dillon M. Feuz, Utah State University, Logan; Michael Stumo, Organization for Competitive Markets, Lincoln, Nebraska; and David A. Balto, Center for American Progress, Washington, D.C.

VETERANS BENEFITS LEGISLATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine pending veterans benefits legislation, including S. 22, to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, S. 961, to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and S. 2674, to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, after receiving testimony from Senators Nelson (NE) and Thune; Representative Filner; Keith R. Pedigo, Associate Deputy Under Secretary of Veterans Affairs for Policy and Program Management; Carl Blake, Paralyzed Veterans of America, and Richard Paul Cohen, National Organization of Veterans' Advocates, Inc., both of Washington, D.C.; Eric A. Hilleman, Veterans of Foreign Wars of the United States, Kansas City, Missouri; Raymond C. Kelley, AMVETS, Lanham, Maryland; Steve Smithson, American Legion, Indianapolis, Indiana; Joseph A. Violante, Disabled American Veterans, Cold Spring, Kentucky; Richard Weidman, Vietnam Veterans of America, Silver Spring, Maryland; H. Gerald Starnes, Saint Augustine, Florida; and Charles Dana Gibson, Camden, Maine.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 5982–5992; and 6 resolutions, H. Con. Res. 343–345; and H. Res. 1178–1180, were introduced. **Pages H3185–86**

Additional Cosponsors: **Pages H3186–87**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Pastor Joe Hishmeh, Fellowship Bible Church, Topeka, Kansas. **Page H3111**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 229 yeas to 184 nays, with 1 voting "present", Roll No. 268. **Pages H3116–17**

Calendar Wednesday: On a call of committees pursuant to the Calendar Wednesday rule, no bills were called up for consideration. **Pages H3114–15**

Motion to Adjourn: Rejected the Sessions motion to adjourn by a yea-and-nay vote of 132 yeas to 269 nays, Roll No. 267. **Page H3115**

Oath of Office—First Congressional District of Louisiana: Representative-elect Steve Scalise presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from the Honorable Jay Dardenne, Secretary of State for the State of Louisiana, indicating that, according to the unofficial returns of the Special Election held on May 3, 2008, the Honorable Steve Scalise was elected Representative to Congress for the First Congressional District, State of Louisiana. **Pages H3115–16, H3184**

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Louisiana, Mr. Steve Scalise, the whole number of the House is adjusted to 434. **Page H3116**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Monday, May 5th:

Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia: H. Res. 1166, to express the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia, by a ⅔ recorded vote of 390 ayes to 23 noes with 2 voting "present", Roll No. 269; **Pages H3117–18**

The House further agreed to the Castor motion to table the Rehberg motion to reconsider the vote, by a recorded vote of 218 ayes to 191 noes, Roll No. 270. **Page H3118**

Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day: H. Res. 1113, to celebrate the role of mothers in the United States and supporting the goals and ideals of Mother's Day, by a ⅔ recorded vote of 412 ayes with none voting "no", Roll No. 274; and **Pages H3130–32**

The House further agreed to the Castor motion to table the Tiahrt motion to reconsider the vote, by a recorded vote of 237 ayes to 178 noes, Roll No. 275. **Page H3131**

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 great generous man, husband, and father: H. Res. 1091, amended, to honor 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 great generous man, husband, and father. **Page H3177**

Motion to Adjourn: Rejected the Rehberg motion to adjourn by a recorded vote of 140 ayes to 246 noes, Roll No. 271. **Pages H3118–19**

Motion to Adjourn: Rejected the Hastings (WA) motion to adjourn by a yea-and-nay vote of 144 yeas to 250 nays, Roll No. 272. **Page H3124**

Motion to Adjourn: Rejected the Culberson motion to adjourn by a yea-and-nay vote of 138 yeas to 272 nays, Roll No. 273. **Page H3129**

Motion to Adjourn: Rejected the Tiahrt motion to adjourn by a recorded vote of 146 ayes to 276 noes, Roll No. 276. **Pages H3131–32**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, May 6th:

Facilitating the preservation of certain affordable housing dwelling units: H.R. 5937, to facilitate the preservation of certain affordable housing dwelling units, by a ⅔ recorded vote of 345 ayes to 73 noes, Roll No. 277. **Pages H3132–33**

The House further agreed to the Welch (VT) motion to table the Simpson motion to reconsider the vote, by a recorded vote of 225 ayes to 190 noes, Roll No. 278. **Page H3133**

