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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 12, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

It would seem, Lord, that peace can come to both sides of any wall that divides people. Only four conditions are required of the human spirit for peace to be achieved: Truth, justice, love and freedom. So Lord, we pray:

That truth will build peace as every individual sincerely acknowledges not only his or her own rights but also one's duty to protect the rights of others; justice will build peace, Lord, if everyone respects the rights of others and actually fulfills one's duties toward all others; love will build peace if people feel the needs of others as their own and share what they have with others, especially the values of mind and spirit which they possess; freedom will build peace, Lord, if in their choices people act according to sound reason and are willing to accept the consequences of their own actions.

Therefore, Lord, we pray that Your people will speak the truth, act justly, love faithfully, and live freely, and so find peace not just here and now but forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PALLONE 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECOGNIZING ARVERN MOORE ON HIS RETIREMENT

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

Mr. CHILDERS. Madam Speaker, I rise today to honor Mr. Arvern Moore for his 41 years of outstanding service as executive director of the Institute of Community Services Head Start Program in Mississippi's First District.

Arvern Moore began his work in 1967 with the ICS Head Start Program and had the vision to build a successful program to prepare children and families for the future. He served terms as president of the National Head Start Association and is known to many as ''Mr. Head Start.''

Arvern has established vital Head Start partnerships with businesses and stakeholders but has always remained focused on the families of Mississippi. Today, the ICS Head Start Program, headquartered in Holly Springs, Mississippi, serves more than 3,600 Head Start children.

It is my honor to recognize Arvern Moore for his 41 years of service to Mississippi's children and families. Please join me on the occasion of his retirement in wishing him a rewarding life in the community he has worked so hard to support. We offer heartfelt congratulations to Arvern for a life of service as we wish him and his family a joyous celebration of this milestone.

WHAT ABOUT AMERICAN OIL?

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Oil prices are climbing to record highs, gasoline is over $4 a gallon and climbing towards $5, food prices are up and rising, and family budgets stretch their limits.

And how do we handle this? We beg OPEC to produce more oil. The Saudis say they will call a meeting. Venezuela says they want $200-a-barrel oil. Foreign speculators say let's hope the market will fall.

Americans say, what about America? What about American energy? Why not explore for the trillions of barrels of America's oil off our coast, America's shale oil? Saying ''no'' to Americans is not an energy policy. Begging other nations is not an energy policy.

Americans get it. Congress needs to get it too. American oil, American jobs, American control of its own destiny and returning America to be the greatest Nation on Earth and not a nation that has its hat in its hand saying please help us.

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WHY SHOULD WE OPEN LAND FOR DRILLING WHEN BIG OIL ISN'T EVEN DRILLING WHERE THEY HAVE LEASES

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

Mr. WU. Madam Speaker, it is no wonder that the only Republican solution to our record high gas prices is more drilling. Who would expect anything less when two former oil executives occupy the White House?

The problem is that this has been the Republican energy plan for the last 7 years. It was created in secret by Vice President CHENEY and oil executives. And it is responsible for the record high oil prices that we all face at the pump today.

Republicans claim that we could lower the price at the pump if we would only approve more and more drilling leases. That is their rhetoric. Here are the facts. Oil companies do not need new areas to drill. They need to focus on areas that are already opened to them. Of the 42 million acres of Federal land currently leased by oil and gas companies, only about 12 million acres are actually being drilled to produce oil and natural gas.

Madam Speaker, if the Republican claims about more drilling are correct, why aren't they demanding Big Oil explore drilling on the 30 million acres of Federal land that are already open to them but that they refuse to explore?

THE LAW OF SUPPLY AND DEMAND

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

Mr. CALVERT. Madam Speaker, 2 years ago, my colleagues on the other side of the aisle told the American people they had a commonsense plan to bring down gas prices. Unfortunately, we still haven't seen this commonsense plan, so I would like to offer my own.

This is a drill bit. The drill bit goes into the ground. Oil comes out of the ground. Oil goes to a refinery. Gasoline comes out of the refinery. More gas, price comes down.

Let me repeat that for those on the other side who seem not able to understand that.

This is a drill bit. The drill goes down into the ground. Oil comes out of the ground. Oil goes to the refinery. Gasoline comes out of the refinery. More gas, price comes down.

THE HIGH COST OF GASOLINE

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

Mr. LEWIS of Georgia. Madam Speaker, I rise today for the weary Americans who are working harder than they ever have but still find themselves falling behind. I rise today for Americans all across this country and especially those in my home State of Georgia who are hurting. I rise for those whose wallets get thinner each time they go to the gas station.

I rise for those who must decide between $4 a gallon gasoline or food for their family, those who must decide between $4 a gallon gasoline or paying the mortgage. Americans will continue to make these choices until we decide enough is enough. Let's change our energy policy.

RECOGNIZING THE WAUBONSIE VALLEY HIGH SCHOOL GIRLS SOCCER TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, it is with great pride that I rise to congratulate the Waubonsie Valley Warriors on winning the Illinois State Girls Soccer Championship. In the final tournament, the Lady Warriors won three consecutive games to capture the State title against an exceptionally competitive field.

Despite the loss of Illinois Gatorade Player of the Year, Bri Rodriguez, who suffered a torn ACL in the quarterfinal match, the team notched a 3–0 victory over Belleville Althoff in the championship. This is the second consecutive State championship for the Waubonsie girls soccer team, which this season recorded an undefeated record of 26 wins, zero losses, and 1 tie.

Kiki McClellan, Vanessa DiBernardo, and Megan Green each succeeded in scoring hard-earned goals during the championship game. And Claire Hanold kept her goal-keeping streak alive by blocking five shots and securing her 22nd shut-out of the season. Indeed, every member of the team stepped up to bring the trophy home through her outstanding play. And guiding them to the championship was Coach Judy Bergstrom.

Madam Speaker, the Warriors' success can be attributed to their determined spirit and strong work ethic. These talented young ladies have made their community and the entire State of Illinois proud. So once again, I congratulate the Waubonsie Valley Warriors on this historic achievement and wish them continued success in the years to come.

H2B VISAS

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

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to raise awareness of an increasing problem with H2B Visa abuse in my hometown of Houston and elsewhere.

Fraudulent recruiters are increasingly bringing in foreign workers for temporary, low skill positions by claming there is a labor shortage for this type of work.

These recruiters frequently advertise positions with wages below what they should be paid, and when there are no responses the employers claim there is a labor shortage and bring in foreign workers to do that work.

The Immigration and Nationality Act requires that the hiring of foreign workers will not adversely affect the wages and working conditions of U.S. workers working in the occupation in the area of intended employment.

However, these regulations are not being strictly enforced.

The Department of Labor has proposed new procedures based on its contention that its workload, and the workload of State workforce agencies, has greatly increased in recent years due to the H2B visa program and that an adequate rise in funding to meet that increased workload has not occurred.

The proposed changes would cover many aspects of the H2B visa application process, including the moving of filing of State workforce agencies to the National Processing Centers. New requirements for employers to report on the status of their H2B employees should be enforced.

I am extremely concerned about these changes, because current regulations are not being strictly enforced at the national level, or at the State workforce agency level and moving filings to the national processing center along with these other changes will not improve enforcement.

This lack of enforcement is driving down wages, and preventing individuals from gaining experience necessary to move into higher paying jobs.

Congress needs to act and should require recruiters to be certified or licensed to prevent temporary workers and their U.S. employers from being misled about the nature of their visas being defrauded or victimized by outrageous fees.

This would allow oversight of the recruiting process which is a much-needed addition to the program.

Madam Speaker, I plan to work to see that this issue is addressed, that these rules are corrected, and I urge my colleague to join me in fixing this problem.

ATROCITIES IN BURMA

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

Mr. PITTS. Madam Speaker, I rise today over the comments made by the brutal generals, military dictators in Burma, saying that Aung San Suu Kyi, Nobel Peace Prize winner and rightful leader elected by the people, deserves to be flogged. Come again?

These are the generals who stonewalled for weeks and refused to allow desperately needed humanitarian aid to get to the people after the cyclone, who order their military to attack ethnic groups throughout the country, who in 1988 issued a blood assimilation order to their troops to marry or rape the ethnic women in

order to ''purify'' the ethnic's blood line, who forcibly conscript children to serve as child soldiers in their army, who plant land mines around the villages they attack so that returning villagers get maimed or killed, who pillage or plunder the resources of Burma so they can have huge weddings with millions of dollars of jewels around the necks of their daughters.

It is the SPDC generals, brutal dictators with their crimes against humanity and campaigns of ethnic cleansing who deserve to be stripped of power and placed under arrest for many years to come.

BUSH AND HOOVER PRESIDED OVER FALTERING ECONOMIES

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

Mr. PALLONE. Madam Speaker, for 7 years Americans have endured the failed economic policies of President Bush, policies that have favored the wealthiest few and the big corporations at the expense of the middle class and those aspiring to reach the middle class.

Last week for the fifth month in a row, we learned that the Bush economy had lost more jobs than it created. This unimpressive economic record is once again drawing comparisons to that of another Republican President, Herbert Hoover. President Bush has the worst job creation record since Herbert Hoover, who presided over the stock market crash and led our economy into the Great Depression.

And just like Herbert Hoover, President Bush refuses to take the necessary action and begin to turn this economy around and to help those who are suffering the most.

Madam Speaker, history is not going to be too kind to President Bush when it comes to his handling of our Nation's economy. But this week, he has the opportunity to work on that record by supporting our efforts to extend unemployment benefits to millions of our Nation's workers. And it is the right thing to do.

□ 1015

ANTI-DRILLING CROWD AND ETHICS

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

Mr. POE. Madam Speaker, the anti-crude oil crowd has an ethical dilemma. You see, they don't want to drill for crude in Alaska, they don't want to drill offshore, especially off that sacred west coast. They don't want any refineries to produce that crude into products. They are just against all this nonsense. After all, they say, crude is the demon of the Earth.

However, they don't have a problem with using everything that comes from crude, like gasoline that comes from crude off the Texas east coast, refined in American refineries. And it seems to me that the irrational non-drillers should lead by example, rather than being hypocritical by preaching damnation to crude oil, but using its by-products every day. So no more plastic water bottles, no using insecticides, no more fertilizer, medicine, candles, nylon, paint, makeup, perfume, computers or detergents. No more car rides or plane rides, and no more home heating oil come winter. After all, all of these things come from crude oil.

The radical don't-drill folks should literally walk the walk, instead of talking the big talk about how they are going to save us all from that demon crude oil, but sanctimoniously use its products every day.

And that's just the way it is.

PROVIDING FOR CONSIDERATION OF H.R. 5749, EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1265 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1265

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5749) to provide for a program of emergency unemployment compensation. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5749 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. ARCURI. Madam Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate purposes only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

House Resolution 1265 provides for consideration of H.R. 5749, the Emergency Extended Unemployment Compensation Act of 2008. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Madam Speaker, our economy is in trouble, and hardworking Americans across the country are bearing the weight of it. Times are especially tough for middle-class families. The labor market continues to deteriorate, the price of gasoline and food continues to rise, the value of real estate continues to decline, and millions of American households are forced up to rack up more and more credit card debt just to make ends meet. And we are not talking about frivolous expenditures. Middle class families are racking up credit card debt to do things likes paying their electric bills or buying school supplies for their children.

Madam Speaker, the American people deserve better. Since the beginning of this year, when the majority first began to push for an extension of the unemployment benefits, the national unemployment rate has surged to 5.5 percent, the largest 1-month increase in 20 years. Yesterday, 144 members of the minority made it clear that they don't think the situation is serious enough to warrant extending unemployment benefits for Americans struggling to make ends meet, so we are here again today.

To me, 8.5 million unemployed Americans is a very serious situation. To me, trying to fill up your car with gas at $4 a gallon when you just lost your job is a very serious situation. And to me, when so-called free trade agreements are moving jobs across the border and no new quality jobs are being created, it is a very serious situation.

Madam Speaker, I believe government should lend a hand when its citizens are struggling, especially hard-working, middle-class families. But whether you agree with that or not, extending unemployment benefit is one of the most cost-effective, fast-acting ways to stimulate the economy.

Putting money directly into the pockets of struggling workers ensures that it will be spent quickly on daily necessities, boosting our economy and making it a little easier for folks to make ends meet. Every dollar spent on unemployment benefits generates $1.64 in new economic demand. In my home State of New York, an extra 13 weeks of unemployment benefits would infuse $600 million into the State economy.

For my constituents in upstate New York, a struggling economy and high unemployment has been a fact of life for a very long time now. My district hasn't reaped the so-called cyclical job

growth benefits from trade agreements. Oh, we lost our jobs all right, but we haven't seen the job creation yet. In fact, employees of businesses in my district have applied for trade adjustment assistance over 200 times since the program's inception, and of those applications, the Labor Department certified over half as a result of trade agreements. Unfortunately, as factories close, hard-working families have nowhere to go but to stand in line outside the local unemployment office. The American people deserve better, and that is why we are here today.

This bill would provide up to 13 weeks of extended unemployment benefits in every State to workers exhausting their regular benefits and provide an additional 13 weeks to States with higher unemployment levels.

Federal unemployment trust funds, which were created exactly for this type of situation and have more than enough reserves to cover the costs, will finance these benefits. This costs will not be deferred to our children to pay back, and the trust fund will do so in a structure very similar to the temporary extended unemployment compensation program established in response to the last recession in 2002, an emergency extension, I might add, which was passed by the previous Republican Congress in the same way we are doing today, when there were fewer long-term unemployed workers.

Madam Speaker, extending these benefits for struggling Americans is the right thing to do. I urge my colleagues on both sides of the aisle to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) 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. Madam Speaker, it is an unfortunate spectacle to see the leaders of this Congress manipulate the extension of unemployment benefits into a partisan weapon and a diversion from their failure to do anything about the skyrocketing price of gasoline and diesel. My colleagues on the other side of the aisle want the American people to believe that Republicans are mean, uncaring and opposed to providing help to unemployed workers as they look for a job.

I am certain, Madam Speaker, that Democrat after Democrat will come to the House floor and attempt to paint this cartoon view of the world. But nothing, Madam Speaker, is further from the truth. It is Republicans who have been trying for weeks, months and years to overcome the near monolithic Democrat opposition to producing more American-made energy, which will increase the oil supply and lower prices at the pump to keep our economy working. The high cost of gasoline is affecting families, workers and businesses in every town in this country, and this Democrat Congress does nothing.

Let me state for the record that Republicans not only believe in the importance and value of unemployment benefits and that we support extension of benefits in times of needs, but that it was a Republican Congress and President that last enacted unemployment benefit extensions in 2003, and I supported and voted for those extensions.

Yet the liberal leaders of this Congress decided to bring an unemployment benefit extension bill to the House floor that purposely undermines the bipartisan, responsible manner in which extensions have been enacted for the past 27 years, going all the way back to 1981. Democrat leaders decided to change the rules and to do it while blocking every single Representative, Republican or Democrat, from being able to come to the floor of the House and offer their suggestions for improving unemployment insurance or better directing benefits to those Americans or those communities in our country that are most in need.

As written in this bill, Madam Speaker, Democrats have mutated the requirements for receiving benefits so that an individual could work for just 2 weeks and then get an entire year's worth of unemployment benefits. Madam Speaker, giving 365 days worth of benefit checks for having worked just 14 days violates most Americans' sense of fairness. There is a big difference between providing a leg up and giving a handout, and I think this bill crosses that line.

This bill also gives an extra 13 weeks of unemployment benefits to States where the unemployment rate is incredibly low, below 3 percent. Instead of focusing benefit extensions to where it is needed, this bill gives it to places where it is not.

As I said, Democrats have chosen to mutate the way unemployment benefit extensions have been done for the past 27 years so that they can try to score political points. But Democrats have also decided it is okay to break the promises they made to the American people in just the last election.

One of the promises that Democrat leaders spoke about the loudest and most often was their commitment to what is known as PAYGO, or pay-as-you-go. Under the promise made by Democrat leaders, a new rule was written in the House at the start of this Congress to prevent any bill from passing that wasn't budget neutral, that didn't offset new spending with spending cuts or tax increases.

Madam Speaker, Democrats are not keeping that promise on this bill. On this bill, they are waiving PAYGO rules. They are now saying that the PAYGO rule they wrote and the promise they made to the American people can be ignored whenever it is convenient or expedient.

Madam Speaker, my purpose in raising the issue of PAYGO rules being violated is not to use it as an argument against the extension of unemployment benefits, but to point out the broken promises and hypocrisy of the liberal leaders of this Congress. They claim it is okay to ignore PAYGO because American people pay unemployment insurance tax out of every paycheck, so it is the American people's own money that is paying for the bill.

Well, when it comes to income tax increases, that is the American people's money too. Yet it was just 2 days ago that the Democrat majority leader flat out declared that Americans will face billions of dollars of tax increases this year if expiring tax rates aren't offset by PAYGO rules.

Madam Speaker, the leaders of this House are using PAYGO to hold hostage tax relief legislation that would prevent 25 million Americans from having their taxes go up by an average of $2,000 next April to pay the AMT tax.

□ 1030

They are holding an extension of the State sales tax deduction hostage under PAYGO rules by requiring taxes to be increased so that the residents of sales tax States, like my State, can be treated as fairly and equally as residents of income tax States. For the leaders of this Congress, PAYGO is an excuse to raise taxes by billions of dollars, but PAYGO can be ignored when they mutate long-standing unemployment benefits to allow someone who works just 2 weeks, just 2 weeks, to get an entire year's worth of benefits checks.

This extension of unemployment benefits is labeled as an emergency, as an emergency, because unemployment rose from 5 to 5.5 percent last month. It's stated that this is the largest 1-month increase in two decades and so Congress must now pass legislation. This 1-month increase of 10 percent is justification for urgent, immediate action that this House and the Senate must clear all other schedules and vote to pass this legislation without delay. That's what has been said.

Where is the same level of urgency and need for immediate action on gas prices? Gas prices have gone up over 10 percent in the last month. Americans aren't just paying the highest gas prices in the past two decades, they are paying the highest prices ever, ever, recorded in the history of this country? Almost every day the price of gasoline sets a new record.

Since Democrats took control of Congress the price of gasoline has gone up over 75 percent. At the pace that prices are climbing, it may only be a matter of time until they have doubled, doubled, while this liberal Congress does nothing.

I absolutely agree that losing one's job is a painful experience and that it deserves the attention of Congress. But

the pain of filling up your gas tank is felt by every American, whether they just lost their job or not. The pain of skyrocketing gas prices is hurting all Americans, all Americans, yet this liberal Congress does nothing to help increase the supply of gasoline to lower prices at the pump.

Time after time Democrats have blocked real solutions for more American-made energy by increasing oil and gas production and refining here, right here, in America. America has billions of barrels of oil reserves and trillions of cubic feet of natural gas, but Democrats insist on keeping it off limits. We are not allowed to make our own energy, and so the prices continue to climb.

How long will Speaker PELOSI and this liberal Congress refuse to act to increase supply and lower gas prices? How high do prices have to go before they stop blockading America from tapping its own resources? There were thousands of oil-drilling rigs in the Gulf of Mexico that weathered two back-to-back Category 5 hurricanes, Rita and Katrina, and not one single rig ruptured. America has the resources and safe technology to produce oil for years, but Democrats refuse to allow it.

Eighty-six percent of congressional Democrats have opposed more American-made energy, while 91 percent of Republicans have supported producing more energy right here in our own country. If this Congress is serious about addressing economic pain, then they need to get serious about gas prices and stop blocking real solutions.

For months Republicans have tried to force this House, and for months Democrats have refused to act. Meanwhile, the price of gas and diesel just goes up and up and up.

Madam Speaker, I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I heard my friend from Washington twice refer to this Congress—at least twice, anyway—as a liberal Congress. I guess I would have to respond in that since when does helping people who lost their job have anything to do with being a liberal or conservative?

I think people, the American people, hear people in Congress cite statistics and studies as if the people they are referring to are not real. These people, a person who loses job, who has to support his family, doesn't care if the statistics say that his State has the lowest unemployment in America. He doesn't care. All he wants to know is that he has unemployment benefits so that he can support his family. That is what we are here to do today.

Madam Speaker, I would like to yield 3 minutes to the gentleman from Washington, the chairman of the Family Support Subcommittee of the Ways and Means, Mr. MCDERMOTT.

Mr. MCDERMOTT. Madam Speaker, the Bible says, ''By their deeds, you shall know them.'' The Republicans do not want to help unemployed workers in this country. It is as simple as that. If you go back to the debate in 1935 and come forward, the Republicans have always resisted the idea of unemployment benefits because the argument is that people will sit at home and wait for a check and that they will then not go out and look for work.

Now, it's clear that's not true and now, today, what they are hanging their hat on is some mythical worker out there who has worked 2 weeks and is going to get full benefits. That simply is misleading in the very plainest form.

Madam Speaker, I have a letter which I ask to enter into the RECORD from the Oregon Unemployment Department, signed by Tom Byerley.

STATE OF OREGON,
EMPLOYMENT DEPARTMENT,
Salem, OR, June 11, 2008.

INDIVAR DUTTA-GUPTA,
Professional Staff, House of Representatives, Committee on Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.

DEAR MR. DUTTA-GUPTA: In the deliberations by Congress relating to a proposal to extend unemployment insurance benefits, it has come to my attention that Oregon has been held up as an example as a state where a worker could work only three weeks during the base period upon which the claim was filed and qualify for 26 weeks of regular state benefits and an additional 13 weeks, or 26 depending on the unemployment rate, of benefits under the bill to extend claims. That is not true.

In Oregon a worker must have a minimum of $1,000 in earnings for the entire base year. In addition, he must have total base year wages in an amount equal to or in excess of one and one half times the wages in the highest quarter. Oregon Revised Statute 657.150(2)(a)(A). With only three weeks of work, the only way this worker could qualify would be to work in two separate quarters. As an example, when an individual worked only three weeks in the base year, we'll place one week of work in one quarter and two in the subsequent quarter.