Motion to Adjourn: Rejected the Calvert motion to adjourn by a yea-and-nay vote of 137 yeas to 260 nays, Roll No. 279. **Pages H3133–34**

Motion to Adjourn: Rejected the Sessions motion to adjourn by a yea-and-nay vote of 138 yeas to 268 nays, Roll No. 280. **Pages H3142–43**

Motion to Adjourn: Rejected the Price (GA) motion to adjourn by a recorded vote of 111 ayes to 311 noes, Roll No. 285. **Page H3147**

Motion to Adjourn: Rejected the Kingston motion to adjourn by a recorded vote of 143 ayes to 272 noes, Roll No. 286. **Pages H3149–50**

Motion to Adjourn: Rejected the Walsh (NY) motion to adjourn by a recorded vote of 140 ayes to 264 noes, Roll No. 291. **Pages H3152–53**

Intent to Offer Motion to Instruct Conferees: Representative Shimkus gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Page H3153**

Intent to Offer Motion to Instruct Conferees: Representative Terry gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Page H3153**

Intent to Offer Motion to Instruct Conferees: Representative Upton gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Pages H3153–54**

Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism—Appointment: The Chair announced the Speaker's appointment of the following members on the part of the House of Representatives to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Mr. Timothy J. Roemer of Great Falls, Virginia and Ms. Wendy R. Sherman of Bethesda, Maryland. **Page H3154**

Neighborhood Stabilization Act of 2008: The House began consideration of H.R. 5818, 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. Further proceedings were postponed until Thursday, May 8th. **Pages H3119–29, H3149–77**

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. **Page H3163**

Accepted:

Waters amendment (No. 1 printed in H. Rept. 110–621) that provides for direct allocations to qualified metropolitan cities and qualified urban counties, makes the definition of operating expenses consistent with other HUD programs, and caps purchase price under the loan program at the current

appraised value of the foreclosed property (by a recorded vote of 256 ayes to 157 noes, Roll No. 293); **Pages H3166–67, H3168–69**

Capito amendment (No. 2 printed in H. Rept. 110–621) that directs the funds to be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development rather than directing the Secretary to create a new program within the Department (by a recorded vote of 425 ayes with none voting "no", Roll No. 294); **Pages H3167–68, H3169–70**

Mahoney (FL) amendment (No. 3 printed in H. Rept. 110–621) that clarifies that nothing in this Act shall affect the right to bear arms under the Second Amendment to the Constitution of the United States; **Pages H3170–72**

Kucinich amendment (No. 5 printed in H. Rept. 110–621) that modifies the purposes of the legislation to emphasize the increasing rates of vacant and abandoned properties, and change the state-to-local jurisdiction funding formula to ensure that up-to-date vacancy statistics are used to allocate the funds; and **Pages H3173–75**

McCotter amendment (No. 6 printed in H. Rept. 110–621) that directs States using federal loans and grants for housing rehabilitation to give priority to veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces reserves, school teachers, and emergency responders when reselling the rehabilitated property. **Pages H3175–77**

Proceedings Postponed:

Hensarling amendment (No. 4 printed in H. Rept. 110–621) that seeks to strike all references in the bill to providing grants to states, but leave the underlying loan program intact. Money from the grant portion of the bill ($7.5 billion) would be redirected to the loan portion (for a total of $15 billion in loans) and **Pages H3172–73**

Altmire amendment (No. 7 printed in H. Rept. 110–621) that seeks to clarify that illegal immigrants shall be ineligible for financial assistance under the bill. **Page H3177**

Rejected the Simpson motion that the Committee rise by a recorded vote of 184 ayes to 231 noes, Roll No. 292. **Page H3168**

H. Res. 1174, 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. 289, and the House subsequently agreed to the Welch (VT) motion to table the Emerson motion to reconsider the vote by a recorded vote of 212 ayes to 183 noes, Roll No. 290. Earlier, the House agreed to order the previous question by a yea-and-nay vote of 220 yeas to 187 nays, Roll No. 287, and subsequently agreed to the Hastings (FL) motion to table the Simpson motion to reconsider the vote by a recorded vote of 226 ayes to 186 noes, Roll No. 288. **Pages H3150–52**