In this scenario, let's say the second quarter where the claimant worked two weeks would be the highest quarter since he worked two weeks and only one week in the prior quarter. In simplest terms, he earns $333 for one week in the first quarter and $667 for two weeks of work in the second quarter. That gives him the minimum required wage threshold of $ 1,000 total earnings to qualify and gives him wages of one and one half times in the highest quarter in total base year wages.

This worker would qualify for $108 per week for 3.08 weeks. $108 for three weeks and the last payment would be $9. This worker would not receive the full 26 weeks. Our law provides that if total base year wages are between $1,000 and $8,423.99, the maximum award will always be 1/3 of the total base year wages or in this case, $333.

I cannot speculate how our law could be misconstrued to say that someone with the minimum wages to qualify for a claim would be able to claim the maximum award or 26 weeks. The information I have reviewed that I understand has been referenced in the ''Highlights of State Unemployment Compensation Laws, January 2007'' published by the National Foundation for Unemployment and Worker's Compensation (UWC) on pages 53 through 56 entitled ''Qualifying Requirements'' (copy attached) is accurate. In fact, we provide that data on an annual basis. To read this to say you only have to work three weeks to qualify for a maximum claim of 26 weeks is simply reading something into our qualifying requirements that isn't there.

I hope this information is helpful. Please don't hesitate to contact me at (503) 947–1707 if you have any additional questions.

Sincerely,

TOM BYERLEY,
UI Director.

This letter says, ''In the deliberations by Congress relating to a proposal to extend unemployment insurance benefits, it has come to my attention that Oregon has been held up as an example as a State where a worker could work only 3 weeks during the base period and receive 26 weeks of benefits and an additional 13 weeks. That is not true.''

He goes on to say, ''I cannot speculate how our law could be misconstrued to say that someone with the minimum wages to qualify for a claim would be able to claim the maximum award'' or benefit.

Now, what Members have to understand is the qualification for unemployment is decided by State legislatures. They make the decision. Many of them do not start the quarter that you are in. If you lost your job today, they would not count back to the 1st of April, they will not count to the first of the year, they would start counting last year in 2007.

So he gives an example, suppose somebody worked one week in September and two weeks in October, and they made $1,000. They would be eligible in Oregon for a check of $108 for three weeks and $9 in the fourth week.

Now, if you want to hold up benefits for 1.5 million people in the United States for one lone Oregon duck who got $108 for three weeks and $9 in the fourth week, you go ahead. Your decision will be from the voters in your districts in this election.

This is a red herring. It has been.

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

Mr. ARCURI. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCDERMOTT. This was put into the law in 1981 when the workforce was entirely different. Women were not such a big part of the workforce, we did not have part-time jobs. When you have this provision in the law you are denying extended benefits to about 10 percent of the people who have exhausted their benefits. Because they did not work full time, they don't get anything, and these objections are simply a reflection of the Republicans, the fact they do not want to give unemployment benefits.

Vote for the rule. Vote for the bill.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding. Madam Speaker, I rise to support the rule, but I strongly support the underlying bill.

We are back here again today because this House, in my estimation, must act to give those who are struggling in our challenging economy the help that they need. Too many working families in my district, in my home State of Michigan are having serious difficulties finding work and making ends meet.

Not only have too many workers lost their jobs, but other factors have stymied their efforts to find work. Gas prices of over $4 a gallon are making it increasingly difficult to travel longer differences to find work. The housing crisis, which is particularly acute in my home State of Michigan, has made it nearly impossible for families to sell their homes, which would allow them to move closer to areas where jobs could perhaps be found.

Some have argued that this bill would alter very long-standing Federal policy as a reason to vote against it and perhaps it does, but that is no comfort to those who cannot find work. They are not interested in Federal policy changes, they are interested in keeping their homes or feeding their families or having money to buy gas so that they can go out and find a job. I understand some of the concerns about granting this extension of benefits, but I believe strongly that those concerns are far outweighed by the needs of struggling American families.

I urge all of my colleagues to join together and to take this important step to provide a helping hand to fellow Americans in need.

Again, I oppose this rule, but I strongly support the underlying bill.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Madam Speaker, last Friday the Labor Department in our country reported that in May the unemployment rate rose to 5.5 percent from 5 percent and reported that unemployment continued to fall in construction, manufacturing, retail trade and temporary health services, while health care continued to add jobs. The half percentage point increase is the largest single increase in the unemployment rate in 22 years, with more than 861,000 jobs lost in May.

The unemployment insurance program provides benefits to those who become unemployed through no fault of their own and meet certain conditions. Our economy has also lost jobs for five consecutive months, and it's likely that more than 1.4 million workers have exhausted their unemployment benefits in the first 6 months of this year alone. The Congressional Budget Office estimate that had this legislation would provide additional benefits to 3.8 million unemployed workers, many of whom are at extreme financial risk.

Extending these benefits is one of the most cost-effective and fast-acting ways to stimulate our faltering economy because the money is spent quickly, according to the Congressional Budget Office. Every $1 spent on unemployment benefits generates $1.64 in new economic demand.

Congress has extended unemployment benefits over several occasions over the last 50 years in response to economic weakness. This is another one of those times in which Congress must take immediate action to address this emergency on behalf of the people in our country.

I urge my colleagues to support this temporary, I repeat, temporary extension of unemployment benefits so we can provide much-needed relief to 3.8 million unemployed workers to assist them with rapidly rising food costs while they continue to struggle to find work in this rapidly slowing economy.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the distinguished Republican Conference chairman, Mr. PUTNAM of Florida.

Mr. PUTNAM. I thank the gentleman for the time, and I appreciate the opportunity to debate this issue.

Madam Speaker, it is an unfortunate situation that we have to debate unemployment compensation because of the underlying economic weaknesses, particularly those that have been caused by high energy prices.

We have seen reports of plant closures because of high energy prices. High natural gas prices have put American manufacturers, American fertilizer makers, American petrochemical industries at a competitive disadvantage because it is not a global commodity, and we have failed as a Congress to put forward an energy policy that actually creates energy, which actually creates American jobs.

In addition to that, this particular rule waives PAYGO, one of the most prominently heralded reforms brought into the 110th Congress, the idea that you would pay-as-you-go. It is now a matter of sometimes paying as you go, every now and then paying when you go, when it's convenient paying as you go.

□ 1045

But be that as it may, it is important that we address not only the necessary relief for those who have lost their jobs, but to prevent people from losing their jobs in the first place. And the best way that this Congress can move forward on that is to put onto the floor of the House a comprehensive energy policy that actually produces energy, that puts American workers back to work, taking advantage of the tremendous potential in conservation and green jobs, but also in domestic production, exploring the resources that we have here and putting them to work for the American people, constructing nuclear power plants. There is a lot of talk from both sides of the aisle about the need to move into more innovative uses of mobile fuels, to move into the plug-in hybrid. Well, what are you going to plug it into?

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

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

Mr. PUTNAM. I thank the gentleman.

So we have to invest not only in the next generation of mobile fuels to eliminate our dependence on foreign oil and gas, but also to construct the type of electrical infrastructure necessary to create a thriving economy, to put people to work so they don't have to rely on unemployment compensation and the whim of the Congress and the whim of the State legislatures about whether it is 13 weeks or 26 weeks. We ought to be focused on putting them back to work. That is what these American workers want, and we have an opportunity to do that.

We have put forward that proposal with the No More Excuses Energy Act, a comprehensive approach that puts people to work and eliminates our dependence on foreign energy from people who don't like us and creates a generational leap forward for energy security for North America.

I urge Members to defeat this rule. Let's start over and do it the right way.

Mr. ARCURI. If what the gentleman from Florida says is true, I guess any pay-as-you-go is better than the no-pay-as-you-go that we had in the last Congress.

Madam Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, we are hearing a lot of concern about PAYGO. I have to tell you that when it comes to having credibility on this issue, as someone who is not a particularly partisan person, I always like to work on both sides of the aisle, I am a little upset that we are hearing this criticism about PAYGO from a group of folks who when they were in charge let the law expire.

It is a law that existed for 12 years. It helped move us from deficits to surpluses. It moved us on the glide path to where we wouldn't be burdening future generations with debt, and that law expired. The bottom line is that law as it was written would have allowed this unemployment compensation legislation to go through under emergency spending.

Now, the way that the law is written in this Congress, quite frankly, I think the law wasn't crafted properly because it should have allowed this to be emergency spending. That is why I, as a Blue Dog, am comfortable with this bill.

But let me assure you, actions speak louder than words. There are so many words that get thrown out on the floor of the House, but actions speak louder than words. And the actions are this: who cares about deficits, who thinks deficits matter? I am not sure that the other side of the aisle does, and their track record demonstrates that.

We've seen debt go up by $3 trillion during the first 6 years of the Bush administration with a Republican Congress. Come on, we shouldn't be criticized about our good-faith efforts to try to encourage PAYGO and live within our means. If we have not been perfect on this side of the aisle, we have made the effort. And I have heard no response from the other side whenever we bring up a bill that is paid for to offer an alternative that is also paid for.

So if you really care about your future generations, which I do, I think of my two young sons, and I think about the debt burden that we are placing on them, I think that we have a moral obligation to do the right thing for future generations.

So please, let's tone down the rhetoric a little and let's acknowledge that if you really care about deficits, instead of just talking about it, do something about it.

This side of the aisle has attempted to do something about it in this Congress. They established a PAYGO rule. I am proud of the fact that the Democratic Caucus has done that, and we should all work together because it shouldn't be a partisan issue. If you care about deficits, whether you're Democrat or Republican, let's work together and let's secure the future for our children.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

I will tell you that this debate is to me rather sad. I listened to my friend, Mr. MCDERMOTT, with whom I have been very privileged to work for many years on trying to open up new markets for U.S. workers, to have access into those markets around the world. He represents the Seattle area, and we all know how important trade is. He and I have been privileged to try and pry open markets in Asia and Latin America and other parts of the world.

I just was downstairs and heard him on TV make some statement, and I would be happy to yield to him if I am incorrect in quoting him. He said Republicans don't care about those who are unemployed, those who are suffering and are victimized here. And I would be happy to yield. Is that what my friend said? I would say to my friend from Seattle, I would be happy to yield to him, that Republicans don't care about those who are unemployed?

Mr. MCDERMOTT. Thank you for yielding.

If you read the history of the enactment of the 1935 Social Security Act, the last issue argued in the United States Congress was an amendment by the Republicans trying to take out unemployment benefits because they said it weakened the will of people to search for work. It is a long, distinguished record.

Mr. DREIER. Madam Speaker, reclaiming my time, let me just say the 1935 Social Security Act is a debate that took place more than a couple of years ago.

Let's talk about what it is that we as Republicans have believed passionately in doing, and that is to ensure that people who are hurting the most are in fact able to benefit from unemployment benefits.

You know, we had an interesting debate in the Rules Committee last night. We just talked about the need for PAYGO compliance. Of course that was the sine qua non when we were debating the rules at the beginning of this Congress, the fact that we were going to make sure that everything was PAYGO compliant. Obviously this is not PAYGO compliant. Everyone has acknowledged that. The distinguished chair of the Rules Committee in a discussion with Mr. HASTINGS last night finally acknowledged that this is not PAYGO compliant, so completely contrary to what has been promised here time and time again.

But when it comes to actually ensuring that those who are truly in need are the beneficiaries of unemployment compensation, it seems to me we should go back not to 1935, but to 2002 because we had an extension of unemployment benefits that was put into place in 2002.

Madam Speaker, virtually every Democrat at that time supported the notion of saying there should be a minimum of 20 weeks of work, 20 weeks of work before someone could have the opportunity to see the unemployment benefits accrued to them.

What is it that this measure does? I will tell you, when I talk to my constituents about this, Madam Speaker, they are absolutely horrified. I just was downstairs 5 minutes ago talking to one of my constituents about it, and I explained what I am about to say here to our colleagues, and she could not believe it. Every member of her family with her, they were absolutely horrified when I said the following: under this plan, if someone works for only 2 weeks, they work only 2 weeks in their entire life, they are able to receive 52 weeks, one entire year of unemployment benefits. That's what it says, that's what this measure does.

In 2002 when we dealt with this issue, the Democrats decided there should be at least 20 weeks of work. And now when we have an unemployment rate, which as I acknowledged has gone up a half a percent, and it hasn't gone up to that level in 22 years, it is very unfortunate, it is still significantly lower than the unemployment rate we have seen in the past. And what are they saying, if someone has worked for only 2 weeks, they are able to see 52 weeks of benefits. That is just plain wrong.

I will tell you, whether you are a working American or an American looking for a job, that is not right because perpetuating the welfare state is exactly what that does. It is not providing a cushion of benefits.

We also believe, Madam Speaker, that the opportunity to say, gosh, if someone is out there and they are working to find an employment opportunity and they do, we believe we should reward that by providing them a lump-sum benefit, a lump-sum benefit that has rewarded them for the fact that they have found a job. We know it is difficult. We are not saying that everyone is going to be able to, but that is the kind of thing that we want to do.

And what has happened here? Well, the new majority has said an absolute closed rule, no opportunity for us to offer that kind of amendment.

Let me get back to the issue that we have been talking about time and time again which is on the minds of the American people, Madam Speaker, and that is the issue of high gasoline prices and the energy costs that we face right now.

You think about people who are struggling and are looking to find a job and are out there, looking to improve their situation, I will tell you, one of the cruelest penalties of all on them happens to be high gasoline prices.

Last night I had one of our telephone town hall meetings, and I had the opportunity to have nearly 5,000 households from the area that I am privileged to represent from southern California on the phone, and we talked about the need to increase energy supply. I took a number of questions during the one-hour program and not one person, not one person, Democrat, Republican, Independent, we call people regardless of their political party, not one person opposed our efforts to try to increase supply, recognizing if we can increase the supply by responsibly and in an environmentally sound way, exploring in ANWR, by pursuing the cleanest, safest most cost-effective energy source known to man, that being nuclear energy, by working to increase our refinery capacity, by looking at the shale reserves in this country, and again in an environmentally sound way exploring them, deep water exploration off the coast, those are the things that we believe are necessary. And, Madam Speaker, not one of my participants on our conference call last night indicated opposition to that.

The American people get it. They know that for two decades plus we have unfortunately seen a majority of the new majority in this place stand there and prevent us from pursuing opportunities to increase the supply so that we can bring prices down.

Now I had the chance to talk with a number of experts on this issue, a number of our colleagues who represent States like Texas and Oklahoma, and one of the things that we hear time and time again is we need an immediate response.

I listened to my friend from Utah talk about action. Well, I wondered,

how are we going to be able to immediately bring gasoline prices down? Having spoken to a wide range of people, because of the fact that oil prices are based on futures, if we take any of those actions that I outlined, whether it is in an environmentally sound way pursuing ANWR, whether it is deep water exploration, whether it is looking at shale, whether it is nuclear energy, if we were to take any of those actions, we would, Madam Speaker, see an immediate reduction, an immediate reduction. Why, because there would be recognition in the marketplace that we are now vigorously pursuing an effort to increase our supply.

So those people who are unemployed, and that is what this issue is about, those people who are out there responsibly working hard to find a job, are being penalized by high gasoline prices, just as every other American is being penalized by it because of the increased cost of virtually everything.

That is why it is terribly unfair for us not to responsibly look at these creative proposals that are out there. We want to ensure that people who are hurting are able to benefit from the unemployment compensation that we provide.

So everyone on the other side can stand up and say the Republicans don't care about those who are facing difficulty economically; that is absolute baloney. We care. We want to make sure that there are opportunities there. We want to make sure that we open up new markets around the world for job creation and economic growth so that good jobs can be created right here.

Let's defeat this rule and let's come forward with a measure that can get the signature of the President, because we all know that this is going no place. The Statement of Administration Policy, which I will include for the RECORD, has made it very clear that the President wants us to put in job creation policies, and he wants to work to responsibly deal with unemployment compensation, and the attempt to embarrass us is not going to sell with the American people.

STATEMENT OF ADMINISTRATION POLICY

H.R. 5749—EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

The Administration is deeply committed to continually fostering an environment where every American who wants a job has a job. The Administration believes the best way to help workers is to create an environment that encourages job creation and to promote effective job training. To accomplish these goals, the Administration urges Congress to create more opportunities for American exporters by passing the pending free trade agreements with Colombia, Panama, and South Korea, make permanent the President's tax cuts that will expire over the next two years, and reform and reauthorize the Trade Adjustment Assistance program and the Workforce Investment Act. The Administration looks forward to continuing to work with Congress to enact these important measures. However, the Administration strongly opposes H.R. 5749. If H.R. 5749 were presented to the President, his senior advisors would recommend that he veto the bill.

This legislation raises several concerns. First, although the unemployment rate has recently risen, it remains below the levels historically relied on to justify a federally financed extension of unemployment benefits. The last initiation of temporary extended benefits was in 2002 amidst the unprecedented events surrounding September 11, 2001. Other than that special case, extensions have generally been granted only when the unemployment rate was notably higher than it is today, at or above 7 percent.

Second, this bill would allow the payment of up to 13 extra weeks of benefits in every State, even though some of those States have unemployment rates as low as 2.6 percent. At present, a majority of States have unemployment rates at or below 5 percent, and it is fiscally irresponsible to provide extra benefits in States with low unemployment rates. In States with higher unemployment rates, the Federal-State extended benefits program already can provide up to 13 additional weeks of benefits to workers who have exhausted their regular unemployment insurance benefits. As many economists have noted, the counterproductive result of a broad extension of benefits would be that recipients may remain unemployed for slightly longer than they would have otherwise.

Third, this bill does not contain an important provision found in previous Federal extensions and the permanent Federal-State extended benefits law that assures the benefit extension is paid only to individuals who have demonstrated a serious attachment to the labor force. Since 1981, individuals must have 20 weeks of full-time employment to qualify for extended unemployment benefits. Under this bill, individuals who have worked as little as two weeks could qualify for up to 52 weeks of total unemployment benefits. This violates the longstanding requirement that extended benefits should be for Americans with meaningful work histories.

Fourth, for purposes of determining whether a State is considered a ''high unemployment'' State in which an extra 13 weeks of benefits is payable (for a total of 26 weeks of additional benefits), this proposal would use a total unemployment rate of 6 percent as the trigger for State eligibility. This is, historically, a relatively low number for justifying a full year or more of unemployment benefits.

As an alternative to these ill-targeted and costly measures, the Administration could support legislation that would offer a 13-week extension of Federally financed unemployment benefits to high-unemployment States alone.

Mr. ARCURI. The gentleman from California gives examples of working for 2 weeks and being eligible for 52 weeks. The fact of the matter is there is no record to indicate that is the case.

With that, I yield 2 minutes to a gentleman who can speak firsthand to that, the distinguished chairman of the Ways and Means Committee, Chairman RANGEL.

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

Mr. RANGEL. Madam Speaker, I think we are all proud that we are able to at least go back home and face the people who are going through this economic crisis. They are sitting around the table. They know America is not going to let them down. They know that they have hope and vision for the future. They know that they, and others, have had economic setbacks. Because as DAVID DREIER, my dear friend has said, they are in trouble now. They are not working and they are losing hope, but they are depending on everybody, Republicans and Democrats, to be there for them. At the end of the day they will look at each other and ask, What does it look like in the Congress?

□ 1100

Are they going to give us a little assistance, a little dignity, a little pride? Can we keep our kids in school? Can we pay the rent? Can we go into the supermarket and have a decent meal over the weekend? They're not going to let us down. No.

I don't know about you. I've been here 38 years. And the one thing that I always hear when I get back home is, ''And how did you vote on that?''

I would suggest to you that you staple DAVID DREIER's statement to your newsletter so that they can interpret it with you and say, I didn't vote for you, but I didn't want to let you down. I didn't vote for you, but I did advocate a permanent extension of the President's tax cut. I didn't vote for you, because I really believe that if I give you some money, you're not going to get out there and try to get a job.

So you have to take this very carefully. But I hope that when you get home, you'll be able to say, you know, when they first started this, I didn't like the way the Democrats handled it. I didn't like the way they put it on the suspension calendar. I thought that perhaps we should, even though $35 billion is there, I would have liked to have seen it handled different. And I expressed myself about it.

But at the end of the day, because I know so many people who know so many people that are not the least bit interested in the parliamentary procedure; they're going to ask the question, ''How did you vote?'' Be able to say I voted the right way.

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

The SPEAKER pro tempore. The gentleman from Washington has 6½ minutes. The gentleman from New York has 15 minutes.

Mr. HASTINGS of Washington. I will reserve my time so that we can equal the time out here.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee, a member of the Ways and Means Committee, Mr. TANNER.

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

Mr. TANNER. Madam Speaker, I think I speak for a lot of us when we say that we welcome an intellectually honest debate on the issues that we are charged with confronting on behalf of the American people. And a discussion about the pros and cons of the provisions of the bill, I think, is in order. This is the place to do that.

When one talks about, though, ancillary matters, like whether or not this

violates PAYGO, that's why I come down here today.

Let me tell you something. Neither party is always right and neither party is always wrong. But we don't need to embarrass ourselves by trying to belittle those of us who are trying to pay the bills.

The fact is, during the first six years of this decade, the people who are criticizing the Blue Dogs and the Democratic Caucus for a PAYGO rule, sat here and helped this President borrow more money from foreign sources than all 42 before him combined. You don't have to believe that. That's not an argument. You can go to the U.S. Treasury Web site and look at it and see for yourself.

So if we want to talk about the relative merits of the legislation, we welcome that, and we want to talk about that. And we won't always vote alike. We won't always vote with the Democratic Caucus, some of us that are Democrats, because neither party's always right or always wrong.

But to come here and criticize us for somehow saying we're violating PAYGO; first of all, there's an unemployment tax that employers pay for this very purpose, and it will fill up the coffers again in time.