Senate amendments to H.R. 3221, Foreclosure Prevention Act of 2008—Rule for Consideration: The House agreed to the rule that is providing for consideration of the Senate amendments to H.R. 3221, 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, by a yea-and-nay vote of 224 yeas to 198 nays with 1 voting "present", Roll No. 283. Subsequently, the House agreed to the Welch (VT) motion to table the Aderholt motion to reconsider the vote by a recorded vote of 227 ayes to 196 noes, Roll No. 284. Earlier, the House agreed to order the previous question by a recorded vote of 226 ayes to 198 noes, Roll No. 281, and subsequently agreed to the Welch (VT) motion to table the Carter motion to reconsider the vote by a recorded vote of 225 ayes to 192 noes, Roll No. 282. **Pages H3134–47**

Food and Energy Security Act of 2007—Motion to Instruct Conferees: The House began consideration of the Cantor motion to instruct conferees on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012. Further proceedings were postponed. **Pages H3177–81**

Presidential Messages: Read a message from the President wherein he notified Congress that the national emergency declared with respect to Syria is to continue in effect beyond May 11, 2008—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–109). **Page H3181**

Read a message from the President wherein he transmitted to Congress the Agreement Between the United States of America and the Czech Republic on Social Security—referred to the Committee on Ways and Means and ordered printed (H. Doc. 110–110). **Page H3181**

Senate Message: Message received from the Senate today appears on page H3111.

Quorum Calls—Votes: Nine yea-and-nay votes and nineteen recorded votes developed during the proceedings of today and appear on pages H3115, H3116–17, H3117–18, H3118, H3118–19, H3124, H3129–30, H3130, H3131, H3131–32, H3132, H3133, H3133–34, H3142–43, H3144–45, H3145, H3145–46, H3146–47, H3147, H3149–50, H3150, H3150–51, H3151–52, H3152, H3152–53, H3168,

H3168–69 and H3169–70. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:24 p.m.

Committee Meetings

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch continued appropriation hearings. Testimony was heard from public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Committee on Armed Services: Subcommittee on Air and Land Forces approved for full Committee action H.R. 5658, National Defense Authorization Act for Fiscal Year 2009.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Committee on Armed Services: Subcommittee on Military Personnel approved for full Committee action H.R. 5658, National Defense Authorization Act for Fiscal Year 2009.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Committee on Armed Services: Subcommittee on Strategic Forces approved for full Committee action H.R. 5658, National Defense Authorization Act for Fiscal Year 2009.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 1343, amended, Health Centers Renewal Act of 2007; H.R. 5669, Poison Center Support, Enhancement, and Awareness Act of 2008; and H.R. 1553, amended, Conquer Childhood Cancer Act of 2007.

U.S.-PAKISTAN FOREIGN POLICY

Committee on Foreign Affairs: Held a hearing on U.S. Foreign Policy in Pakistan: Implications for Regional Security, Stability and Development. Testimony was heard from the following former Ambassadors to the United Nations: Richard C. Holbrooke; and Thomas R. Pickering; and GEN James J. Jones USMC (Ret.), former Supreme Allied Commander, Europe.

NATION'S SUPPLY CHAIN SECURITY

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled ''Assessing the Resiliency of the Nation's Supply Chain.'' Testimony was heard from the following officials of the Department of Homeland Security: Todd Owen, Executive Director, Cargo and Conveyance Security Office, Office of Field Operations, U.S. Customs and Border Protection; and ADAM James Watson, USCG., Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard; Paul Zimmermann, Director of Operations, Board of Commissioners of the Port of New Orleans; and a public witness.

MISCELLANEOUS MEASURES

Committee on House Administration: Ordered reported the following bills: H.R. 5803, amended, To direct the Federal Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes; H.R. 5893, amended, Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008; and H.R. 5972, United States Capitol Police Administrative Technical Corrections Act of 2008.

RISING GAS PRICES' CONSUMER IMPACT

Committee on the Judiciary: Task Force on Competition Policy and Antitrust Laws held a hearing on Retail Gas, Prices, Part 1: Consumer Effects. Testimony was heard from public witnesses.

ORPHAN WORKS ACT OF 2008

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action, as amended, H.R. 5889, Orphan Works Act of 2008.

NATIONAL PARK CENTENNIAL FUND ACT

Committee on Natural Resources: Ordered reported, as amended, H.R. 3094, National Park Centennial Fund Act.

HOSPITAL EMERGENCY SURGE CAPACITY

Committee on Oversight and Government Reform: Concluded hearings on the Lack of Hospital Emergency Surge Capacity: Will the Administration's Medicaid Regulations Make It Worse? Testimony was heard from Michael O. Leavitt, Secretary of Health and Human Services; and Michael Chertoff, Secretary of Homeland Security.

NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT OF 2008

Committee on Science and Technology: Ordered reported, as amended, H.R. 5940, National Nanotechnology Initiative Amendments Act of 2008.

DIGITAL TV TRANSITION

Committee on Small Business: Subcommittee on Contracting and Technology held a hearing on the role of small businesses in the upcoming digital television (DTV) conversion. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action the following measures: H.R. 2452, amended, Raw Sewage Overflow Community Right-to-Know Act; H.R. 135, amended, Twenty-First Century Water Commission Act of 2007; H.R. 5770, To provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality; and H. Res. 1137, Supporting the goals and ideals of National Public Works Week.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D556)*

H.R. 3196, to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''. Signed on May 7, 2008. (Public Law 110–210)

H.R. 3468, to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''. Signed on May 7, 2008. (Public Law 110–211)

H.R. 3532, to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''. Signed on May 7, 2008. (Public Law 110–212)

H.R. 3720, to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''. Signed on May 7, 2008. (Public Law 110–213)

H.R. 3803, to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''. Signed on May 7, 2008. (Public Law 110–214)

H.R. 3936, to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''. Signed on May 7, 2008. (Public Law 110–215)

H.R. 3988, to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''. Signed on May 7, 2008. (Public Law 110–216)

H.R. 4166, to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''. Signed on May 7, 2008. (Public Law 110–217)

H.R. 4203, to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''. Signed on May 7, 2008. (Public Law 110–218)

H.R. 4211, to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''. Signed on May 7, 2008. (Public Law 110–219)

H.R. 4240, to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''. Signed on May 7, 2008. (Public Law 110–220)

H.R. 4454, to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom. Signed on May 7, 2008. (Public Law 110–221)

H.R. 5135, to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''. Signed on May 7, 2008. (Public Law 110–222)

H.R. 5220, to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''. Signed on May 7, 2008. (Public Law 110–223)

H.R. 5400, to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''. Signed on May 7, 2008. (Public Law 110–224)

H.R. 5472, to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''. Signed on May 7, 2008. (Public Law 110–225)

H.R. 5489, to designate 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''. Signed on May 7, 2008. (Public Law 110–226)

H.R. 5715, to ensure continued availability of access to the Federal student loan program for students and families. Signed on May 7, 2008. (Public Law 110–227)

COMMITTEE MEETINGS FOR THURSDAY, MAY 8, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine the Department of Energy's decision to restructure the FutureGen program and obtain information about the elements of the original and revised approaches to advance carbon capture and storage technologies, 9:30 a.m., SD–192.

Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the United States Army and Air Force, 10 a.m., SD–124.

Full Committee, business meeting to markup the Emergency Supplemental Appropriations Bill for fiscal year 2008, 2 p.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold hearings to examine improving the capacity of United States climate modeling for decision-makers and end-users, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine goods movement on our nation's highways, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine social security field offices, focusing on the resources and workforce needed to deliver quality service to the public, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine cancer relating to challenges and opportunities in the 21th century, 9 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission, and Andrew Saul, of New York, Alejandro Modesto Sanchez, of Florida, and Gordon James Whiting, of New York, all to be Members of the Federal Retirement Thrift Investment Board, Time to be announced, S–216, Capitol.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine recruiting and hiring the next generation of federal employees, 10 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 2840, to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications, S. 2913, to provide a limitation on judicial remedies in copyright infringement cases involving orphan works, S. 2511, to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship, S. 2565, to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers, H.R. 4056, to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty, S. 2774, to provide for the appointment of additional Federal circuit and district judges, 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, S. 2756, to amend the National Child Protection Act of 1993 to establish a permanent background check system, S. 1515, to establish a domestic violence volunteer attorney network to represent domestic violence victims, S. 2942, to authorize funding for the National Advocacy Center, S. 2504, to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, S. Res. 537, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers, and the nomination of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit, 10 a.m., SD–226.

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 Readiness, to mark up H.R. 5658, National Defense Authorization Act for Fiscal Year 2009, 1 p.m., 2118 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, to mark up H.R. 5658, National Defense Authorization Act for Fiscal Year 2009, 11 a.m., 2212 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, to mark up H.R. 5658, National Defense Authorization Act for Fiscal Year 2009, 9 a.m., 2118 Rayburn

Committee on the Budget, and the Committee on Transportation and Infrastructure, joint hearing on Financing Infrastructure Investments, 10 a.m., 2167 Rayburn.