But don't come here with that, because I think that is not only demeaning and misleading, but embarrassing to some people.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Michigan, a member of the Committee on Ways and Means, Mr. LEVIN.

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

Mr. LEVIN. Let me say to the gentleman from California who talked about our trying to embarrass the Republicans, we're not trying to embarrass you. You're embarrassing yourselves.

You come here when we're talking about 8 million unemployed, 1½ million who have exhausted their benefits, and soon it will be an additional 3 million, and you come here and talk about energy policy? You won't provide unemployment comp benefits so people can buy the gas to look for a job?

You talk about trade policy. Look, the jobless numbers came out this morning. Jobless claims jumped to the highest level since last March. Those claims rose to 384,000, an increase of 25,000 from the previous week, a much bigger gain than analysts had been expecting.

And you quote the administration policy. Mr. HASTINGS, under the administration policy, unemployed in Yakima would not be eligible for extended benefits because Washington, as a State, has less than 6 percent. How can you come here?

Go home, if I might be personal for just a minute. Go home and explain your position to people in Yakima, and those from Ohio, those from Pennsylvania, those from other States.

I conclude. Look, I'm from Michigan. I would benefit under the administration's narrow approach. I won't vote for it.

If you're jobless, you deserve the extended benefits, the million plus and the 3 million plus.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LEVIN. If I have the time.

Will you grant me a little time?

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. I yield to my distinguished colleague from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman's yielding.

I want to remind my friend from Michigan that the last time that we passed an unemployment benefit extension in this Congress was in 2003. It passed on a bipartisan basis.

Mr. LEVIN. I understand that.

Mr. HASTINGS of Washington. And the opposition that the constituents in my area are concerned about is this 2-week window. That is where the issue is.

Mr. LEVIN. Taking back my time. The 2-week window, you talk about, 26 additional weeks, 52 weeks. You can't give a single example.

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

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. And you raise a straw man and woman when we're talking about real men and women who have been laid off, who've been looking for a job, who can't find it. And you come here with these straw arguments.

You go home to Yakima. Others of you go back to Pennsylvania and other States, and talk to the hundreds of thousands of people looking for work and say to them, I voted ''no.''

That's unconscionable.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Vermont, a member of the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank my friend and fellow member of the Rules Committee for yielding me 2 minutes.

Madam Speaker, this is really a very simple question, and it is whether we're going to extend unemployment benefits to American workers who are suffering the largest 1-month surge in increased unemployment in 22 years.

And we can bring in all kinds of other arguments about what our energy policy should be, what the compensation should be, what the formulation of the benefits should be. But the bottom line is that we have Americans who have worked, and through no fault of their own, but because of economic forces completely and utterly beyond their control, they've lost their jobs.

And when we have discussions about micromanaging how these go out, in lump sums or weekly payments, and we're talking about trying to give an incentive, it is, in my view, Madam Chairman, very patronizing.

What is worse to an American than to lose his or her job?

Most Americans find their sense of satisfaction and self-worth in taking care of their family, in being providers, and by being a good, productive worker. All of us who've had the opportunity to have a good job know that there's nothing better than that. So there is a lot of built-in incentive for any American who's without a job to get a job.

But, in the meantime, $300 a week, that's about what the average benefit is, is barely enough to keep gas in the car, keep your home heated, to put groceries on the table. We know it's not even close to adequate. So there is plenty of incentive.

And the question for us is not behavioral psycho dynamics. The question for us, as a Congress, is whether, when there is this largest spike in unemployment in 22 years, we're going to ignore it or we're going to respond. And we have the tool that was started in 1935 to respond, where workers and others put money into a fund that is to be used at times of stress.

Mr. ARCURI. May I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from New York has 8 minutes remaining. The gentleman from Washington has 6½ minutes remaining.

Mr. ARCURI. I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise today in support of the rule on H.R. 5749 to extend unemployment benefits to millions of American workers, including over 700,000 in my home State of California. And I'd like to speak about one of those real Americans that I am accountable to.

Just yesterday I spoke with a 51-year-old woman, whose name is Karen, from San Diego. After working for the past 10 years as a Consumer Service Specialist for a large telecom company, Karen was recently laid off from her job. And she's been actively looking for work but has been unable to find one because of the poor economy.

Unable to afford health insurance, the stress of being unemployed is beginning to take a toll on Karen's health. And it's also become harder and harder for her to pay her bills. She told me just looking for a job cost money because you've got to pay for the gas to drive to the interview. She can certainly relate to this discussion this morning.

To make matters worse, her unemployment benefits have just ended. She told me that she has worked hard her whole life and that she is not looking for a hand out, just her life back.

I think we can all agree Karen is one of those hardworking Americans we came to Washington to help.

Mr. HASTINGS of Washington. Madam Speaker, I'm pleased to yield 3

minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Madam Speaker, I rise to oppose the rule and to note that Republicans support an extension of unemployment benefits for those who are suffering, those who need help.

I've enjoyed the debate of my friends on the other side of the aisle who point out, they try and blame the minority party for the delay in bringing this legislation to the floor. And I would note that the majority party controls the schedule, and the majority party can pass anything they want in the House. So I would note that the House Ways and Means Committee acted on the particular bill that we have before us 8 weeks ago. Eight weeks ago.

Now, some, my good friend from Michigan refers to this debate as being embarrassing. I think it's embarrassing in this legislative process that it's taken 8 weeks, this legislation, to come to the floor of the House to be debated, particularly when people in Michigan and Illinois have exhausted their benefits. And the Republicans in the House Ways and Means Committee voted for a proposal which could become law, which would have provided extended unemployment benefits for those workers in Michigan and Illinois who have exhausted their unemployment benefits. Eight weeks it's taken for this emergency legislation to come to the floor. Eight weeks.

I would note that a major concern many of us have in this legislation that's before us is that it takes a radical approach. It eliminates a 27-year policy that was supported by both Democrats and Republicans. The bill that is before us repeals a requirement that you work 20 weeks to get a full year's benefits.

In Michigan, under this legislation, you would work 1 week and be able to get 52 weeks of benefits. In my State of Illinois, you can work 2 weeks and get 52 weeks of benefits under this legislation.

Now, do taxpayers feel that that is fair?

We, as the minority party, the Republicans, we want to extend benefits, unemployment benefits to those who need help.

□ 1115

My district, my home State, we have unemployed workers who've exhausted their benefits. We want to ensure that their benefits are extended so that they can receive an additional 13- and 26-weeks' worth of benefits.

And we had a proposal in the Ways and Means Committee which would have accomplished that goal. All of the Republicans voted for it, and the President would sign it into law. But instead, we're seeing election year politics today. That's what this is all about. It's 8 weeks. Think about that. For 8 weeks. If you're a Michigan worker and you have been unemployed, you have exhausted your benefits, you have been waiting 8 weeks.

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

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

Mr. WELLER of Illinois. You've been waiting 8 weeks because of election-year politics. This legislation could have been brought to the floor immediately, we could have had a bipartisan bill that had become law, but no. Our friends in the majority played election-year politics for 8 weeks.

We're finally bringing a bill to the floor that won't become law. Let's pass legislation that will become law. Let's help those who need help.

Mr. ARCURI. Just to correct the record, this was passed by the House, this bill, weeks ago and it has been blocked in the Senate. Just so it's clear that it has not waited for 8 weeks.

I would yield 15 seconds to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. To the Chair, to the gentleman from Illinois, in Michigan, you have to work two quarters to be eligible. The 1-week example is a straw man and woman example. Let's be faithful to the reality here.

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

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

The SPEAKER pro tempore. The gentleman from Washington has 3 minutes. The gentleman from New York has 6¾ minutes.

Mr. HASTINGS of Washington. Madam Speaker, I will reserve my time.

Mr. ARCURI. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to remind my good friends that yesterday we were on the floor of the House and my good friends on the other side of the aisle, the Republican minority, blocked the passage of this emergency relief to so many Americans. And I rose yesterday and I asked the question, Who will be a Good Samaritan and stand with those who are in need?

Right now, soldiers on the front lines of Iraq and Afghanistan have family members who are unemployed and who have exhausted their benefits. What do we say to them? In Texas, we have a total of 160,000 Texans who have now either exhausted or will exhaust their unemployment benefits. They do so in an economy where they've lost their jobs through no fault of their own.

That's why we put this bill on the floor of the House because you could have gone to a job, worked for a week, and the business closed down because of varying economic crises created by this administration.

We've lost—324,000 jobs have disappeared over this period of time, 5 consecutive months. We've lost 300,000-plus job. And the unemployment rose to the highest in the month of May.

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

Mr. ARCURI. Madam Speaker, I yield an additional 30 seconds.

Ms. JACKSON-LEE of Texas. The highest number of unemployment in 20 years in the month of May, and over the last 12 months, the number of unemployed workers have grown by 1.6 million, 200,000 more long-term jobless.

Who will be the Good Samaritan for the American people who have helped build this country? Who will tell the Iraqi soldiers and Afghanistan soldiers that the mother and father that is there longing for their return does not have a job and cannot pay for gasoline and rent and food? We have to stand today. Who will be the Good Samaritans?

This legislation is written the way it is to solve the problems of Americans. I will stand with them.

I ask you to support the underlying legislation and the rule.

Mr. HASTINGS of Washington. Madam Speaker, I continue to reserve.

Mr. ARCURI. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

(Mr. AL GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, when you are born into poverty, you enjoy such delicacies as mayonnaise sandwiches without mayonnaise. When you're born into poverty, phrases like ''but for the grace of God, there go I'' have true meaning because you understand you have been there.

This bill will not fuel rockets to Mars. It will, however, put fuel in gas tanks right here on Earth. It will not put a man on the Moon, but it will put food on the table of somebody's home. But for the grace of God, there go I.

I will support the bill.

Mr. HASTINGS of Washington. Madam Speaker, I continue to reserve.

Mr. ARCURI. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Washington has 3 minutes. The gentleman from New York has 4¼ minutes.

Mr. ARCURI. I would yield 2 minutes to the distinguished gentleman from Tennessee (Mr. LINCOLN DAVIS).

(Mr. LINCOLN DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, it's a pleasure today to come on the floor and talk about ways that this Congress and those of us who serve here can help those who are unfortunate to have lost a job.

I have watched the opposition on the other side attempt for the last couple of years to make illegal immigration their issue. I have watched with dismay as they continue to bring to this floor and blame Democrats in this Congress for the cost of gasoline at $4 a

gallon. Back home we have a saying: that dog ain't gonna hunt in this Congress.

In fact, when you look at what they attempted to do on immigration, their Presidential candidate introduced an amnesty bill, and now their attempts on the floor are to block this Congress from even introducing legislation or passing legislation that would have been an energy package that would even attempt, that would attempt, to tell oil companies you have to pay your fair share of taxes.

So what they're now trying to do is block legislation that gives amnesty to big oil companies. Again, that's not going to work.

And now they come to the floor saying pay-as-you-go principles are not being followed with this bill that's been introduced, and I hope it passes today.

So as we look at this legislation, let's talk about pay-as-you-go. I used to be an employer. Today in Tennessee, if you employ someone, you pay between .15 percent, less than 1 percent, up to 10 percent as an employer of what each employee earns. They're paying as they go. At Forbus General Store, my friend Joe pays every paycheck every week so much percentage of what his employees earned into a Federal trust fund. He's paying as he goes. And when someone has to be laid off because jobs are not available, the economy turned sour, those individuals apply for and receive unemployment benefits.

We're paying as we go constantly. We have close to $40 billion in the trust fund. Currently, this bill today scored with the CBO saves roughly $10 billion cost over 10 years. This Congress has attempted to address the issues of oil prices and unemployment.

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

Mr. ARCURI. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. LINCOLN DAVIS of Tennessee. It seems to me that as we listen to the other side, they're constantly trying to find some way that would be a head shot on issues for an election campaign. I tell you who's getting a head shot right now, folks who work at furniture factories in Tennessee and North Carolina, folks who work at auto industries. Their jobs are being lost. That's a head shot to them.

Mr. HASTINGS of Washington. I would ask my friend from New York how many speakers he has.

Mr. ARCURI. I am prepared to close. We have no further speakers.

Mr. HASTINGS of Washington. Madam Speaker, I have 3 minutes left; is that correct?

The SPEAKER pro tempore. The gentleman has 3 minutes remaining.

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

Madam Speaker, the idea here is to take care of those that have lost their jobs by extending unemployment benefits. The idea is to get a bill to the President that he will sign. As the gentleman from Illinois said, this bill has been waiting now for 8 weeks before it has been brought to the floor, but the bill, in its present form, will not be signed because it has changed 27 years of bipartisan support on extending unemployment benefits.

So I think that we need to go back to the drawing board, if you will, and get a bill that we know that the President will sign. But more importantly, more importantly, we need to get our economy going again. And so it's time, in my mind, for the House to debate ideas for lowering gas prices to get the economy going again.

I'm going to ask my colleagues to defeat the previous question so that the House can consider H.R. 3089, the No More Excuses energy bill. By defeating the previous question, the House will still be able to act on the unemployment benefit extension bill, but the House will also be able to finally act on legislation that will create more American-made energy and jobs to increase the supply of gas by producing more gas and producing more gas here in our Nation. It will increase the supply and decrease the price at the pump. Skyrocketing prices need the attention of this Congress, and we've got to act.

Madam 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. Madam Speaker, I urge my colleagues to defeat the previous question so this House can get serious about rising gas prices so we can start producing American-made gasoline.

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

Mr. ARCURI. Madam Speaker, unemployment insurance can mean the difference between saving a home and failing to make a mortgage payment. It can mean the difference between purchasing needed medications and going without, and it can mean the difference between filling up the car to go out and look for another job and having to stay home. This legislation has the potential to help over 4 million unemployed Americans put food on their tables while quickly stimulating the economy.

The number of long-term unemployed Americans is higher now than when Congress last extended benefits in 2002. I am hopeful we can come together later today, Republicans and Democrats, to do the right thing and pass this rule and the underlying legislation. American workers and families can't wait any longer.

The idea is not getting the President a bill that he can sign. The idea is to do the right thing and for the President to sign that bill.

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

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

AMENDMENT TO H. RES. 1265 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 3089) to secure unrestricted reliable energy for American consumption and transmission. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, the chairman and ranking member of the Committee on Ways and Means, and the chairman and ranking member of the Committee on Energy and Commerce; and (2) an amendment in the nature of a substitute if offered by Representative Rahall of West Virginia, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the

Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1257; adopting House Resolution 1257, if ordered; ordering the previous question on House Resolution 1265; adopting House Resolution 1265, if ordered; and suspending the rules and passing H.R. 1553.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1257, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 183, not voting 24, as follows:

[Roll No. 405]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
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 (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
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
Speier
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
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
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
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—24

Boyda (KS)
Braley (IA)
Davis (AL)
Flake
Frelinghuysen
Granger
Higgins
Honda
Hulshof
Kind
Lewis (CA)
Loebsack
McCrery
Meek (FL)
Mollohan
Moran (KS)
Obey
Ortiz
Peterson (PA)
Rogers (MI)
Ruppersberger
Rush
Stark
Tancredo

□ 1150

Messrs. DONNELLY and SHAYS changed their vote from ''yea'' to ''nay.''

Messrs. KIRK and JONES of North Carolina and Ms. HARMAN changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 221, nays 188, not voting 24, as follows:

[Roll No. 406]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
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
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
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
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
Yarmuth

NAYS—188

Aderholt
Alexander
Bachmann
Bachus
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
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
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
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Akin
Berkley
Boyda (KS)
Brady (TX)
Braley (IA)
Flake
Higgins
Hulshof
Kanjorski
Kind
Kirk
Loebsack
McCrery
Meek (FL)
Moran (KS)
Ortiz
Peterson (PA)
Rangel
Rogers (MI)
Rush
Simpson
Stark
Tancredo
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1159

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5749, EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1265, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 186, not voting 22, as follows:

[Roll No. 407]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
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
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
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
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)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
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 (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

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

Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
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
Hunter
Inglis (SC)
Issa
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
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Boyda (KS)
Braley (IA)
Flake
Gutierrez
Higgins
Hulshof
Kind
Loebsack
McCarthy (NY)
McCrery
Miller, George
Moran (KS)
Ortiz
Reynolds
Rogers (MI)
Rush
Stark
Tancredo
Towns
Velázquez
Waters
Wittman (VA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1205

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. McCARTHY of New York. Madam Speaker, earlier today I missed one vote. On rollcall No. 407 on ordering the previous question on H. Res. 1265, I would have voted "yea."

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

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 227, nays 192, not voting 14, as follows:

[Roll No. 408]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
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
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
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
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
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
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
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
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)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
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)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
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—14

Boyda (KS)
Braley (IA)
Flake
Higgins
Hulshof
Kind
Loebsack
McCrery
Moran (KS)
Ortiz
Rogers (MI)
Rush
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1214

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. BOYDA of Kansas. Madam Speaker, on rollcall Nos. 405, 406, 407, and 408, I was at Walter Reed visiting SPC Kody Wilson who was seriously wounded in Iraq in May. Had I been present, I would have voted "yea."

CAROLINE PRYCE WALKER CONQUER CHILDHOOD CANCER ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1553, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1553, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 409]

YEAS—416

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
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
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
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
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
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
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
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
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
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Braley (IA)
Broun (GA)
Doggett
Flake
Higgins
Hulshof
Kind
Loebsack
McCrery
Meeks (NY)
Moran (KS)
Ortiz
Paul
Rogers (MI)
Rush
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1224

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.''.

A motion to reconsider was laid on the table.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Mr. RANGEL. Madam Speaker, pursuant to House Resolution 1265, I call up the bill (H.R. 5749) to provide for a program of emergency unemployment compensation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5749

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 ''Emergency Extended Unemployment Compensation 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. Federal-State agreements.
Sec. 3. Emergency unemployment compensation account.
Sec. 4. Payments to States having agreements for the payment of emergency unemployment compensation.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before February 1, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 3 as of the last day of

the last week (as determined in accordance with the applicable State law) ending on or before February 1, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this Act.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 3(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after April 30, 2009.

POINT OF ORDER

Mr. WELLER of Illinois. Madam Speaker, I raise a point of order against consideration of this bill.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WELLER of Illinois. Madam Speaker, I raise a point of order against consideration of this bill because the bill violates clause 10 of rule XXI of the Rules of the House of Representatives which provides in pertinent part that ''it shall not be in order to consider any bill if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit'' over the 5- or 10-year budget scoring window.

This rule is commonly referred to as the pay-as-you-go rule or PAYGO and was enacted by the majority with great fanfare at the beginning of this Congress.

In reviewing the estimate prepared by the Congressional Budget Office, I note that they have scored this bill as increasing the deficit by $14 billion over the next 5 years, and nearly $10 billion over the coming decade.

Madam Speaker, I ask unanimous consent that the table prepared by the Congressional Budget Office appear at this point in the RECORD.

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

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, given this overwhelming evidence that this bill does have the net effect of increasing the deficit over both scoring windows, I must respectfully insist on my point of order that the bill violates the PAYGO rule.

The SPEAKER pro tempore. Does any other Member wish to be heard?

Mr. RANGEL. Madam Speaker, I ask that the gentleman's motion receive the consideration it deserves.

The SPEAKER pro tempore. The gentleman from Illinois makes a point of order against consideration of H.R. 5749 on the ground that the bill includes provisions affecting direct spending or revenues that would have the net effect of increasing the Federal budget deficit. That point of order sounds in clause 10 of rule XXI.

The special order of business prescribed by the adoption of House Resolution 1265 waives any such point of order. The Chair will read the operative sentence of House Resolution 1265: ''All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI.''

The Chair finds that the point of order raised by the gentleman from Illinois has been waived.

The Chair therefore holds that the point of order is overruled.

Mr. WELLER of Illinois. Madam Speaker, on that I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RANGEL

Mr. RANGEL. I move to table the appeal.

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.

Mr. WELLER of Illinois. 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 217, nays 185, not voting 31, as follows:

[Roll No. 410]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
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)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
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
Speier
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
Yarmuth

NAYS—185

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)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—31

Baca
Braley (IA)
Davis (IL)
Dicks
Flake
Gonzalez
Gutierrez
Higgins
Hinojosa
Hulshof
Kagen
Kilpatrick
Kind
Loebsack
Maloney (NY)
McCrery
Miller (FL)
Moran (KS)
Murphy, Tim
Ortiz
Pence
Pryce (OH)
Radanovich
Reyes
Rogers (MI)

Rush	Stark	Walsh (NY)
Smith (NJ)	Tancredo	Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1245

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR). The Chair would clarify that the insertion by the gentleman from Illinois will appear separately from the point of order in the RECORD.

Pursuant to House Resolution 1265, in lieu of the amendment recommended by the Committee on Ways and Means, printed in the bill, the amendment in the nature of a substitute printed in House Report 110–710 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Extended Unemployment Compensation Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Emergency unemployment compensation account.
Sec. 4. Payments to States having agreements for the payment of emergency unemployment compensation.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit

or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 3 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this Act.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 3(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Illinois (Mr. WELLER) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Thank you, Mr. Speaker.

I ask unanimous consent that I yield to myself such time as I may consume and at that conclusion the balance of the time allotted be given to Dr. MCDERMOTT, a senior member of the Ways and Means Committee, who was the major drafter of the bill that is before the House.

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

There was no objection.

Mr. RANGEL. Mr. Speaker, here we are again, once again fighting for the dignity of millions of Americans who worked every day of their adult lives, paid into a trust fund, believing if there ever was a need, that their Congress, their Members would respond to it.

The compensation that we are offering in this legislation is so meager that it is almost embarrassing to have to fight to get it, and the whole concept that maybe the President believes that if they are given assistance, they would rather not look for a job but rather have these checks. But I think I want America to know that as long as good people want to work, as long as they don't have money to pay their bills, as long as oil prices are up, education, health care, as long as these good people cannot survive and begin to lose their dignity and their pride, as long as these great Americans, middle Americans find themselves in this position, that we on our side will continue to fight no matter what you do.