Committee on Education and Labor, Subcommittee on Healthy Families and Communities, hearing on The National Endowment for the Humanities and the National Endowment for the Arts: Overview of Programs and National Impact, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "Stem Cell Science: The Foundation for Future Cures," 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Direct-to-Consumer Advertising: Marketing, Education, or Deception," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled "Emergency CDBG Funds in the Gulf Coast: Uses, Challenges, and Lessons for the Future," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Middle East and South Asia, hearing on U.S. Assistance to the

Middle East: Old Tools for New Tasks? 10 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on Central America and the Merida Initiative, 10 a.m., 2226 Rayburn.

Committee on Homeland Security, hearing entitled "Performance Based Acquisitions: Creating Solutions or Causing Problems?" 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to mark up the following: H.R. 4080, To amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models; and private relief measures, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 3840, To prohibit commercial fishing of Atlantic menhaden for reduction purposes in inland, State, and Federal water along the Atlantic coast of the United States, and for other purposes; and H.R. 3841, To prohibit the commercial harvesting of Atlantic menhaden for reduction purposes in the coastal waters and the exclusive economic zone, 9:30 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 155, Lower Brule and Crow Creek Tribal Compensation Act; H.R. 5511, Leadville Mine Drainage Tunnel Remediation Act of 2008; and H.R. 5710, Eastern New Mexico Rural Water System Authorization Act, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing on The Economics of Universal Mail Post PAEA, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Research and Science Education, hearing on Fulfilling the Potential of Women in Academic Science and Engineering Act of 2008, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Medicare Physician Fee Cuts: Can Small Practices Survive," 10 a.m., 1539 Longworth.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on the Utilization of Psychotropic Medication for Children in Foster Care, 11 a.m., B–318 Rayburn

Permanent Select Committee on Intelligence, executive, to mark up the Fiscal Year 2009 Intelligence Authorization, 9 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled "Negawatts: The Role of Efficiency Policies in Climate Legislation," 10 a.m., 210 Cannon.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the future Administration of the President of the Russian Federation Dmitri Medvedev, focusing on United States and Russia's relationship, 3 p.m., SD–419.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, May 8

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 2284, Flood Insurance Reform and Modernization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, May 8

House Chamber

Program for Thursday: Complete consideration of H.R. 5818—Neighborhood Stabilization Act of 2008. Consideration of Senate amendments to H.R. 3221—Foreclosure Prevention Act of 2008.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E845
Barrow, John, Ga., E845
Bordallo, Madeleine Z., Guam, E852
Brown-Waite, Ginny, Fla., E841
Burgess, Michael C., Tex., E841
Burton, Dan, Ind., E848
Butterfield, G.K., N.C., E848
Capito, Shelley Moore, W.Va., E840
Castle, Michael N., Del., E840
Costa, Jim, Calif., E836
Crowley, Joseph, N.Y., E850
Eshoo, Anna G., Calif., E835
Fattah, Chaka, Pa., E837
Fox, Virginia, N.C., E852
Goodlatte, Bob, Va., E853
Hall, John J., N.Y., E845
Herger, Wally, Calif., E837
Hinojosa, Rubén, Tex., E850
Hodes, Paul W., N.H., E848
Jackson-Lee, Sheila, Tex., E847, E849, E851
Johnson, Eddie Bernice, Tex., E846, E848
Jordan, Jim, Ohio, E844
Kaptur, Marcy, Ohio, E847, E850, E851
Klein, Ron, Fla., E841
Kucinich, Dennis J., Ohio, E835, E839, E843
Langevin, James R., R.I., E837, E842
Lofgren, Zoe, Calif., E846
McCollum, Betty, Minn., E847, E849
Paul, Ron, Tex., E842
Platts, Todd Russell, Pa., E837
Poe, Ted, Tex., E835, E839, E843
Rogers, Mike, Ala., E846
Rush, Bobby L., Ill., E846
Salazar, John T., Colo., E836
Sali, Bill, Idaho, E839
Saxton, Jim, N.J., E845
Schakowsky, Janice D., Ill., E836
Smith, Adrian, Nebr., E850
Thompson, Bennie G., Miss., E841
Thompson, Mike, Calif., E844
Walsh, James T., N.Y., E844
Wasserman Schultz, Debbie, Fla., E837
Wexler, Robert, Fla., E845
Wilson, Joe, S.C., E842
Woolsey, Lynn C., Calif., E836, E845
WWittman, Robert J., Va., E851, E852

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.