So you can attack us on parliamentary grounds, you can talk about PAYGO, you can talk about suspension, you can go get a veto, but the American people should know that we are not going to give up. We are not going to give in, and that we will prevail. So whatever tactics, language, rhetoric you come up with, at the end of the day when the family says I know I can depend on our Congress, they will be asking: And how do your congressmen vote on this issue? And I hope that you will be guided by your conscience and not your party.

So I would like to yield the balance of my time to Dr. MCDERMOTT to get into the specifics, but I hope that we will be able, with our vote today, to get into the heart of the American people and let them know that this Congress and this country will not let them down.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Yogi Berra once said, this is like déjà vu all over again. Yesterday after an 8-week delay, the House considered and failed to pass the legislation once again before us today. I continue to support providing extended unemployment benefits to workers who need it most. In fact, every Republican on the Ways and Means Committee supported extending unemployment benefits when this legislation was considered in committee 2 months ago; again, 8 weeks ago.

Again, Republicans want to extend unemployment benefits. And we want to help those who are hurting the most. We also recognize that it is time that we pass legislation that can become law.

Ladies and gentlemen, that is why I rise in strong opposition to the legislation before us today which does not satisfy the simple standard of helping those who need it most and who have worked a modest number of weeks to earn these benefits.

Yesterday, the Democratic leadership brought identical legislation to the

floor under a process normally reserved for naming post offices and honoring sports teams. This resulted in a take-it-or-leave-it approach to this very important issue of extending unemployment benefits, and the bill failed to gain enough votes, forcing us to return to the floor again today.

Now have our Democratic colleagues budged an inch? Absolutely not. Today we are considering the same legislation which once again fails to include a long-standing and reasonable policy requiring at least 20 weeks of work to qualify for extended unemployment benefits.

As several of us on this side of the aisle have noted, without this sensible requirement under H.R. 5749, workers could qualify for as many as 52 weeks of unemployment benefits, a full year, after having worked as little as one or two weeks. But whether someone worked two or 10 weeks or even 19 weeks, the simple fact is that current Federal law includes a straightforward rule that requires a modest minimum amount of work before someone can qualify for months, 7, 8, 9, 10, 11, and 12 months of unemployment benefits courtesy of our taxpayers.

This 20-weeks rule is not too much to ask. It is fair, and it is inexcusable for the other side not to include such a reasonable, long-standing rule. In fact, to not include it, as the bill before us would do, is a radical, and I say that again, radical change, radical departure from current law.

My friends in the majority have called this issue a straw man. If it is just a straw man, why did they make the change? Why did they make this radical policy change that breaks 27 years of bipartisan policy which requires 20 weeks of work to qualify for a full year of unemployment benefits.

Mr. Speaker, I have a United States Department of Labor document that shows examples of States that would allow 1 year's benefits for only 1 or 2 weeks' work, including a State like Michigan where you would only have to work one week to be able to obtain, under this legislation, 52 weeks worth of benefits.

I would like to insert this Department of Labor document into the RECORD.

STATES IN WHICH INDIVIDUALS COULD QUALIFY FOR UI WITH ONLY 2 WEEKS OF WORK

State	Minimum wages needed to qualify:	
	Wages in 1 week	Total wages in 2 weeks
AL	>$1,157	>$2,214
AK		$1,000
AZ	$1,500	$2,250
AR		$1,971
CA	$900	$1,125
CO	[1] $1,084	$2,500
CT		[1] $780
DE		[1] $920
DC	$1,300	$1,950
FL	$2,267	$3,400
GA	$1,232	[1] $1,848
HI		$130
ID	$1,508	$1,885
IL		$1,600
IN	$1,000	$2,750
IA	$1,190	$1,790
KS	$2,377	$3,030
KY	$1,963	$2,944
LA	$800	$1,200
ME	[2] $1,276	$3,828
MD	>$576	$900
MA		$3,000
MI	$2,757	$4,136
MN	$1,000	$1,250
MS	$780	$1,200
MO	$1,500	$2,250
MT	$1,392	[3] $2,087
NE	$800	$2,651
NV	$400	$600
NH	$1,400	$2,800
NJ		$2,860
NM	$1,604	
NY	$1,600	$2,400
NC	$1,066	$4,291
ND	$1,984	$2,975
OK	$1,000	$1,500
OR	$667	$1,000
PR	$77	$280
RI	$1,480	$2,960
SC	$540	$900
SD	$728	$1,288
TN	>$780	>$1,560
TX	$1,413	$2,091
UT	$1,933	$2,900
VT	$1,981	$2,773
VA		[1] $2,700
VI	$858	$1,287
WV		$2,200
WI	$1,325	$1,590
WY	$2,072	$2,900

[1] In 2 HQs.
[2] In each of 2 Qs
[3] In 2 Qs.
Note: Most states require wages in 2 different calendar quarters in order to meet monetary eligibility requirements.
The source of this information is the 2008 Comparison of State Unemployment Insurance Laws, Chapter 3, Table 3–3.

Yesterday the majority called up this legislation under special rules that barred any amendments. Today we are considering this legislation in much the same way, no amendments to be considered, no substitute to be considered, and every rule of the House except one is waived.

The majority even waived the House Democrat's so-called PAYGO rule. That admits that the cost of this legislation would simply be added to the deficit. The nonpartisan Congressional Budget Office confirms this much. Their estimate of the cost of this legislation shows it will increase the deficit by $14 billion over the next 5 years, and that is probably just a start.

Also, Mr. Speaker, I would like to include in the RECORD a copy of the Congressional Budget Office score of H.R. 5749 as approved by the Ways and Means Committee which provides a fuller discussion of this point.

H.R. 5749—Emergency Extended Unemployment Compensation Act of 2008

Summary: H.R. 5749 would make individuals who exhaust their regular benefits eligible for unemployment compensation for an additional period of time. The Congressional Budget Office estimates that enacting the bill would:

Increase direct spending by $6.2 billion in 2008 and $11.7 billion over the 2008–2018 period; and

Increase revenues by a net amount of $3.2 billion of the 2008–2018 period.

In total, these changes would increase budget deficits (or reduce future surpluses) by $6.2 billion in 2008 and by a net of $8.5 billion over the 2008–2018 period.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5749 is shown in the following table. The spending effects of this legislation fall within budget function 600 (income security).

	By fiscal year, in billions of dollars—												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2008–2013	2008–2018
Changes in Direct Spending (Outlays) [1]	6.2	6.7	0	0	0	0	0	-0.2	-0.3	-0.3	-0.4	12.8	11.7
Changes in Revenues	0	*	0.1	0.2	0.2	0.1	0.3	0.4	0.5	0.7	0.8	0.6	3.2
Net Change in Deficits or Surpluses [2]	6.2	6.6	-0.1	-0.2	-0.2	-0.1	-0.3	-0.6	-0.7	-1.0	-1.2	12.2	8.5

[1] For direct spending changes, budget authority equals outlays.
[2] Positive numbers indicate an increase in deficits or decrease in surpluses.
Note: * = gain of less than $50 million; components may not add to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted by June 1, 2008, and that spending will follow historical patterns for similar activities.

Direct Spending

Most states' regular unemployment compensation programs provide up to 26 weeks of benefits to qualified individuals. The bill would authorize a program for emergency extended unemployment compensation (EEUC), which would provide federal funding for additional benefits—up to 13 weeks in all states—to beneficiaries who exhaust their regular benefits. (Certain individuals who exhausted their regular benefits prior to the bill's enactment also would be eligible for EEUC). An additional 13 weeks of benefits would be provided in states that meet certain thresholds or triggers with respect to unemployment. States would be eligible to provide the additional 13 weeks of benefits if unemployment levels reach an insured unemployment rate of 4 percent or higher, or a total unemployment rate of 6 percent or higher. (CBO estimates that around one quarter of beneficiaries would be in states that would qualify to provide that additional 13 weeks.) Benefits would be available from the date of enactment through April 30, 2009, but no new beneficiaries could be added to the program after February 1, 2009.

Based on the number of people who previously exhausted regular benefits, as well as those anticipated to exhaust benefits in the coming months, CBO estimates that over the 2008–2009 period:

About 3.2 million people would collect EEUC and that benefits paid over that time period would total $11.7 billion;

Administrative costs related to the EEUC program would total $0.6 billion; and

Outlays for regular unemployment benefits would increase by $0.9 billion because the availability of the EEUC benefits would affect some recipients' employment decisions.

(Most of those costs would be offset by increases in State revenues over fiscal years 2009 through 2013, as discussed below under ''Revenues.'')

Those costs would be slightly offset by reduced payments from other federal programs that provide extended unemployment benefits—the extended benefits program and trade adjustment assistance for workers. CBO estimates those offsets would amount to $0.3 billion in 2008 and 2009.

Under the financing provisions of the bill, funds in the Extended Unemployment Compensation Account would be transferred to the state accounts for the benefit and administrative expenses incurred for the EEUC program. Because the state unemployment funds are included in the federal budget, those transfers would have no immediate budgetary effect. However, they would interact with provisions of the federal unemployment law known as the ''Reed Act.'' Under those provisions, when funds in the federal accounts of the unemployment trust fund exceed certain statutory limits, excess revenues from the federal unemployment tax are transferred to the state accounts. In CBO's current baseline, we project that the federal government will transfer $8.6 billion to the states over the 2013–2018 period. CBO's baseline includes outlays from the Reed Act transfers totaling $1.1 billion from 2014 to 2018. Under the bill, outlays for EEUC would reduce the federal trust fund balances to levels that would preclude such Reed Act transfers. Thus, relative to CBO's baseline projections, outlays under the bill would be $1.1 billion lower.

CBO estimates that the net effect of unemployment-related provisions on direct spending would total $12.8 billion over the 2008–2013 period and $11.7 billion over the 2008–2018 period.

Revenues

The availability of EEUC benefits may discourage recipients from searching for work and accepting less-desirable jobs as quickly as they would in the absence of this act. Thus, some recipients may remain unemployed for slightly longer than they would have otherwise, and direct spending for regular benefits would increase during 2008 and 2009. CBO expects that some states would respond to the lower balances in their unemployment trust funds by increasing their unemployment taxes, resulting in an increase of $0.6 billion in revenues over the 2009–2013 period.

The interaction between EEUC and Reed Act transfers also would affect revenues. Under the baseline, CBO estimates that, as a result of the estimated $8.6 billion in Reed Act transfers, states would reduce unemployment taxes by about $2.5 billion over the 2014–2018 period, with additional revenue losses occurring after 2018. CBO estimates that transfers to the states under the EEUC program would reduce the federal trust fund balances to levels that would preclude such Reed Act transfers, resulting in revenues that would be $2.5 billion higher than our baseline projections of revenues over the five-year period beginning in 2014.

Intergovernmental and private-sector impact: H.R. 5749 contains no intergovernmental or private-sector mandates as defined in UMRA. CBO estimates that the changes to the unemployment compensation system would result in decreased federal transfers to states and also would lead to increased unemployment taxes in some states. These effects, however, would result from states' participation in the federal unemployment insurance program, which is voluntary, and would not result from intergovernmental mandates as defined in UMRA.

Previous CBO estimate: On February 6, 2008, CBO transmitted an estimate of the budgetary effects of the Economic Stimulus Act of 2008, as ordered reported by the Senate Committee on Finance on January 30, 2008. That bill contained provisions for the extension of unemployment compensation that are similar to provisions in H.R. 5749. Differences between the estimated costs reflect small economic and technical adjustments to CBO's baseline and differences in the legislation.

Estimate prepared by: Federal Spending: Christina Hawley Anthony; Federal Revenues: Barbara Edwards; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; and Impact on the Private Sector: Ralph Smith.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

These facts directly contradict the majority's pledges for a more open and honest operation of the House, as well as their pledges to pay for every piece of legislation that comes to the floor. Now we are seeing the fine print of these pledges, including that new spending deemed temporary does not have to be paid for. This is yet another violation of the majority Democrats' PAYGO rule which is looking more and more like Swiss cheese than effective budget policy. I hope my friends in the fiscally conservative Blue Dog Coalition are watching as their leadership once again waives the rules of the House to increase spending and to increase taxes.

Make no mistake, this legislation will do both, living up to the true spirit of the Democrats' PAYGO rule.

Mr. Speaker, the President has stated his intent to veto this legislation because it does not include the 20 weeks of work requirement and proposes untargeted benefits, among other reasons. Republicans noted these flaws in our debate on the floor yesterday, and we offered to work with the majority to correct them so that we have legislation that could become law quickly to help those who need help, so the path to passage of a truly bipartisan and responsible bill is clear to address these concerns.

Two months ago, that was 8 weeks ago, every Republican on the Ways and Means Committee supported extending unemployment benefits, and I introduced a bill and offered as an amendment legislation that would have paid extended benefits in high unemployment States like Michigan, and many others, and that was in April, 8 weeks ago. Yet for the past 2 months, 8 weeks, the residents of those States where jobs are hardest to come by and these benefits are most needed, have been forced to wait on the majority in Congress. It is election-year politics. Members should have a chance to vote on a targeted proposal that would actually provide extended benefits in high-unemployment States like Michigan and others. And importantly, a vote on legislation the President would sign so these benefits can actually start being paid.

In contrast to such a constructive approach, the majority wants to continue playing politics, election-year politics, with unemployment benefits. So today, Members will once again we forced to vote on legislation the President says he will not sign and includes a radical departure from current policy when it comes to the balance between work and benefits.

Again I ask my colleagues to vote against this legislation so we can work together in a bipartisan way because I truly believe both Republicans and Democrats want to help those who are unemployed. We need to craft an appropriate bipartisan solution quickly to this immediate concern. The legislation before us does not meet that challenge and will not be signed into law. We want to help those who need help. We can extend unemployment benefits for those who have exhausted them. It is time we work together.

Mr. Speaker, I urge a ''no'' vote, and I reserve the balance of my time.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5749.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I think this is a wonderful debate. I love to hear the Republican talking points said over and over again. I have counted now the phrase ''8 weeks'' since we passed this bill out of the committee. I have heard it 19 times so far and I expect we will hear it at least nineteenhundred times before we pass the bill.

But the fact is that the ranking member knows he could have voted ''yes'' when it came out of committee. He could have voted ''yes'' when it was on the floor on the 15th of May which is when we voted on this. We already have taken action on it once; and he had a chance yesterday to vote ''yes'' on it, but he said ''no'' again. And I suspect today—well, we'll see what he does. Maybe he will change his mind.

Mr. Speaker, I yield myself such time as I may consume because it is a new day and we woke up with some bad news about the U.S. economy. The Washington Post has the story, ''A new report from the Federal Reserve paints a portrait of the U.S. economy under pressure from almost every sector. Across the board, the U.S. economy is deteriorating, including jobs.'' And here we are again today trying to help the American people by passing the Emergency Extended Unemployment Compensation Act of 2008.

Yesterday, 144 Republican Members ignored the will of the people and instead followed the whim of a lame duck President.

□ 1300

If three votes had switched, we would have had enough votes to pass this bill and give the American people the help they need. They didn't, so we're back here today because we're going to make it happen.

The economic data paint a compelling case for immediate action. But my Republican colleague stood at the podium yesterday, and did it again today, waving a veto threat from the White House.

This is the President who's given us this war that's put us in a terrible mess. He's given us bank problems and every other thing that's going on, gas prices. And now he waves a letter and says, we don't want to do anything for the unemployed who've exhausted their benefits.

They hid behind rhetoric that pretends to contend itself with people qualifying for benefits. They served up a real cold red herring for dinner last night for those people that exhausted their benefits, because they simply want to deny American workers unemployment benefits.

Remember, this money didn't come out of the tax base. It came from their employers who paid it into a trust fund for exactly this purpose; when they lose their job, they should have access to it.

Now, let me be clear. This 20-week rule that we hear yelled about here, that many Republicans want included in the bill, would mean that workers could work for over 10 straight months and be denied extended benefits, depending on the vagaries of the various laws in States across this country.

The Department of Labor has estimated that around 10 percent of those who've exhausted their benefits might be excluded from extended benefits if we were to include this 20-week rule. These workers are disproportionately low-wage, part-time, minority and women.

In other words, the Republicans propose to solve a problem by creating one. Instead of helping people, the Republicans' alternative is to penalize workers on the lowest rung of the economic ladder. Very typical. Look at the tax cuts.

The American people need solutions, and that's what H.R. 5749 is about. It would immediately provide 13 weeks of extended benefits for workers in every State who've exhausted their benefits. It provides an additional 13 weeks of benefits in States with an unemployment rate of 6 percent or higher.

This bill is targeted. You hear them say we want a targeted bill. Of course it's targeted. It's targeted to do one thing, to help those people who need it the most.

Here's how it works. Anyone a State qualifies for unemployment benefits, and who has exhausted what the State has provided them, would be eligible for extended benefits of the same amount for half as long as the State provided them. So, if you received 26 weeks in your State from the State, and you run out, you get 13 more weeks of extended benefits. If you get 10 weeks from your State, you will get 5 weeks more of extended benefits.

The Federal Reserve outlook wasn't the only piece of information we received yesterday. A little while ago the Labor Department announced that initial claims for unemployment benefits jumped more than expected last week. The number of people filing for unemployment benefits last week increased 384,000 people, in 1 week. And all the Republicans want to do is wave a veto letter from the White House.

Helping the American people should not be a partisan issue; but the Republicans and the president are trying to make it just that.

Yesterday we had a bipartisan bill. Almost 50 Republicans voted for it. I urge my Republican colleagues to follow their conscience and not their caucus and vote with the Democrats to help the American people. The Emergency Extended Unemployment Compensation Act of 2008 is the least we can do for the American people.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, would you share with us how much time remains on each side, please?

The SPEAKER pro tempore. The gentleman from Illinois has 22 minutes. The gentleman from Washington has 21½.

Mr. WELLER of Illinois. Mr. Speaker, as we continue to debate this legislation which makes a radical change, eliminating the Federal work requirement to qualify for federally funded unemployment benefits, I wish to yield 3 minutes to the senior Republican on the House Ways and Means Committee, Mr. HERGER of California.

Mr. HERGER. Mr. Speaker, my colleagues on both sides of the aisle want to help U.S. workers during this period of economic uncertainty. Yet, the question has always been: How do we best provide this assistance?

Under the proposal before us today, workers in States with historically low levels of unemployment would receive 13 weeks of Federal unemployment benefits, on top of their current 26 weeks of regular State unemployment benefits. This means that workers in States like Iowa, that have a documented labor shortage, would receive 39 weeks of unemployment benefits. This makes no sense.

Instead of creating an untargeted expansion of unemployment benefits, we should be focusing on growing the economy. We want to see every State have a job surplus, not a surplus of extended unemployment benefits.

Today's legislation will result in higher taxes on our small businesses, resulting in slower job creation. This won't help U.S. workers.

The best way to help our workers is to foster economic growth that creates jobs. We can do that by passing progrowth tax policies that keep our businesses competitive globally, and provide them with certainty to make important investments in our economy with our work, without worrying about a massive tax increase.

We can also help our workers by passing our fair trade agreements, which would create tens of thousands of jobs here in the United States.

And if we really want to help workers, we also need to be confronting rising gas prices so people can afford to get to work. We should remove our self-imposed embargo on domestic energy production, which will make energy more affordable and create more jobs.

These are the policies that Congress should be talking about here today. These are the types of policies that are going to create a strong and growing economy that will provide our workers with the jobs they need to support their families.

Mr. Speaker, the legislation before us today is the wrong approach. I urge my colleagues to vote ''no.''

Mr. MCDERMOTT. Mr. LEVIN from Michigan will have 3 minutes. I yield to the gentleman.

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

Mr. LEVIN. I think the more we discuss this, the clearer the issue becomes, including the last statement that we heard. There's no disagreement about the need for growth policies. But to say that, and use it as an excuse not to provide extended unemployment benefits is really indefensible.

You can't say to people who have been out of work for 26 weeks, who are there through no fault of their own, and who must be looking for work, that because of the absence of growth policies they should, essentially, be out in the cold. That's close to a cold-blooded approach to this issue.

And, if you mention States like Iowa, look, in some States, if there's a surplus, people who are out of work, in most cases, if they're looking for work, and they must, will find other work.

But it makes no sense to take the position of the administration, and that's what the gentleman from California, essentially, was reflecting, where they say that historically, the unemployment rate has had to be at a certain level in order for Unemployment Compensation to be extended.

And there was, they say, an exception after September 11, 2001. It's really hard to fathom who people would use 2001, September 11, as an excuse not to extend benefits.

The unemployment rate when President Bush signed the extension was 5.7. It's now 5.5. And essentially, what you're saying is we're going to deny benefits to well over a million, with 3 million more likely to come, because of a difference of 2/10 of 1 percent.

And then you say you want it to be targeted. But, as we pointed out, the data vary from month to month. One month it's 100 metropolitan areas with unemployment rates over 6 percent. More recently, it's been 65 or 66. It will probably go up. How do you, in good conscience, stand before people in those areas and say no?

I mentioned to the gentleman from Illinois——

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

Mr. LEVIN. I ask for 2 additional minutes.

Mr. MCDERMOTT. I yield the gentleman 2 additional minutes.

Mr. LEVIN. I asked the gentleman from Illinois how he would respond to people in certain areas. I don't know how you do that.

I asked the gentleman, and I didn't mean to get personal really, but just to raise the issue poignantly. If you're from the State of Washington, as he is, and there's higher unemployment than 6 percent in Yakima, how do you say to the people there, you don't get the extension, while people in other States receive it. It is simply not——

Mr. WELLER of Illinois. Is the gentleman yielding time?

Mr. LEVIN. Yes.

Mr. WELLER of Illinois. Well, I would first point out to my friend from Michigan that I represent the State of Illinois. And under the legislation which we offered in committee, my State of Illinois would receive extended unemployment benefits.

I would also state that the Republican minority on the committee supported extension of unemployment benefits.

Mr. LEVIN. Let me just take back my time. Look, the position, that hasn't been the position of the administration. It's used the 6 percent level. That's what they're talking about here. And you have to go home and explain to the areas, I mentioned three in Illinois, because the State isn't above a certain level, but areas are, you don't get it, while people who are in a State like Michigan with over 6 percent, everybody does.

But the trouble is, everybody counts in this country. Everybody who's out of work 26 weeks, through no fault of their own, and looking for work, they have to be looking for work.

I read these letters from people in Michigan, and I just say this: Just read letters from people in your State. No longer can you go to unemployment offices in most States, because they're not there, so people aren't in line. But they're in line in this country.

As I said, if you're counted——

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

Mr. LEVIN. I guess 1 more minute if I might.

Mr. MCDERMOTT. I yield the gentleman an additional minute.

Mr. LEVIN. If you counted the people who are now exhausting their benefits, or have, and those who are likely, it would reach, the line, from here, this Capitol to Denver.

So don't talk about energy policy. We have to face up to that. Don't talk about trade policy. We have to face up to that. Talk about the lives in the homes of over a million people.

I just hope that, you withheld, or there were withheld the three votes necessary to get to two-thirds yesterday.

□ 1315

I know the maneuvers on this floor.

But essentially, they're obeying the position, if not the orders, from the White House instead of the orders from the people at home.

I urge strong support of this. I urge that we pass it with even more votes than was passed last time and send it to the Senate so we can get this job done.

Mr. WELLER of Illinois. Mr. Speaker, I would note that the Ways and Means Committee passed a bill on unemployment benefits 8 weeks ago. And for 8 weeks, unemployed workers who've exhausted their unemployment benefits in Michigan and Illinois have gone without unemployment benefits during election-year politics.

Mr. Speaker, as we continue debate, this legislation before us, which includes a radical policy change, eliminating the Federal work requirement to qualify for federally funded unemployment benefits, I yield 3 minutes to the distinguished gentleman from the State of Kentucky (Mr. LEWIS), a senior member of the Ways and Means Committee.

Mr. LEWIS of Kentucky. Mr. Speaker, I think the American people, the American workers, they're fed up. They're probably fed up with the fact that we have to be here today debating an extension of unemployment compensation, and if we don't do something about the energy crisis in this country, we're going to be back time and time again to talk about extending compensation to unemployed workers because it's going to lead to more and more unemployment.

You know, it is a shame, and I think the American people are starting to say, What is wrong in Washington when America has 496 billion barrels of oil that can be used, but the Democrat leadership in Congress says, No, not one dime for American oil. But they're willing to spend billions upon trillions of dollars to foreign countries for oil.

What is wrong with that picture? It's okay for gas to be maybe at $5 a gallon by the end of the summer, but no, we can't do anything about building new refineries here. We can't do anything about drilling oil here. We can't do anything about mining coal here, coal gasification.

The energy bill that the Democrats offered was solar, wind, and renewable. Not one dime for oil, not one dime for coal, not one dime for natural gas. You can't put solar in your gas tank. You can't put wind in your gas tank.

Now, I'm wondering how the United Miner Workers feel about the fact that they have a 300-year supply of coal but no help for coal gasification. I wonder how the United Auto Workers feel in Michigan, talking about losing jobs. When GM and Ford are moving as quickly as they can to electric automobiles but the Chinese are buying SUVs as fast as they can get them. There's something wrong with this picture.

And I wonder how the Teamsters feel when their trucks are sitting idly by not being able to move the goods across this country, out of work because the Democrat Congress—where is the leadership? We need in this country leadership to step forward and say by a date certain, we are going to be energy independent from the Middle East, from Venezuela, and we're going to have our own energy, our own opportunities to create jobs.

Can you imagine the millions of jobs that would be created by building pipelines, by going after our resources? Can you imagine the millions of jobs that the United Mine Workers would have, the United Auto Workers would have, the construction union workers would have? I think the rank and file members of our unions in this country have got to say, What is wrong with these people that we've been supporting all of these years? What are they doing for us now?

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

Mr. WELLER of Illinois. Mr. Speaker, I am happy to yield the gentleman an additional 30 seconds.

Mr. LEWIS of Kentucky. I think they're starting to ask.

I talked to a group of citizens this morning, and they're wanting to know what is wrong with the Congress; what is wrong with the Democrat leadership; what is wrong with their presumptive nominee for the presidency who says, Yeah, I think this is good that gas is at this all-time high price. I just wish it had come along a little slower.

You know, I think there is going to have to be some answers, and they're going to have to come up fairly soon because the American people are fed up. They're not wanting worker compensation, unemployment compensation. They're wanting jobs, and energy provides jobs.

Mr. MCDERMOTT. Mr. Speaker, I don't know if I walked into the wrong place or not. I thought we were talking about unemployment, but all I hear is a lot of talk about energy. Now, I don't know if the Members on the other side have forgotten what the subject is today or exactly what the problem is, but the fact is that we didn't wait 8 weeks. My ranking member, Mr. WELLER, knows better than that. We voted on May 15 on this issue, and it's sitting over in the Senate. The Senate Republicans have got their foot on it. And the White House hasn't said ''boo'' to them.

So the Republicans are killing this proposal over there in the Senate. We're going to send it back to them another way. And I think they will have a second chance to think about it. The closer we get to the election, I think the more interested they will get in this issue.

But there's one issue here that I think somehow with the straw man that keeps getting put up here for everybody to look at, this person out there somewhere in Oregon or Illinois that worked for two weeks and is going to get unemployment benefits. We're

not talking about somebody on welfare here. We're talking about somebody who worked.

Now, my opponents on the other side keep sounding like we're talking about the dregs of the earth, people who are just stealing or somehow sneaking in and maneuvering and somehow getting something they're not entitled to. When they worked, their employer put money into the unemployment trust for their benefit.

Some people on the other side believe that we ought to have States' rights. States ought to be able to do stuff. Okay. States write the unemployment laws for their State. And in Illinois, it is true that if you work for two weeks, one week in one quarter and one week in another quarter, and your total wages are $1,600, so that means you worked one week and got $800; and then, just lucky, your next week of work was in another quarter, you got $800, you would be eligible in Illinois for $51 a week for 26 weeks for a grand total of $1,326. That comes from a letter from the Department of Employment Security signed by Joseph Mueller, which I will now insert into the RECORD.

ILLINOIS, DEPARTMENT
OF EMPLOYMENT SECURITY,
Chicago, IL, June 12, 2008.

Mr. INDIVAR DUTTA-GUPTA,
House of Representatives, Committee on Ways and Means, Subcommittee on Income Security and Family Support, Washington, DC.

DEAR MR. DUTTA-GUPTA: With regard to the hypothetical you pose, if worker X worked three weeks in IL, he or she might well not be entitled to any unemployment benefits.

To qualify for unemployment benefits in IL, an individual must have been paid at least $1600 during his/her ''base period,'' receiving at least $440 outside the base period quarter in which his/her wages were the highest. Consequently, to qualify, worker X's three weeks of wages would have had to straddle two base period quarters, with at least $440 being paid in the ''low quarter.''

Assuming he/she did qualify, worker X's benefit amount would depend upon the amount of wages he/she was paid during his/her base period. A claimant's weekly benefit amount in IL can range from $51 to $376.

If worker X just met the $1,600/$440 requirement, he/she would be entitled to $51/wk for up to 26 weeks (a total of $1,326).

To qualify for what is the current average weekly benefit payment in IL, worker X would have had to receive over $4700/wk.

As an aside, three weeks' worth of wages would not qualify an individual receiving IL's current minimum wage of $7.75/hr, even if the payments did straddle two base period quarters.

In conclusion, it would be theoretically possible for an individual with three weeks' worth of base period wages—and 49 weeks with no wages for employment—to qualify for benefits in IL. However, the three weeks would have to fall ''just right'' and average over $500/wk. IDES's system does not track the number of weeks individuals work. However, based on anecdotal feedback from program staff, it does not seem this theoretical possibility has been a common occurrence, if it has ever occurred.

You also pose a hypothetical in which worker X works just two weeks. It would be theoretically possible to qualify for benefits with just two weeks' worth of wages. Again, however, the wages would have to straddle two base period quarters and, in that scenario, average $800/wk. It seems this has not been a common occurrence either.

Sincerely,

JOSPEH P. MUELLER,
Legal Counsel.

I don't know. Maybe Illinois is a lot easier to live in than Washington State, but getting $1,326 for 6 months is not exactly a living wage. I mean, anybody who sits at home and waits for their $51 check and says, Oh great, I'm going to live on $51 this week. I don't know where they live in Illinois. I don't believe it is in Chicago. Must be way down somewhere in the south end of the State or somewhere. I don't know how you could live on that. To think that that person is a slug who's just sitting there and saying, Well, I have got this $51 check coming, I don't believe I'm going to go look for work, is implying that that person is not a responsible human being who's been trying to get work and has worked in the past and is getting benefits that they earned to which they are entitled.

Now, if that's the reason the Republicans want to hang it up and not vote for this bill and say we're not going to give those extended benefits because there's one person in Illinois somewhere who worked for 2 weeks and made the minimum benefit and gets 26 weeks of $51 a week, if that's what you're going to go home and explain on the campaign trail why you didn't extend unemployment benefits to people who had exhausted their benefits, that's going to be real interesting to watch because I don't think the people of Illinois or any other State are going to buy this kind of an argument.

When we asked this question in Oregon, they said it isn't true. There isn't anybody getting benefits like that.

Now, it seems to me that it just comes back to the point that you really don't want to vote for unemployment benefits. I understand it's been the party's policy since 1935. You have never liked it because you thought it weakened people's resolve. That is the talk of somebody who has never been unemployed. If you have lived in a house where somebody has been unemployed and have seen what it does to the family when the father or the mother can't bring home a paycheck, you don't look at those people and say, Well, they're taking something that isn't theirs, when they paid for this benefit into the unemployment trust. They are entitled to this. It would be the same as saying to old people, Well, you're taking that Social Security that was paid into the trust for you, and somehow you're not entitled to it.

We don't do that.

America looks after the weakest. That's how you judge whether a society is really strong or not.

I recognize the Speaker for 1 minute.

Ms. PELOSI. I thank the gentleman for yielding and for his outstanding leadership on this issue. He has been a relentless and persistent advocate for America's working families, for hard workers in our country who, through no fault of their own, and in large measure because of the poor economic policies of the Bush administration, have lost their job.

Mr. Speaker, it is said, and it's been said directly by George Bernard Shaw, that it is the mark of a truly intelligent person to be moved by statistics. My colleagues have made the case for why we need this unemployment insurance, and I want to address once again, as they have, some of the statistics and see if it is the mark of truly intelligent people to respond to that.

Today we have the opportunity to help 3.8 million Americans who are out of work and their families in large part because of the disastrous economic policies of the White House and the Republicans in Congress.

There are 3.8 million Americans for whom 13 weeks of the unemployment insurance system, a system, as the gentleman indicated, that they have paid for, could mean not losing a home or a job or skipping meals or needed health care. Today we have that opportunity to provide that help.

More statistics.

In the Bush economy, gas prices have skyrocketed to $4 a gallon. One in ten Americans are at risk of losing their homes, and even more families are seeing the value of their greatest financial assets, their homes, plummet.

More statistics.

On Friday, we received the alarming news that since the beginning of the year, our Nation has lost more than 325,000 jobs, including 49,000 in the month of May alone.

The Nation's unemployment rate has risen to 5.5 percent, the biggest monthly increase since 1986. In two decades, last Friday on that day, it jumped 0.5 percent to 5½ percent.

On that same day, by the way, my colleagues, the price per barrel of oil increased by over $11 in that 1 day. In the 1990s, in 1998, the price per barrel was that exact same figure, just over $11. 1998, price per barrel of oil, $11-plus. Last Friday, price per barrel jumped, increased over $11 to over $130 per barrel.

□ 1330

So this is the economic situation in which these families find themselves. They have been hardworking, played by the rules, paid into the system, paid into the system for occasions like this where there's a downturn in the economy, and they lose their jobs through no fault of their own. And the Republicans want to make them look like charity cases.

These are strong people. They are the backbone of America. We have a responsibility to them. And if they are not moved by statistics, as George Bernard Shaw says any intelligent person should be, perhaps you would be moved by their personal stories.

This extension of unemployment benefits will help people like Kathy Henry. She was laid off her job at an advertising company last August. In February, her unemployment benefits ran

out. As she says, ''I must have had 100 interviews, and no one wants to hire me.'' Many times people think the people that are being interviewed for these jobs are overqualified. ''An extension of unemployment benefits would give me more time to look for a job,'' Kathy says.

And Liz Waller of Missouri, she just has 3 weeks of unemployment benefits left. She said, ''Absolutely, an extension would make a big difference for me. I'm dying to get back to work.'' I'm dying to get back to work, ''but I've done interview after interview and there are just way too many job candidates out there. I just keep getting told I'm overqualified.''

There is a concern on the part of some employers that as people continue to look for work and look for jobs at lower pay, that if they hire them, then they will leave when they can find a job at higher pay with an upturn in the economy.

This isn't about people sitting on their butts back home saying, goody, I'm getting an unemployment check; now I can really look my family in the eye and say I'm providing. These people want to provide for their families. To imply anything else is an insult to these millions of people who have lost their jobs through no fault of their own and, in large measure, because of the Bush administration's failed economic policies.

Let's think about our veterans. This legislation is especially important to our returning military veterans. A recent government report prepared for the Veterans Affairs Department found that young veterans earn less and have a harder time finding work than do civilians in the same age group. The percentage of veterans not in the labor force—because they couldn't find jobs, stopped looking for work because they couldn't find jobs, or went back to school—jumped to 23 percent in 2005 from 10 percent in the year 2000.

Our veterans come home; they can't find work. Some of them need this unemployment insurance, and the Republicans are saying, ''Just say no.''

Extending unemployment benefits not only helps those who are looking for work, it stimulates the economy. According to the Congressional Budget Office, it is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly. For every $1 spent on unemployment benefits, $1 spent generates $1.64 in new economic demand. Stimulates the economy.

All Americans who work pay unemployment insurance, pay into a trust fund for a rainy day. The rainy day is here. Today, across the country and for millions of Americans, that rainy day is here. Congress should ensure that those who paid into the system for the benefits now can receive them, and we can do this by passing this legislation today.

Mr. Speaker, the issue and the debate is not a partisan one. All Americans are feeling serious and deep economic pain. The people who will benefit from this are Democrats, Republicans, nonpartisans, Independents, people who aren't even interested in the political system. Yet, President Bush has issued a veto threat against this legislation, despite the fact that it will help—let's get back to our statistics—3.8 million Americans and, in fact, the entire economy.

And so I get back to our friend George Bernard Shaw. ''It is the mark of a truly intelligent person to be moved by statistics.''

I thank Chairman MCDERMOTT for your important work on this subcommittee, on this legislation. I also want to commend the chairman of the full committee for being a truly intelligent man, moved by statistics, Chairman RANGEL for his relentless work on this important legislation. To Mr. LEVIN as well and to all of the members of the committee, thank you for bringing this important legislation to the floor.

The American people are waiting to see if Congress will act to help them on a matter that is relevant to their economic survival at a difficult time in their lives for money that they paid into the system. I urge my colleagues to vote ''aye.''

Mr. WELLER of Illinois. Mr. Speaker, I want to state that I share the Speaker's admiration for Mr. RANGEL and Mr. MCDERMOTT. I consider Mr. RANGEL very intelligent, and I enjoy working with Mr. MCDERMOTT as well, but I do disagree with the distinguished Speaker on a point that she made.

You know, she was talking about 5.5 percent unemployment, which in my view is too high, but I would note that it seems sometimes the definition of a bad economy is who's in the White House.

In 1996, President Clinton stood before us at the State of the Union in January 1996. Unemployment was at 5.6 percent, higher than it is today. President Clinton said the economy was the healthiest it has been in three decades. Well, today unemployment is lower than it was when President Clinton made that statement.

So, we all agree the economy needs to be improved, but President Clinton would say it's the healthiest in decades, if he were standing again before us based on his definition of a healthy economy.

I would also note, as my good friend from Washington has made the point, that why are we talking about energy. When I talk to the folks back home in Illinois at the local grocery store, at the gas station, and people are commenting about food prices and energy prices, they say that when you have over $4 gasoline, that's bad for the economy. There's people losing jobs because energy costs are so high.

As we talk about statistics, and the distinguished Speaker referred to statistics, I would note that the approval rating of the Democrat Congress today is 16 percent. Only 16 percent of the American people think the Democrat majority is doing a good job. Now, historically, that would tell us that today's Congress is the least popular in recorded history.

No Congress has had a lower approval rating than the current Democrat majority. Why? Because since the Democratic majority became the majority in 2007, gasoline prices have gone up $1.73. Think about that. The Democrat majority has refused to expand the supply of gasoline, has refused to expand the supply of oil. Why? Because they are locking away, under their policies, domestic sources of oil and gasoline, and continuing to make us more dependent on foreign sources of oil, people like Hugo Chavez in Venezuela and sources in the Mideast that we're dependent upon because of the Democrat majority's policies.

Again, there's a reason this Congress is the least popular in recorded history, because gasoline prices have gone up $1.73 since our Democratic friends gained the majority.

With that, Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, for 2 days now, this Congress has addressed a bill to provide increased unemployment benefits. The irony is what we are not talking about.

We must talk about why are businesses leaving America, why are we losing these jobs. The answer is overwhelmingly the cost of energy and our refusal as a Congress to capture our natural resources.

Dow Chemical stood beside us when Representative JOHN PETERSON announced the NEED Act, the bill that lifts the moratorium for natural gas in the Outer Continental Shelf. They told us of a $30 billion expansion and 10,000 jobs that they wished were here in America, but they were going to China, Libya and Saudi Arabia. Why? The price of natural gas. You can't pay $8 to $10 in America for an energy source that's 85 cents in those countries. We all know we lost the fertilizer industry a long time ago.

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

Mr. WELLER of Illinois. I would be happy to yield 1 additional minute to the gentlelady from Virginia.

Mrs. DRAKE. Think of the jobs that could be created, the jobs that we could keep here just by this industry.

And just yesterday, the subcommittee voted on a 9–6 vote, with the Democrat majority all voting not to allow us to lift the moratorium on the Outer Continental Shelf. In the last 25 years, we've captured 7 billion barrels of oil in the Outer Continental Shelf. Do you realize the spillage has been one one-thousandth of 1 percent?

We also need to talk about those American families, those American workers who have purchased homes where they wanted them to be, not

worried about a commute to their job, but today, for several of those, their gas cost is the same as their mortgage. That impacts business in America.

Mr. Speaker, America is a great Nation because of her people. It's our responsibility to put the policies in place that allow them to have a quality of life and to create the jobs.

Mr. MCDERMOTT. I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, as I had noted earlier, this Congress, the Democrat majority in the House today, has the lowest level of popularity, lowest level approval in recorded history, 16 percent. Why? Because of actions like today.

This legislation that is before us came out of committee 8 weeks ago. Eight weeks, 2 months, that those who are unemployed have exhausted their benefits and been asking for extended unemployment benefits. We in the Republicans on the Ways and Means Committee said we want to work with our Democrat friends in the majority so we can pass a bill that's bipartisan, provides extend unemployment benefits and, frankly, becomes law.

I would note, there's a publication on Capitol Hill called Congress Daily. It shows that today's exercise is frankly just election-year politics, probably one more reason this Democratic majority has the lowest level of approval in recorded history of any Congress. This Democrat leadership today is quoted as saying, It's not what we had hoped. We'll keep trying. But ultimately this is clearly going to only be possible on the supplemental.

So, ladies and gentlemen, what we're doing today is an election-year exercise, and unfortunately, we've lost 8 weeks, which means that for 8 weeks, unemployed workers who have exhausted their unemployment benefits have had to painfully wait for the action of this Congress. We want to work together in a bipartisan way. We want to pass legislation that will become law, and as my friend on the other side of the aisle knows, this bill isn't going to become law.

With that, Mr. Speaker, I yield 2 minutes to one of the newest Members of the House of Representatives, the distinguished Member from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Illinois.

Mr. Speaker, why would we want to extend unemployment benefits when we can instead pass legislation that will create more American jobs and lower gas prices at the same time? We can create American jobs by passing legislation to increase the supply of oil by exploring our own natural resources, in places like ANWR and the Outer Continental Shelf. We can create more American jobs by passing legislation to expedite the permitting process to increase refining capacity here in our own country. We can create more American jobs by passing legislation to explore alternative sources of energy. We can create more American jobs, and not only will these pieces of legislation do that, these pieces of legislation will also reduce unemployment and lead to lower gas prices at the pumps.

Rather than passing a bill that pays unemployment benefits for a year to someone who only worked for 2 weeks, like this legislation does, rather than passing a bill that adds more than $8.5 billion to the Federal deficit, I call on Speaker PELOSI and the Democratic leadership in Congress to set this bill on the side and bring up our legislation that will increase the supply of American oil, reduce our dependence on Middle Eastern oil and, most importantly, create more American jobs and reduce gas prices.

□ 1345

Mr. WELLER of Illinois. Mr. Speaker, several speakers have suggested that there is plenty of funds in Federal unemployment accounts to support these benefits. Today, those trust funds include $35 billion, and the Congressional Budget Office suggests this legislation will spend about $14 billion over the next 2 years.

But that's just the start. This program will run from July through March of 2009; that's 9 months. But once started, such programs have always been extended. The average duration of these temporary programs is about 30 months. Do the math. That's more than three times as long as the legislation before us suggests. So this program could very well wind up costing at least three times as much as the score of this bill says. Three times 14 billion is 42 billion; 42 billion is more than the 35 billion in the current unemployment trust funds.

The last time Congress created a program like this that drained the Federal unemployment accounts in the 1970s, it had to create a temporary surtax that applies to all workers. That temporary surtax still exists today; it is more than 30 years old.

It's important to note, Mr. Speaker, this legislation not only adds to the deficit, but it's going to force a tax increase.

With that, Mr. Speaker, I yield 1 minute to the distinguished Republican leader of the House, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague from Illinois for yielding and make clear once again that Republicans in the House want to pass a responsible extension of unemployment benefits.

We realize that there are people in America who are hurting, who need help. But the bill that we have before us is an irresponsible bill. And it's irresponsible for two reasons; one, it's not targeted to the States that have high unemployment. It says we're going to extend 13 additional weeks of unemployment in all 50 States regardless of what the unemployment rate is. I'll use the example I used yesterday. Oklahoma has a 2.6 percent unemployment rate. Why would we need an additional 13 weeks of unemployment in that State? And so it's not targeted to the States that need the help, and it could be targeted.

The second problem is the fact that we reduce—or basically eliminate—the work requirements. Under the current law, you've got to work 20 weeks in order to be entitled to unemployment benefits. Under this bill, you could work as little as 2 weeks and be entitled to up to a year of unemployment benefits. I just think that that's a poor use of our taxpayer funds.

Why aren't they thinking about the hardworking men and women in America, who go to work every day, they pay taxes, they do tough jobs, they have to give part of their money to us so that we can spend it on behalf of the American people to provide services? We should always remember that it's the hardworking people in America that provide the taxpayer funds that we spend. And our job is to spend those funds in a responsible way, and this is not, in my view, a responsible bill.

Republicans want to work with Democrats to pass a responsible extension of unemployment benefits. And we can do it together if we will just sit down and work it out. But we all know this bill is going nowhere. This bill is dead on arrival, the Senate is not going to take it up, it's going nowhere. And so instead of wasting all of this time having this debate about an irresponsible bill, we actually could have legislation on the floor today that allows us to produce more American energy.

I think the American people want us to achieve energy independence, and the only way we're going to get there is to do what I call, ''all of the above.'' We need to conserve more in America. We need biofuels; we need alternative fuels; we need to get serious about nuclear energy; and we need to produce more oil and gas here in the United States instead of depending on some 70 percent of it coming from foreign sources.

But over the course of the last 18 years that I've been a Member of Congress there have been 46 energy votes on the floor of this House that would allow us to produce more American energy. And guess what? Forty-six times I voted to bring more American energy to the market. The Speaker of the House got to vote over those last 18 years on the same 46 votes. Do you know how many times she voted in favor of American energy? Twice.

When it comes to American energy, it's pretty clear what party is in favor of bringing more American energy to the marketplace. Bringing American energy to the marketplace in an environmentally safe way is possible, and we ought to do it in order to achieve energy independence and bring down the price of energy and gasoline in America. It would be far more productive doing that bill on the floor today than doing the bill that we're doing.

Mr. MCDERMOTT. We have no more speakers.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Illinois has 4½ minutes remaining. The gentleman from Washington has 1½ minutes remaining.

Mr. WELLER of Illinois. Mr. Speaker, as I would note, the legislation before us, as was so eloquently described by the Republican leader of the House, makes some radical changes. For 27 years, Republicans and Democrats have had in place a work rule requirement for federally funded unemployment benefits. It said, to qualify for up to a year, 12 months, you should work 20 weeks. That seems a fair trade off between work and benefits. And this legislation before us, Mr. Speaker, removes that requirement.

Now, my friends on the other side of the aisle refer to that concern as just kind of a straw man, it doesn't really matter. Well, why did they do it? Why is there a need to remove a 20-week work requirement to qualify for 12 months or a full year of unemployment benefits? We've had no hearings in committee. No one has explained why they're making this radical change. It just seems to be omitted from the presentations by the majority side of the aisle. So again we ask why. You know, under this policy that they're putting forward, someone would only need to work 2 weeks in a State like Michigan or Illinois and qualify for a full 1 year or 12 months of federally funded unemployment benefits. That's a radical policy change.

And let me just repeat what every Republican has stated: We want to extend unemployment benefits for those workers in hard-hit States who have exhausted their benefits. And we have repeatedly offered to our friends on the other side of the aisle saying we want to get a bill signed into law. Let's set aside election-year politics, let's work together, let's extend benefits for those who have exhausted their benefits another 13, and in some cases, 26 weeks. But we want to work together to get it done, because if we don't, and we just do the usual politics as usual, election-year politics, bring legislation to the floor we know is not going to become law, make speeches, the folks back home are going to be disappointed.

As has been noted by many, this Congress today only enjoys a 16-percent approval rating amongst the people of Illinois, the people of America. That is the lowest approval rating of any Congress in recorded history. Why? Because of the election-year politics that are being practiced today.

So I'm going to again offer to my good friends on the other side of the aisle, people who I am very fond of, people I enjoy working with, we need to work together because people are hurting. We need to work together to help those in our States who are unemployed and who have exhausted their benefits. And because of election-year politics, unemployed workers in States like Michigan and Illinois, who have exhausted their benefits, have gone without. Why? Because Congress has played election-year politics.

So let's work together. I urge a ''no'' vote on this legislation because it's not going to become law. I urge a ''no'' vote so that we work together to solve this challenge and quickly place on the President's desk legislation that will become law that extends unemployment benefits because we support extending unemployment benefits.

With that, Mr. Speaker, I urge a ''no'' vote, and I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I have trouble following the logic that you would vote ''no'' because it isn't going to become law. Why don't you vote ''yes'' and put it over there, and maybe the Senate this time will come to their senses and do something with this proposal? It's been over there since May 15. And I think that it really is an issue that we ought to give them one more chance to come to their senses.

Now, when you compare the unemployment rate of today with 1996, I really appreciate that because during the Clinton administration there were 20 million new jobs created, and in 1996, they were creating hundreds of thousands of jobs per month. In this administration, over the last 5 months we've lost a quarter of a million jobs. This is a totally different time.

There are huge problems out there, and they're not getting any better. And they're not going to get solved here today by, ''let's open up the Arctic National Wildlife Refuge to drilling.'' Even if we did that, the oil wouldn't be here for about 4 years, and a lot of people on unemployment would be pretty hungry waiting for that job in the oil industry 4 years from now.

Mr. Speaker, the American people should only have one question in their minds today: How bad does it have to get before the President and the Republican leadership decide to join the Democrats in extending a helping hand for unemployment benefits? The revised data released by the Labor Department today shows things are even worse than we thought. Now the decision is up to us.

I introduced this legislation and invited my friend and colleague, Republican Representative PHIL ENGLISH, to join me because helping the American people to survive during tough economic times should not be a partisan issue. People say it has become a partisan issue here. Well, yeah, the White House has made it a partisan issue. They've said there's no problem, and they will not sign a bill that we craft. They've made their mind up before they even have a chance to look at it.

But too many others on the other side have made it just that. The American people woke up this morning to some bad economic news, and our efforts to help them were derailed by the Republican obstructionists. Those headlines, ''Republicans kill extended unemployment benefits,'' you're going to have another set if you're not careful.

We talked a lot yesterday and today about unemployment rates exceeding 6 or 7 percent in several parts of the country, and the devastating impact of those rates. Now, I confess I'm not an economist—I know that's no surprise—but let me predict that the unemployment rate among House Republican Members will go a whole lot higher than 7 percent if they continue to refuse to help the American people in this growing economic crisis.

It's called the Emergency Extended Unemployment Insurance Act of 2008 because it is an emergency, and the time to act is right now.

A vote for H.R. 5749 is a vote to help the American people and the American economy.

Mr. AL GREEN of Texas. Mr. Speaker, democrats in Congress have pushed to extend unemployment benefits since the beginning of the year, as the economy weakened, but have faced continued resistance from the Bush Administration. Nobody can argue that our economy is struggling. For five consecutive months, the U.S. economy has lost jobs, totaling 324,000. Over the last year, the number of unemployed workers has grown by 1.6 million. The number of people looking for work climbed to 8.5 million in May. Nearly 1 in 5 jobless workers (1.6 million) is long-term unemployed (jobless for more than 26 weeks). There are 200,000 more long-term jobless Americans now than when President Bush signed the last extension of unemployment benefits into law in 2002.

The airline industry has eliminated 22,000 jobs so far this year, more than in all of 2007, most recently at Continental (3,000 jobs) and United (up to 1,600 jobs), and the automobile industry continues to face job cuts, leading industries with announced layoffs in May with over 30,000.

In May, we had the biggest one-month jump in the unemployment rate in two decades. The unemployment rate surged to 5.5 percent from 5.0 percent—the biggest one-month jump in more than two decades (since February 1986) and climbing to the highest level in nearly four years (October 2004). The unemployment rate is now a full percentage point higher than a year ago. Families can wait no longer, and neither will this Congress.

Today, the House will take up H.R. 5749, the Emergency Extended Unemployment Compensation Act:

To immediately provide up to 13 weeks of extended unemployment benefits in every state to workers exhausting the 26 weeks of regular unemployment benefits.

In states with higher levels of unemployment (six percent or higher), an additional 13 weeks would be available, for a total of 26 weeks of extended benefits.

Relief would run through March 2009.

The bill would provide much-needed relief to 3.8 million unemployed workers to assist them with rapidly rising gas and food costs, while they continue to struggle to find work in the slowing economy.

Federal unemployment trust funds, which have more than enough reserves to cover the cost, will finance these benefits.

In Texas, this bill would help 160,239 unemployed workers. Extending these benefits is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly. According to the Congressional Budget Office, every $1 spent on unemployment benefits generates $1.64 in new economic demand. This bill costs $11 billion over 10 years, or 1.1 billion per year. That is approximately 3 days in Iraq.

I commend my colleagues, Congressman MCDERMOTT and Congressman ENGLISH for introducing this bill and I urge my colleagues to support its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5749, Emergency Extended Unemployment Act of 2008, introduced by my distinguished colleague Representative MCDERMOTT. This important legislation will provide much-needed relief to 3.8 million unemployed workers who are besieged to cope with rapidly rising gas and food costs, while they continue to struggle to find work in the slowing economy.

Democrats in Congress have pushed to extend unemployment benefits since the beginning of the year, as the economy weakened, but have faced continued resistance from the Bush Administration. Today, the House will take up H.R. 5749, the Emergency Extended Unemployment Compensation Act on the suspension calendar. The legislation would immediately provide up to 13 weeks of extended unemployment benefits in every state to workers who have exhausted the 26 weeks of regular unemployment benefits. For states with especially high unemployment rates, an additional 13 weeks would be offered, bringing the total to 26 weeks of extended benefits.

The need for action is clear. For the fifth straight month, the economy lost jobs and unemployment rose from 5.0 percent in April to 5.5 percent in May, with 49,000 jobs lost in May alone. The economy has lost nearly 325,000 jobs this year and 3.8 million Americans are unemployed. These grim statistics are yet another signal that the Bush Administration's economic policies have failed the American people. Americans are now facing higher costs for basic necessities, unemployment is up, millions of families have lost their homes or value in their homes due to the housing crisis, and 7 million more Americans are uninsured.

Extending unemployment benefits is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly, according to the Congressional Budget Office. Every $1 spent on unemployment benefits generates $1.64 in new economic demand. Unfortunately, President Bush and some Republicans oppose our effort to help unemployed workers and to get our economy moving again. Instead, they want more of the same.

Middle class families can't afford four more years of the kind of policies that have weakened our economy and left hundreds of thousands of Americans looking for work and struggling to make ends meet. We hope the President and his Republican allies will change course and work with us to assist unemployed workers. Today, gas prices hit an average of $4.05 per gallon, a new historic high. The price of a barrel of oil increased more on Friday, in one single day, than a barrel cost a decade ago, before George W. Bush became President. Even in the face of these record increases, Senate Republicans blocked consideration of the Renewable Energy and Job Creation Act of 2008. The Renewable Energy and Job Creation Act of 2008 passed the House, and would retain and create hundreds of thousands of green energy jobs. Experts estimate biofuel blends are keeping gas prices about 15 percent lower than they otherwise would be now—and the energy law increases our commitment to these and other American-grown biofuels.

While Democrats are taking action to lessen our dependence on foreign oil and lower prices, Republicans continue to repeat the same old rhetoric: continued calling for drilling in ANWR, even though the Department of Energy has concluded that opening up the Arctic for drilling would not reduce the price of a gallon of gasoline until 20 years from now—and then only by about 1 penny. Since 2000, drilling has increased dramatically—climbing about 66 percent—while gas prices continue to increase. Additionally, the federal government has already opened up leases to 68 million acres of federal land that oil companies aren't even tapping.

From day one, the New Direction Congress has been fighting to reduce our dependence on foreign oil, bring down record gas prices, and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds of thousands of green jobs. Democrats in Congress have already taken action to bring down the price of gas, passing legislation to suspend the filling of the Strategic Petroleum Reserve, SPR, starting June 30th and going through the end of the year. The House also approved the Gas Price Relief for Consumers Act of 2008. The legislation gives U.S. authorities the ability to prosecute anticompetitive conduct committed by international cartels like OPEC that restricts supply and drives up prices. The House also continues to build on the work of the Energy Independence and Security Act which will transition the American economy to more efficient vehicles and reduce our dependence on foreign fuels.

I am proud to support this important legislation that will address the economic needs of the American people, and I urge my colleagues to join in so doing.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this urgently needed legislation.

The latest statistics, show that the national unemployment rate has risen from 5 percent to 5.5 percent, the biggest increase in a single month in over 20 years, and now is at the highest level in nearly four years.

The economy has been slowing and has been losing jobs for at least five months. In May the number of people looking for work reached 8.5 million—and nearly one in five has been unemployed for more than 26 weeks.

Colorado has not been as hard hit as some other States, but we are not immune. For example, Denver will be affected by United Airlines' discontinuing its low-fare ''Ted'' carrier as well by layoffs by other airlines and companies in other sectors.

And, in the Nation as a whole the number of long-term unemployed Americans is higher now than when Congress last extended unemployment benefits in 2002.

This legislation will respond to that problem by immediately providing up to 13 weeks of extended unemployment benefits in every state to workers exhausting the 26 weeks of regular unemployment benefits. In addition, another 13 weeks of extended benefits will be available in States with unemployment rates of six percent or higher. According to the Congressional Budget Office, this will help some 3.8 million Americans.

And by helping them, we help the country—because extending unemployment compensation benefits is one of the most cost-effective and fast-acting ways to stimulate the economy. In fact, an estimate by an independent expert—the chief economist of Moody's Economy.com—indicates that each dollar of unemployment benefits generates $1.64 in new economic demand, while the existing federal unemployment trust funds have more than enough reserves to cover the cost.

Mr. Speaker, in my opinion this legislation deserves prompt approval. In fact, I think it should have been passed yesterday—and would have been if just 3 more of our Republican colleagues had voted for it then, when we considered it under a procedure that required a two-thirds majority for passage.

But even a day late, we still have an opportunity to do the right thing, so I urge its approval by the House.

Mr. BLUMENAUER. Mr. Speaker, I strongly support today's legislation to extend unemployment benefits at a time of economic hardship for families in Oregon and across the country. There are currently over 106,000 unemployed workers in Oregon and as many as 3.8 million nationally who are struggling with the rising cost of food and fuel.

Today's legislation will immediately provide up to 13 weeks of extended unemployment benefits in every state to workers exhausting their 26 weeks of regular unemployment benefits. In states with levels of unemployment at 6 percent or higher, an additional 13 weeks would be available for a total of 26 weeks of extended benefits.

In my home state of Oregon, our economy has weakened but remained at the relative national average of 5.5 percent. However, that is an unemployment rate 0.5 percent higher than this time last year. Although Oregonians would not qualify at this time for the second extension of benefits, it gives me peace of mind to know that safety nets are in place if the Oregon economy gets bleaker. Many in Oregon well remember the downturn in 2003 when during the summer the unemployment exceeded 8.5 percent, the highest in the country.

During major economic slowdowns, unemployed workers are the hardest hit. Not only do they suffer a loss of wages, but they face a tighter job market in which to return. Extending these workers' benefits is not only morally correct; it is also good for our ailing economy. The Congressional Budget office estimates that every $1 spent on unemployment benefits generates $1.64 in new economic demand.

I am pleased that Democrats have moved quickly to pass this benefits extension for the workers who need it most. I hope that the Senate will move quickly and the President will refrain from vetoing this legislation so that American families can get the help they need.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1265, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WELLER OF ILLINOIS

Mr. WELLER of Illinois. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WELLER of Illinois. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Weller of Illinois moves to recommit the bill H.R. 5749 to the Committee on Ways and Means with instructions to report the same back to the House forthwith, with the following amendments:

In section 2(a), strike ''Any State which desires to do so'' and insert ''Any State whose average rate of total unemployment equals or exceeds 5.0 percent or equals or exceeds 120 percent of the average rate of total unemployment in such State for the corresponding period in the preceding calendar year (as determined by the Secretary of Labor in a manner based on clause (i) or (ii) of section 203(f)(1)(A) of the Federal-State Extended Unemployment Compensation Act of 1970, as the case may be)''.

Strike paragraph (2) of section 2(d) and insert the following:

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for emergency unemployment compensation under this Act unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

At the end of section 3, add the following:

(d) TRANSPORTATION SUBSIDIES TO ASSIST THOSE RETURNING TO WORK.—

(1) APPLICABILITY.—This subsection applies in the case of any individual who becomes reemployed for at least one full week after an account under this section is established for such individual but before such individual has exhausted such individual's rights under this Act (including the right to have such account augmented under subsection (c), if applicable).

(2) ELIGIBILITY FOR TRANSPORTATION SUBSIDY.—In order to subsidize transportation expenses associated with returning to work, an individual described in paragraph (1) shall, for purposes of any determination of rights under this Act, be entitled to have such individual's first full week of reemployment (as referred to in paragraph (1)) treated in the same manner as if it were a week during which such individual had remained unemployed and had satisfied the work search and other requirements for receiving emergency unemployment compensation (other than filing a claim).

Mr. WELLER of Illinois (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois is recognized for 5 minutes in support of his motion.

□ 1400

Mr. WELLER of Illinois. Mr. Speaker, this motion to recommit supports extension of unemployment benefits for long-term unemployed, those who have exhausted their unemployment benefits. And this motion to recommit makes three simple changes to the legislation before us. It adds a requirement of 20 weeks of work for workers to qualify for the extended unemployment benefits. It targets benefits to high unemployment States, and it provides additional money to many of the newly hired individuals to help them deal with the high price of gasoline.

I particularly want to thank my colleagues, Mr. KIRK, Mrs. BIGGERT, Mr. BILIRAKIS and others for the help that they have given in crafting this motion to recommit as we work towards extension of unemployment benefits to those who need help.

First, I would note that this motion reinserts the current law requirement that workers who qualify for Federal extended unemployment benefits must have worked at least 20 weeks before being laid off. This requirement was removed by the majority with the underlying legislation.

This commonsense Federal requirement has been in place since 1981 and was included in the temporary extended benefits program Congress created in 2002, our last extended benefit program.

Nearly every Democrat Member voted for that bill then, and as we have discussed on this floor for the last 2 days, there is no good reason, there is no argument that has been made by the other side to impose the reestablishment of this long-standing Federal policy now.

Second, this motion would specify that only individuals in States with unemployment rates above 5 percent or that have seen a sharp rise in unemployment would be eligible for 13 weeks of Federal extended benefits. As under H.R. 5749, individuals in States with unemployment rates above 6 percent would be eligible for up to 26 weeks of Federal extended benefits.

Today, 22 States have unemployment rates above 5 percent or have seen a sharp rise in rates, including six States above 6 percent. So workers in nearly half of the States would be eligible for extended benefits, which could rise, or more would be eligible if States experience a rise in unemployment rates.

In contrast with H.R. 5749, this motion would not extend benefits in States that currently have unemployment rates below 5 percent, and I would note that 5 percent is low by historical standards, and that have not been experiencing rising rates. They will continue to be eligible for their basic 26 weeks of unemployment benefits. So I would note that they will continue to have unemployment benefits available to laid-off workers.

Moreover, by targeting benefits to where they are needed most, this motion actually reduces the cost of the bill, reduces the deficit, and makes it much more fiscally responsible than the untargeted, unpaid-for, ''in violation of the House rules'' legislation that has been offered by the majority.

And third, we all know that every American family is struggling with record gasoline prices. That struggle is especially pronounced for unemployed workers and in particular the long-term unemployed. Those who return to work, however, may face high commuting costs, starting with the high price of gas they must put in their tanks to get to a new job.

And I would note that this Democratic Congress, which is the least popular Congress in recorded history because of its lack of action on energy, has refused to allow for increases in domestically produced fuels which we need to help our economy.

In fact, it is the Democrat policies in the last year and a half since January 2007 which are responsible for an increase in gasoline prices of $1.73, basically a doubling of gasoline prices since our Democratic friends gained the majority. That's why gasoline prices are over $4.

We want to help American workers. And that is why we are offering help to alleviate the high price of gasoline for unemployed individuals. This motion would provide 1 extra week of extended unemployment benefits for those who return to work without exhausting their extended benefits. On average, this would mean an extra $290 per eligible worker. So for an unemployed mother who goes back to work with two children, that could mean up to four tanks of gasoline at today's $4 gasoline prices, probably enough to get her to and from her first full month on the job. Especially for someone who might not have much money left after a long spell of unemployment, that is real relief where today it is desperately needed, at the pump and in the pocketbook.

Mr. Speaker, this motion provides timely, targeted and temporary assistance, something the Speaker herself called for earlier this year. So we talked about boosting the economy. I urge its adoption so we can send this bill to the Senate and down to the White House as soon as possible. As the President said, he will veto the underlying bill. Passage of this motion to recommit will give us a bill the President will sign, and it will become law, and we can help unemployed workers.

I urge an ''aye'' vote.

Mr. MCDERMOTT. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, sometimes I am kind of appalled. I didn't think they could write a motion to recommit that would be worse than already their public stance is. But this motion to recommit would deny extended unemployment benefits to long-term jobless workers in 31 States. As you know, Mr. Speaker, some Members may be in their offices. They ought to listen to the list.

Alabama gets nothing. Arizona gets nothing. Arkansas, Colorado, Delaware, Florida, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland. Massachusetts is gone too. Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, New Mexico. Why, it goes on and on. North Dakota, Oklahoma, Pennsylvania, South Dakota, Vermont. The way they have written this, those States get nothing. They don't even get 13 weeks. Washington, West Virginia, Wisconsin, Wyoming. None of them get a single benefit from this bill if that amendment is adopted.

Now let's just talk for a second here about what we are talking about. New Jersey. Atlantic City has an unemployment rate of 6.1 percent right now. But since they are in the State of New Jersey where the unemployment rate is only 4 percent, in Atlantic City, people are tough out of luck. They aren't going to get a single benefit. Or if they live in Ocean City where it is 6.6 percent, or they live in Vineland, Millville or Bridgeton where it is 7.1 percent, not a single penny goes to those people because they live in a State where it is only 4 percent.

Now I would like to see the community meeting that the Members go to when they explain to people that they voted ''no'' on giving extended benefits to people who have unemployment benefits and have exhausted them in these States. This makes it much worse than the bill we have. It clearly confirms that the Republicans really want to give unemployment benefits to no one.

Now as to the question of whether or not we have given a reason, we took the 20-week provision out for a very simple reason, because it denies benefits to 10 percent of the people who are presently in our workforce. These are benefits they earned by having money taken out of their paycheck. Their employer said, ''I am not going to give you this. I am going to put this in the unemployment fund.'' That is how it works.

So those employees that had that money being put in there and now they lose their benefits because of the fact that they have worked 10 months and they didn't get to the right place in the right time to get their 20 weeks, it is simply a denial of benefits to women, to low-wage workers and to minorities. It is basically people at the bottom of the economic rungs. And the Republicans are pleased to do that. Not only do they take it away from them, but they also take it away from 31 States.

I urge the Members to think about the election when they vote ''no'' on this amendment.

Ms. GIFFORDS. Mr. Speaker, I do not support the minority's effort to weaken the impact of extended unemployment benefits for Americans. In this economic downturn, our workers should be able to receive the same 13-week extension granted to workers exhausting the regular 26 weeks of unemployment benefits in other states.

According to the Bureau of Labor Statistics, since January 2001, only 5.3 million jobs have been created nationwide. In Arizona, an average of 1,470 jobs have been lost each month for the past 6 months. Only 389,700 new jobs have been created since January 2001—or 4,480 new jobs per month—as compared with a total of 691,700 new jobs during the previous decade—or 7,950 per month.

This year, Arizona's job losses have been concentrated in construction and housing-related industries, including real estate and finance, but they are beginning to appear across a wide range of industries as this economic decline continues. I support the benefits provided by H.R. 5749 because according to the Congressional Budget Office, they are a cost-effective and fast-acting means of stimulating the economy. Every $1 spent on unemployment benefits generates $1.64 in new economic demand.

I will vote ''yea'' on final passage of H.R. 574 the Emergency Extended Unemployment Compensation Act, and do not support the minority's efforts to undermine effective economic relief for Arizonans.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, and the motion to suspend the rules on S. 2146.

The vote was taken by electronic device, and there were—yeas 170, nays 243, not voting 21, as follows:

[Roll No. 411]

YEAS—170

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)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—243

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
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
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Gilchrest
Gillibrand
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Richardson
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
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—21

Braley (IA)
Burgess
Buyer
Davis, Tom
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
LaHood
Loebsack
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Tancredo

□ 1432

Messrs. LARSON of Connecticut, DEFAZIO, CLYBURN, GERLACH, MURPHY of Connecticut, MITCHELL, FILNER, HODES, Ms. MCCOLLUM of Minnesota, Messrs. PORTER, PLATTS, JOHNSON of Illinois, KING of Iowa, JOHNSON of Georgia and SHUSTER changed their vote from ''yea'' to ''nay.''

Messrs. BOOZMAN, SIMPSON, POE and REYNOLDS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GIFFORDS. Mr. Speaker, today I intended to vote "no" on the Motion to Recommit H.R. 5749, the Emergency Extended Unemployment Compensation Act, vote No. 411. Despite my efforts to ensure that my vote was recorded as "no," it was recorded as "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. WELLER of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 274, nays 137, not voting 23, as follows:

[Roll No. 412]

YEAS—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
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
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—137

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
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Berman
Braley (IA)
Burgess
Buyer
Davis, Tom
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
LaHood
Loebsack
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Speier
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1439

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROGERS of Michigan. Mr. Speaker, I rise to voice my support for H.R. 5749, the Emergency Extended Unemployment Compensation Act of 2008. I am not able to cast my vote today. However, as a co-sponsor of this bill if I had been present, I would have voted ''yea'' on final passage of H.R. 5749.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 412, H.R. 5749, to provide for a program of emergency unemployment compensation, I was mistakenly recorded as voting ''no.'' I should have been recorded as voting ''yea'' on final passage. I am a proud cosponsor of H.R. 5749.

Ms. SPEIER. Mr. Speaker, on rollcall No. 412, I was speaking with a constituent right off the floor and by the time I realized a second vote was called, I was too late to cast my vote in favor of this important legislation. Had I been present, I would have voted ''yea.''

AUTHORITY TO ACCEPT DIESEL EMISSION REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2146, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the Senate bill, S. 2146, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 413]

YEAS—406

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
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
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
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
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
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 (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
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
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Ackerman
Braley (IA)
Burgess
Buyer
Cubin
Davis, Tom
Edwards
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
Klein (FL)
LaHood
Loebsack
Mahoney (FL)
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Shimkus
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1450

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KLEIN of Florida. Mr. Speaker, on Thursday, June 12, 2008 I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 413.

Mr. MAHONEY of Florida. Mr. Speaker, on Thursday, June 12, 2008 I was unavoidably detained. Had I been able to vote, I would have voted "yea" on rollcall vote No. 413.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, to tell us about next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The final list of suspension bills will be announced by the close of business tomorrow.

We will take any pending votes on H.R. 6063, the NASA Authorization Act of 2008, which we will debate later today after this colloquy; and we will consider H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. We will also consider H.R. 5876, Stop Child Abuse in Residential Programs for Teens Act of 2008; and we hope to consider and I expect to consider the Iraq-Afghanistan supplemental appropriations bill.

I yield back.

Mr. BLUNT. I thank the gentleman for that.

On that last topic, I believe this is the third week straight that we said we hope to have the supplemental on the floor next week. My understanding is that if that supplemental is not completed, that our troops will begin to work without pay in July and civilian employees of the military would be laid off in July. We have next week and the week after that. I really have two questions here. One is do you think there will be a bill next week? And two, are we expecting a bill that will be vetoed or a bill that will be signed?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

He observes that I said we hope to have it on the floor. I want to reiterate that I hoped each one of those weeks that we would have it on the floor, and I hope that we will have it on the floor next week.

I would say to my friend that I hope we have a bill on the floor next week, pass it through the House and pass it through the Senate and that the President will sign that bill. Obviously, one of the reasons that we have not gotten the bill on the floor as quickly as I had hoped is that there have been very, very substantial discussions between the House and the Senate, between the House and the White House, and the Senate and the White House about what their thoughts are with respect to various aspects of the supplemental bill and what they would or would not consider a signable bill.

So I think there have been extensive discussions on that. I am hopeful that

when we finally pass something to the President he will sign it and we will have that bill done. As the gentleman indicated, we are aware of the fact that it is timely that we pass this bill certainly within the next 2 weeks. And when I say pass it, not just pass it but have it signed by the President so we have a law in effect that gives the President and the Department of Defense the funds they need to continue the deployment that currently exists. That does not adopt the policy of the appropriateness of that, but it does recognize the reality of the fact that we have men and women in Iraq and Afghanistan.

Mr. BLUNT. I thank the gentleman.

The bill that we talked about, the portion of the bill that would require furlough notices to go out, that portion of the bill has been here in the Congress for over a year now. I do hope we can deal with this before not only any members of the Armed Forces are asked to work without pay, but before civilian employees that run things like day care centers and things that work with families in the military are having to be notified that those efforts will stop because the Congress hasn't appropriated the money to provide those services.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman will recall, we had a bill on this House to make those funds available. It did not pass. It did not pass as you recall because many of your Members voted present. I think they would have supported it, and many of our Members did not support that funding. They want to see the policies changed. I agree with them on the policies.

The fact is that we now have that funding passed from the Senate in the supplemental to us and we are trying to resolve as you know the differences. But there is a desire to get that bill done in a timely fashion so that the problems that you portray, which I believe are accurate, do not occur.

Mr. BLUNT. I thank the gentleman for that.

This week we voted twice, including one vote yesterday and one vote today, on an unemployment insurance bill. I think the unemployment rate nationwide had gone up one-half of 1 percent. As the gentleman knows, a lot of our concern was that it was widely targeted, instead of States that had a significant unemployment problem. The Speaker said last week that ''America's families and workers can wait no longer, neither will the Congress. This bill will come to the floor of the House,'' and it did; and it did again.

With a 75 percent increase in the price of gasoline during this Congress, Republicans have been arguing that we need to have an energy bill that would produce more energy on the House floor. Will the Democrats work with us to schedule that legislation that allows for more energy to be produced in the country.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

As I said last week, with respect to more drilling in various parts of the country, whether it is in Alaska, in the Alaska National Wildlife Refuge or on the Outer Continental Shelf, I would like to reiterate the information I referred to last week, but before I do that let me say that we are very supportive of any legislation that will lead this country towards energy independence within the framework of what we think is necessary and needed. Now I say it in this context. I support and I think we support on this side a diversified clean energy portfolio. We think that is critically important for our country.

In the area of supporting energy supply, I hope the Senate will return the tax extender bill which invests in alternative energy sources which can be put online so we can be more energy independent and not dependent upon the producers of petroleum, many of whom are not friendly to us, and others of whom are not as reliable as we would like.

I have listened for some period of time in the last few weeks that all we need to do to solve this problem is more drilling. We don't believe that is the case. In fact, as I said to the gentleman last week, we have nearly a whole refinery's worth of capacity idle right now.

□ 1500

What I mean by that, Mr. Whip, is that our refineries were operating, at the end of last week, at 89 percent capacity. That is the lowest operational capacity of refineries in our country in the last 10 years at this time of year. So our refineries still have another 8 to 9 percent capacity. 8 to 9 percent is a very significant portion.

Now, we've introduced two bills today to make oil companies use their existing leases. Before we go to new leases, before we go to the Alaska National Wildlife Refuge or the Outer Continental Shelf, which is very controversial on both sides of the aisle, we believe that oil and gas companies should use the present leases they have. They hold nearly 68 million acres of Federal land and waters on which they are not producing oil and gas. These 68 million acres of leased but currently inactive land and waters could produce, I tell my friend, an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day. So that when we talk about looking for new spots to drill, we first ought to look at those spots. Vast acreage, millions of acres have already been authorized.

If we took those actions, I tell my friend, the information I have is that it would nearly double total U.S. oil production and increase domestic national gas production by 75 percent. That is on existing leaseholds.

It would also cut U.S. oil imports by more than a third, if all we did was use existing leaseholds. It would be more than six times the estimated peak production from the Arctic National Wildlife Refuge.

In other words, using existing leases that have already been authorized, would produce six times what the projections are, and the most optimistic projections are for the Alaska National Wildlife Refuge.

Let me say that we also introduced two bills today to look at and study the investments in oil futures, in petroleum futures. We're very concerned that that is having an impact on price, not because of supply and demand, but because of speculation. Mr. DINGELL and Mr. BARTON, as you know, have cosponsored legislation, and I've cosponsored it myself with them.

So I'm hopeful that we will move ahead vigorously, as I know the gentleman from Missouri wants to do, to see what can be done to make our country more energy efficient, to utilize the energy sources which are already authorized.

I would say one additional thing in terms of refineries. There's been some discussion about refineries. There's been one application for a new refinery in the last 30 years. One application. It was approved. That refinery has not been built, notwithstanding the fact that the application was approved.

And obviously, with refinery capacity not being at the capacity it's been at in the last 10 years, it would seem that a new refinery was not built because the oil companies made a determination that it was not needed because, at this critical time when demand is so high, they're not operating at peak performance.

So let me just reiterate that we all want to work together to try to have our country be energy independent. We think that's important for our national security, our economic security. And indeed, we think that going to alternative energies is critically important for the health of our global climate.

I yield back.

Mr. BLUNT. I thank my friend for that information. There are really two topics there I want to talk about just briefly. One is the refinery capacity itself. I think there's probably more reason than capacity that there's only been one permit in 30 years for refineries.

But refineries are really a separate issue from whether the oil is available or not. In fact, you could argue, we'd have more refinery use if we had more oil available.

I do know that we imported gas last year. I think importing oil is bad. I think importing gas and paying somebody to take that raw material of oil and turn it into gas is a worse idea. It's hard for me to believe that people that run refineries would be doing that if the refineries were the problem.

In terms of the leases, clearly, in the last 7 years, the amount of leased public lands has almost doubled. Most of that drilling has been for gas. In fact,

our natural gas numbers are quite a bit better than they were before that started.

Secondly, I think something like 52 percent of the exploration produces no product. It's a 10-year lease. Most of those leases are now beginning to get into the middle of that 10-year period of time. I certainly hope that we're encouraging, without doing anything that violates what we've already agreed to, that we're encouraging that to be done.

And I think, frankly, I personally think, and have for a long time, that drilling in the ANWR in the area that was set aside for drilling by President Carter and the Congress in 1980, is part of the solution. But it's only part of the solution. And wherever we have those resources, we're the only country in the world where coastal drilling is possible that doesn't allow it to happen. I think we need to revisit that. And I think the American people are at the point that they want to revisit that as well.

But this discussion is exactly the discussion we hope to have, a discussion that leads to more production and looking for the future.

My good friend said that many on our side think that drilling's the only solution. I haven't heard that. What I've heard is many on our side think it's part of an immediate, short-term solution. But in the last Congress and the Republican Congresses before that, there was lots of legislation that encouraged alternatives, renewables. We want to still do that. Most of that requires a lot of transition in the economy and will take a while.

Announcing that we were going to go vigorously after our own resources, I, at least, believe would have impact on that last topic you brought up, the futures market. If we announced we were going after substantial resources that we have, in fact, resources that are now believed to be significantly more substantial than they were 5 or 10 years ago, that would have impact on the futures market. And we should be looking at that market and see what's driving that and what we could do about it, in addition to thinking we're going to just simply regulate a worldwide market from the United States of America.

I would yield.

Mr. HOYER. I thank my friend for yielding.

My friend mentioned the Outer Continental Shelf, and I agree with him. But the facts I have are this. Four times more natural gas is available in areas already open to drilling. Let me reiterate that. In areas already approved and open for drilling, four times more natural gas is available than in OCS waters protected by the moratorium.

In other words, that which is protected has only 25 percent perceived to be available than does the already approved available Outer Continental Shelf areas. So if we started vigorously pursuing exploration and drilling in those areas, we'd get 75 percent more than we get now.

In fact, the figure is that we are using only 18 percent of the 7,740 active leases currently available on the Outer Continental Shelf, only 1,655 are in production; so that when we talk about the problem is that the Democrats are not allowing us to drill and explore and to recover resources that are in our Outer Continental Shelf or on our lower 48, that is not, I think, accurate. I think it's not accurate because of the extraordinarily high percentage of currently approved leaseholds that are not being utilized in this very day.

Now, I'm sure that the oil companies, very frankly, want to increase supply and see prices come down. I say that somewhat with tongue in cheek. If perhaps we were finding more supply, utilizing those leaseholds, perhaps the price would not be quite as high and the profits wouldn't be either.

But I will tell you that Americans are, at $4 a gallon, seeing the companies that are selling them oil receiving extraordinarily high profits. God bless them for getting profits. They have invested, they've worked hard. They put their capital at risk. I'm for that.

But at the same time, when they are failing to use leaseholds that would bring more supply, that would presumably then bring down the price, I think the American public have a right to ask, why are we only using 18 percent of the currently available leaseholds on the Outer Continental Shelf and about one-quarter or a little less than one-quarter of what's available on the mainland?

I yield back to my friend.

Mr. BLUNT. I thank my friend for yielding.

I was actually pleased to hear two things there. One is I heard my good friend use the word ''drilling'' in a positive sense, and that's good news.

Mr. HOYER. I have an automobile.

Mr. BLUNT. And two is the numbers I see for the deep water drilling of natural gas indicate that there is an 18-year supply in the deep water. If you're right, and there's four times that supply on public lands that could be drilled on, I suppose that means we have almost a 100-year supply of natural gas if we just go after it. We should find out whatever it takes to go after that, and insist that that happen.

My view is both, and wherever the infrastructure is most amenable to getting that natural gas and oil into the energy system the quickest, that's where we should be drilling the quickest. If we've got a leasehold that's 500 miles away from the nearest place you can hook it up to a line, that's probably less appealing than a leasehold somewhere in the deep water or other places that's near a current way to get that gas or that oil into the system.

I do know in the 181 area that we opened in 2006 in the gulf, opened for a brief period of time, that there's one 2-acre platform there, at least I'm told there's a 2-acre platform there that's producing roughly 10 percent of all the natural gas that we're producing in the United States of America.

I do believe that these resources are greater than we thought they were 5 or 10 years ago. I think we ought to be pursuing that on all fronts.

I saw where one of our colleagues in the Senate, the senior Senator from New York, said that if we had a million barrels more of oil every day, that that would reduce pump prices by 50 cents a gallon. I'm not sure how he calculates that, but I'm prepared to accept that.

A million barrels is what we'd be getting from ANWR today if we'd started drilling there 12 years ago, or any of the other times that the Republican House sent a bill to the Senate that would have allowed that. There may be other million-barrel locations, as my friend has just suggested there were, that we should vigorously be pursuing, and we are eager to have that discussion on the House floor, see it had on the Senate floor, see something get on the President's desk that encourages American use of American resources for America's future.

I yield.

Mr. HOYER. My friend, at the beginning of his last comments, said ''on public lands.'' I want to make it very clear that the implication, perhaps that we're not allowing that on public lands, there are, as I said, 80 percent of the already authorized spots on public land not being utilized today; so that this is not a question of where we have not authorized drilling. We're for that. We want to find more product.

What we are saying is that we have now got the majority of authorized spots being unutilized. Now, why that is so, when the product is getting the highest price it's ever gotten, which ought to be incentive, in and of itself, to look for new product and to explore and to drill and to get new product to the market, which would then bring the price down.

I hope that nobody is controlling supply simply to escalate price. We know that when demand goes up and supply is constrained, that prices inevitably rise. The American public is paying the price for that. Great profits are being made. But it is adversely affecting our economy and our families. And we share your view that we want to address this problem.

But I want to say, we talk about today. Unfortunately, for too long, I'm old enough to have experienced the gas lines of the late seventies where you waited hours to get gasoline in your car. Hopefully that won't reoccur.

But had we, Democrats and Republicans, Americans all, focused in a disciplined way on looking for, developing more efficient automobiles, more efficient refrigerators and other electric utilities, focused on conservation, focused on alternative sources of energy, we would be far ahead of the game.

□ 1515

In the final analysis, we cannot get distracted, in my opinion. We need to go down both paths, making sure today we have the most efficient process possible but that tomorrow we're energy independent, because in the final analysis, that will be the only way in which we will continue to keep our economy moving, our national security intact, and our environment clean and healthy.

Mr. BLUNT. I thank my friend.

I believe for those things that look toward better solutions for the future, better conservation now, we all should be focused there. We also should be focused on using American resources, and frankly asking every question why they haven't been used. Again, I will just conclude my remarks by saying I know that these leases have been almost doubled in the last 7 years. And how long it takes to develop, some of them issued only in the last 1 or 2 years for 10 years at a time, I don't know what the planning is on that, but I am absolutely committed to the most efficient and effective use of America's resources for America's future, and I would like to see this Congress work together to get there.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, June 17, for morning-hour debate.

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

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 6063.

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

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1257 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. 6063.

□ 1517

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. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, with Ms. BORDALLO in the chair.

The Clerk read the title of the bill.

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

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

(Mr. GORDON of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. GORDON of Tennessee. Madam Chairman, today I am asking my colleagues in the House to ensure this country's leadership in space and aeronautics program by passing H.R. 6063, the NASA Authorization Act of 2008.

First, I want to thank and commend Chairman UDALL of the Subcommittee on Space and Aeronautics on his leadership in introducing this bill and for taking a clear bipartisan approach to the development of H.R. 6063. I was pleased to be original cosponsor, but I was even more pleased that ranking minority member of our Committee on Science and Technology, Mr. HALL of Texas, and ranking minority member of our Subcommittee on Space and Aeronautics, Mr. FEENEY of Florida, were also original cosponsors.

Madam Chairman, their actions show that the importance of NASA's future in space and aeronautics is truly a bipartisan concern. And I want to thank them for their full support.

In that regard, I also would like to thank Ed Feddeman, Ken Monroe, Katy Crooks, and Lee Arnold of the minority staff for their help on this legislation. I also want to thank and acknowledge the hard work of our majority staff involved in the development of the bill, Space and Aeronautics Subcommittee staff director Dick Obermann, Allen Li, Pam Whitney, Devin Bryant, and John Piazza.

This bill passed the subcommittee and the full committee unanimously. And I think that record is in no small part due to the hard work that both sides of the aisle put into this legislation.

Madam Chairman, as we look to the transition to the new administration next year, it's important that Congress send a strong message on the best future course for our Nation's space and aeronautics program. The bipartisan consensus we have reached on H.R. 6063 signals that Congress believes a balanced NASA program of science, aeronautics, and human spaceflight, and exploration is important and worthy of the Nation's support. Yet I want to emphasize that H.R. 6063 takes a fiscally-responsible approach to providing this support.

The baseline authorization represents a 2.8 percent increase, which is inflationary at best, over the level of the authorization of fiscal year 2008. The bill also includes a special funding augmentation to accelerate the development of the crew exploration vehicle and thus minimize the human spaceflight gap that will make us dependent on the Russians to get our astronauts to and from the International Space Station until the CEV is operational.

I don't think any of us wants to or looks forward to the day when we must rely on another Nation to launch U.S. astronauts into space, but that is what we face. I want to minimize that dependency as much as possible.

However, even including that augmentation, the total funding authorization will only get us back to NASA's fiscal year 1992 funding level in terms of purchasing power.

H.R. 6063's baseline authorization also reflects the importance of NASA to the Nation's innovation agenda. NASA science and technology activities contribute much to our national competitiveness initiative, and I think we need to recognize NASA's role in that regard. NASA was included in last year's America COMPETES Act, but we didn't include an authorization then since we knew we would be reauthorizing NASA this year.

H.R. 6063 does that providing by providing a baseline authorization for NASA that includes a rate of increase over the fiscal year 2008 appropriated level that is consistent with the rate of increase proposed for agencies included under the America COMPETES Act.

Madam Chairman, this bill includes many provisions that are critical to ensuring the future strength of our Nation, including both the future health of our aviation system and our ability to better understand and respond to climate change and other challenges facing the earth's system.

It isn't always recognized that NASA counts for some three-fifths of the Nation's climate research funding. And it's a critical part of the Nation's climate research efforts. In addition, H.R. 6063 demonstrates that a properly structured human spaceflight and exploration program can provide benefits of technological, scientific, and geopolitical significance that are worthy of our Nation's investment.

This bill also includes provisions that will ensure a productive return on the Nation's investment in developing and

assembling an international space station and encourages the use of the commercial services to transport cargo and eventually crew to the station. We need to ensure that NASA has sufficient resources for all of these and other important tasks that the Nation has asked to carry out, and I believe this bill does that.

Madam Chairman, the United States has been a global leader in technology and innovation for decades. However, an esteemed committee of the National Academies raised a deep concern in its groundbreaking report, Rise Above the Gathering Storm, stating ''that the scientific and technical building blocks critical to our economic leadership are eroding at a time when many other nations are gathering strength.''

With China, India, and other global players committed to building robust aeronautics and space programs, that it is incumbent upon the United States to rise to the challenge.

This year is the fiftieth anniversary of the dawn of the space age and the fiftieth anniversary of the creation of NASA. NASA has been one of the crown jewels of the Nation's R&D enterprise over the past 50 years. I want to ensure that it remains so for the next 50, and I believe this bill will help turn that into a reality.

Madam Chairman, this bill has been endorsed by a host of organizations ranging from the American Association of Universities to the National Association of Manufacturers. I urge my colleagues to support H.R. 6063 to ensure America's continued leadership and accomplishments in space and aeronautics over the next 50 years.

Madam Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Madam Chairman, I yield myself such time as I may consume and make sure that I can reserve enough for those that will follow me.

Madam Chairman, H.R. 6063, sponsored by my good friend MARK UDALL, authorizes the National Aeronautics and Space Administration for fiscal year 2009. As our chairman has very adequately stated, it's a product of very close bipartisan consultation and cooperation led by Chairman UDALL and by Chairman GORDON.

Representative TOM FEENEY, ranking member of the Space and Aeronautics Subcommittee, and I are original cosponsors of this bill, and it builds a 1-year authorization. The intent of the bill is to keep NASA on its current path towards completing the International Space Station, retiring the Space Shuttle, maintaining a balanced set of science and aeronautics research programs, and developing a new launch system capable of taking humans beyond the low earth orbit, a feat the Shuttle cannot do.

The bill is also meant to reaffirm Congress's unwavering support for NASA so as to remove any doubt the next administration might have about Congress's commitment to NASA's program and to NASA's policies.

By being a 1-year bill, it also is designed, I think, to not tie the hands of the next administration to a long-term strategy. To the contrary, H.R. 6063 is designed to give the next President an opportunity to work with the next Congress to fashion a long-term strategy that is consistent with the administration's desires as well as the wishes of Congress.

H.R. 6063 contains a number of important provisions. It authorizes $19.2 billion for NASA for fiscal year 2009 and provides an additional $1 billion to accelerate development of the new *Constellation* crew vehicle launch system. It emphasizes that NASA should maintain a strong and balanced array of science, aeronautics, and human spaceflight programs and also directs NASA to fly out its full manifest of Shuttle missions, including those dedicated to flying spare parts to the International Space Station, as well as adding a flight to take the Alpha Magnetic Spectrometer to the ISS as we originally committed to do so some years ago. This experiment was stricken from the Shuttle manifest following the *Columbia* tragedy, but I think given the huge sunk investment in AMS, we ought to make good on our original commitments to fly this expensive instrument to the ISS.

H.R. 6063 directs NASA to continue the important task of developing the *Constellation* system which will provide our country with a modern, more robust and safer manned spaceflight capability that will enable our astronauts to fly out of low earth orbit, an ability we haven't had since the retirement of *Apollo* over 30 years ago.

As most of you are aware, once the Shuttle is retired at the end of this decade, our country will have to buy seats from the Russians for as long as maybe 5 years even to assure U.S. presence on the International Space Station. Our payments for rides on Soyuz spacecraft have not yet been negotiated, but it's going to be expensive. NASA estimates it will cost more than $2 billion, and sadly, we're making these purchases at a time when NASA will be laying off thousands of engineers and technicians from the Shuttle program in an effort to minimize our reliance on the Russians.

As I mentioned a moment ago, this bill authorizes an additional $1 billion to speed up the development of the new *Constellation* system. This initial investment is more than justified.

This bill also includes a number of provisions to encourage NASA working with the private sector to foster development of a domestic cargo launch capability primarily designed to take supplies to the space station. In addition, 6063 includes language directing NASA to solicit for commercial crew launch capability.

Turning to other parts of NASA, let me quickly say H.R. 6063 embraces a number of recommendations that were put forth by the witnesses from government, from industry, from academia, and testified, all of them testified in hearings before our committee over the previous 18 months. These are sensible provisions designed to strengthen aeronautic space science and earth science research programs, encourage technology, risk reduction policies and activities, foster efficient technology, transfer from NASA to other Federal agencies under the private sector, detect and mitigate the threat of near-earth objects, and research and monitor the effects of space weather on satellites.

□ 1530

This list is not exhaustive, but I wanted to mention these few examples to emphasize to all Members the breadth of this bill and how it improves upon many of NASA's activities and programs.

So as we stand here today, the space shuttle is in orbit, wrapping up another assembly mission to the International Space Station. May I add that the spouse of one of our Members, Representative GIFFORDS of Arizona, is currently commanding this mission.

NASA has had two other recent success activities. Just 15 days ago, the Phoenix Mars Lander successfully completed a soft landing on the red planet's surface and is in the early stages of searching for evidence of ice and organic compounds. And yesterday, NASA successfully launched a gamma-ray large area space telescope onboard a Delta II rocket.

These are but three of the most current NASA accomplishments. There are many, many other great achievements in aeronautics, space science, and Earth science research that I could talk about, but time doesn't permit. Suffice it to say that NASA is one of the most exciting and innovative Federal agencies, and it serves as a huge inspiration to our young people to take a serious interest in math and science education.

Before closing, I want to point out that during development of this bill, the subcommittee Democratic staff have been very open and forthright, sharing early ideas and drafts of the bill with our Republican staff. It has been a close and productive partnership, and I want to especially praise the work and hard work of my good, personal friend Dick Obermann. And I certainly want to thank our chairman, Chairman BART GORDON.

Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, first let me say very sincerely say that there is no Member of Congress that has had greater interest than Mr. HALL in NASA. As a Texan and a proud American, he has taken particular interest in the safety of the astronauts, as well as trying to reap the maximum amount of health benefits from the investment that we've made. He has played just an enormously constructive role, and I thank him for that.

We also thank Mr. UDALL, the chairman of the Space and Aeronautics Subcommittee, for working in a bipartisan way. He had a number of really thoughtful hearings. He's put together a bill that came out of his subcommittee unanimously, and because he did such a good job there, it was unanimous out of the full committee. So I thank my friend from Colorado.

I yield to the gentleman from Colorado (Mr. UDALL) 5 minutes.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. I thank the gentleman for yielding.

Madam Chairman, earlier this year, I introduced the NASA Authorization Act of 2008, a bill to reauthorize the programs of the National Aeronautics and Space Administration for the fiscal year 2009. Today, I rise to urge my colleagues in the House of Representatives to pass this bill and send it on to the Senate.

The bill passed the Committee on Science and Technology and the Subcommittee on Space and Aeronautics with unanimous support, as our chairman pointed out. It represents a strong, bipartisan effort to ensure our continued leadership in space and aeronautics and to ensure that NASA's programs contribute to our science, technology, engineering, and mathematics education efforts, to our Nation's Innovation Agenda, and to practical benefits for our citizens.

I, too, want to thank Science and Technology Committee Chairman BART GORDON, Ranking Member RALPH HALL, and my fellow ranking member on the Space and Aeronautics Subcommittee, TOM FEENEY from Florida, for being original cosponsors, as well as providing thoughtful input into this bill.

I would also like to thank the excellent staff on both the majority and minority side for their outstanding work on this bill. On my staff, my dedicated and tireless staff member, Wendy Adams, Richard Obermann, Pam Whitney, Allen Li, and Devin Bryant, as well as John Piazza have all been instrumental in moving this bill forward.

I want to particularly point out the great contribution—I think the chairman would agree with me—of Dick Obermann. We benefit in the committee, the Nation benefits and this House of Representatives benefits from Dick's insights, his knowledge, and the relationships he's built. Anyone in the NASA orbit knows Dick Obermann's many, many contributions. So I want to particularly point out his great contributions to the committee and to NASA.

On the minority side, I want to thank Ed Feddeman, Ken Monroe, and Lee Arnold as well. They have been very helpful in the work on this piece of legislation.

Madam Chairman, the bill sets fiscally responsible policies and provisions for a balanced set of science, aeronautics, and human spaceflight programs.

The baseline funding level authorized for NASA in fiscal year 2009, $19.21 billion, represents simply an inflation increase of about 2.8 percent over the NASA Authorization Act of 2005, legislation that the President signed into law.

I don't want to go into great detail about the many provisions of the bill but will include my longer statement for the RECORD.

Madam Chairman, 2008 represents the 50th anniversary of the birth of the U.S. space program and the establishment of NASA. NASA has accomplished a great deal in both space and aeronautical R&D over these past five decades, and we can all take pride in what has been accomplished. However, we cannot become complacent.

The testimony and constructive input of countless hearings, witnesses, and outside experts and organizations that led to H.R. 6063 conveyed a consistent message: that NASA has not been given the funding it needs to successfully carry out all of the important tasks that the Nation has asked of it. If we fail to adequately invest in NASA now, it is unlikely that we will see a comparable record of accomplishment over the next five decades, at a great opportunity cost to the Nation.

I am gratified by the support that H.R. 6063 has garnered to date, including the Chamber of Commerce, the National Association of Manufacturers, the Aerospace Industries Association, the Association of American Universities, the University Corporation for Atmospheric Research, the International Federation of Professional and Technical Engineers, and the University Space Research Association.

I urge all my colleagues to support H.R. 6063 to ensure that our Nation remains the leader in space and aeronautics programs.

Madam Chairman, on May 15, 2008 I introduced the "NASA Authorization Act of 2008," H.R. 6063, a bill to reauthorize the programs of the National Aeronautics and Space Administration for Fiscal Year 2009.

Today I rise to urge my colleagues in the House of Representatives to pass this bill and send it on to the Senate.

This bill passed the Committee on Science and Technology and the Subcommittee on Space and Aeronautics with unanimous support.

It represents a strong bipartisan effort to ensure our leadership in space and aeronautics and to ensure that NASA's programs contribute to our science, technology, engineering, and mathematics (STEM) education efforts, to the Nation's innovation agenda, and to practical benefits for our citizens.

I would like to thank Science and Technology Committee Chairman BART GORDON, Ranking Minority Member RALPH HALL, and Space and Aeronautics Subcommittee Ranking Minority Member TOM FEENEY for being original cosponsors of this bill.

Madam Chairman, this bill sets fiscally-responsible policies and provisions for a balanced set of science, aeronautics, and human spaceflight programs.

The baseline funding level authorized for NASA in FY 2009—$19.21 billion— represents simply an inflationary increase of about 2.8 percent over the NASA Authorization Act of 2005, legislation that the President signed into law.

H.R. 6063 also reflects the conviction that NASA is as much a contributor to the nation's innovation agenda as any of the other agencies included in the America COMPETES Act that was enacted into law last year.

Thus, includes provisions and funding directed at supporting opportunities for hands-on training of the next generation of scientists and engineers.

In addition to the baseline authorization, H.R. 6063 contains a directed funding augmentation intended to help accelerate the date when the Orion Crew Exploration Vehicle and Ares Crew Launch Vehicle can attain operational status.

A series of policy failures over a number of years have brought us to the point where we will have an unavoidable gap in the United States' ability to get its astronauts into space independently.

Providing the additional funding in FY 2009 can help narrow the gap while also putting in place the space transportation system that will help us carry out exciting and important exploration missions beyond low Earth orbit in the decades to come.

Madam Chairman, NASA's programs are strongly relevant to addressing the nation's needs.

In short, a properly balanced and focused NASA portfolio can pay large dividends to our society as well as to our standing in the world, and maximizing the value of the NASA portfolio to the nation is one of the main goals of the NASA Authorization Act of 2008.

To that end, H.R. 6063 establishes a role for NASA in leading a cooperative international effort on Earth observations research and applications, especially with respect to climate change-one of the major challenges facing our generation.

In addition, the bill includes a series of provisions to ensure that NASA's aeronautics program gets the resources it needs to remain one of the most relevant activities of the agency—one that impacts our quality of life, public safety, the vitality of the economy, and our national security.

H.R. 6063 also includes provisions to ensure that the International Space Station—a unique orbiting R&D facility that represents a significant investment of resources by both American citizens and those of a host of other nations—will be utilized in as productive a manner as possible.

The ISS is also a compelling example of the value of undertaking a cooperative approach to space exploration. To that end, H.R. 6063 makes clear that any human exploration initiative to return to the Moon and venture to other destinations in the solar system should be undertaken as a cooperative international undertaking under strong U.S. leadership.

Madam Chairman, 2008 marks the 50th anniversary of the birth of the U.S. space program and the establishment of NASA.

NASA has accomplished a great deal in both space and aeronautical R&D over those past five decades, and we can all take pride in what has been accomplished. However, we cannot become complacent.

The testimony and constructive input of countless hearing witnesses, outside experts,

and organizations that led to H.R. 6063 conveyed a consistent message: that NASA has not been given the funding it needs to successfully carry out all of the important tasks that the nation has asked of it.

If we fail to invest adequately in NASA now, it is unlikely that we will see a comparable record of accomplishment over the next five decades—at a great opportunity cost to the nation.

I am gratified by the support that H.R. 6063 has garnered to date, including the Chamber of Commerce, the National Association of Manufacturers, the Aerospace Industries Association, the American Astronautical Society the American Institute of Aeronautics and Astronautics, the American Meteorological Society, the American Society of Mechanical Engineers, the Association of American Universities, the General Aviation Manufacturers Association, the Information Technology Association of America, the International Federation of Professional and Technical Engineers, the Institute of Electrical and Electronic Engineers-USA, the National Business Aviation Association, the National Space Society, the Personal Spaceflight Federation, the Planetary Society, the Universities Space Research Association, and the University Corporation for Atmospheric Research.

I urge my colleagues in the House of Representatives support H.R. 6063 to ensure that our Nation remains the leader in space and aeronautics programs.

Mr. HALL of Texas. Madam Chairman, I yield to Mr. FEENEY, the gentleman from Florida, 3 minutes.

Mr. FEENEY. I want to thank Ranking Member HALL and Chairman GORDON and, as they pointed out, all of the staff on both sides that made possible a bipartisan bill that got unanimous support in the committee.

I also want to suggest that terrific staff work on both sides and transparency and openness in the process is sort of a model that this Congress ought to try to emulate more often, and I want to thank, again, Chairman GORDON and Chairman UDALL for doing that.

By the way, this is likely to be, since he's not running for reelection, Chairman UDALL's last reauthorization as a House Member. He has been a champion on space issues. He's been a great friend and a delight to work with, and I know that he will continue to be a champion for space and aeronautics. And so I really appreciated the chance to work with you.

And following me I think at some point will be Congressman WELDON, my neighbor to the south. We share the different assets of Kennedy Space Center, Patrick Air Force Base, and Congressman WELDON will not be running for office again anytime soon, at least not the House. We appreciate DAVE WELDON's leadership. He's been a terrific advocate for space in general and Kennedy Space Center and human spaceflight in specific.

So it's been terrific to work with two great leaders that will not be working with us in all likelihood next year.

NASA was created in response to the Soviet Union's launch of Sputnik in 1957. The space age had begun. Fifty years have now passed. America is still the world's preeminent spacefaring Nation. NASA helped lead us to that status.

Today, we build on that foundation. We have laid out a comprehensive blueprint for sustaining a healthy and vigorous NASA during the next administration, and as Chairman GORDON pointed out, we don't know who the next President will be. We don't know who their next NASA administrator will be, but the starting point for the next administration's space program has been designed right here in the House of Representatives, thanks to the leadership of the people that you are hearing from.

Considerable care has been devoted to all elements of NASA's portfolio, human spaceflight, earth and space sciences, and aeronautics. I look forward to continued success and excellence in all of these endeavors. Each success sustains America's technical prowess and brings enormous prestige to the American people.

Because I represent the Kennedy Space Center, I want to particularly note this bill's unambiguous endorsement of America's human spaceflight program. By the way, all of our human spaceflight program has an international component to it.

Five years ago, America was stunned by the loss of the Shuttle Columbia. We had to re-examine our objectives for human spaceflight and articulate a more sustainable vision for our future spacefaring. We have done so, and this bill continues that progress by providing much-needed stability, on a bipartisan basis, in our strategy and architecture for human spaceflight.

The shuttle has resumed flight. We are having a successful mission as we speak today. We will complete the International Space Station and then strive to utilize its enormous potential. And we will also set forth to explore beyond lower orbit, starting with the moon and then beyond, for the future of humankind.

These are ambitious goals, but Americans are a strong, optimistic people willing to take up and meet any challenge. And as this bill highlights, America invites others throughout the world to join us in this journey. It is done on behalf of all mankind.

NASA's human space exploration and satellite programs publicly demonstrate America's spacefaring prowess. Other Nations are striving to achieve what America has already accomplished.

In prior generations, mastery of the sea and air brought global power and prestige. Today, such power and respect accrues to those mastering space. This bill sustains America's prowess in space, and I urge its passage.

Mr. GORDON of Tennessee. Madam Chairman, I recognize the gentlelady from Florida (Ms. WASSERMAN SCHULTZ) for 3 minutes.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I rise to support the NASA authorization act and to thank Chairman GORDON and Representative UDALL for their leadership and exceptional work on this bill.

On May 31, I experienced the thrill of attending the most recent shuttle launch in Cape Canaveral, Florida. As I witnessed the intense brightness of the rockets' afterburners and felt the rumble of the Earth as the shuttle lifted off, I could feel the pride and strength of American innovation and technological leadership.

I have to tell you that I was surprised at how emotional I felt watching the shuttle hurtle towards the sky, and my heart really burst with pride in the American spirit and our ability to move forward generation after generation. The continuity of the space program is critical to maintaining this leadership.

The space shuttle is scheduled to retire in just 2 years, yet a lack of funding has delayed its replacement until at least 2015. Without adequate funding, not only would we lose jobs, but we would be forced to rely on Russia to access the International Space Station.

The economic return on our investment in the space program is far greater than many realize. In fact, NASA's budget accounts for less than sixtenths of 1 percent of the Federal budget, and yet the benefits of space exploration are vital to our daily lives.

Our TVs, cell phones and computers, as well as the military and weather forecasters all rely on satellite technology developed through space exploration.

Last year, Speaker PELOSI announced ''The Speaker's Innovation Agenda,'' an action plan to keep America as the leader in global science and technology. This agenda includes educating a new generation of innovators and committing to research and development.

By supporting NASA today, we are committing to innovate, to create new opportunities and markets, to drive discovery, and to push the boundaries and limitations that are before us.

It is vital that we instill this curiosity and drive in the next generation. I know it was instilled in the next generation that I'm raising because my son announced to me after he saw the shuttle launch, he said, ''Mom, I want to be an astronaut.''

And for me, as the National Chair of the Women's High Tech Coalition and co-chair of the Young Women's Task Force, I want to express particular support for the Hodes amendment, which establishes a scholarship program in honor of Christa McAuliffe, the teacher who died in the *Challenger* Space Shuttle disaster.

The scholarships will go to women pursuing degrees in mathematics, science, and engineering, and would further support women seeking careers in fields related to NASA's mission. We really need to expand the young women's and young girls' interest in the science and mathematical fields.

As leaders and legislators, we must work to harness the talent, intellect, and entrepreneurial spirit of Americans.

I urge my colleagues to support this bill to ensure that NASA has the resources to continue to promote American competitiveness.

Mr. HALL of Texas. Madam Chairman, I yield 3 minutes to Dr. WELDON, the gentleman from Florida.

□ 1545

Mr. WELDON of Florida. I thank the gentleman for yielding, and I rise in support of the underlying bill. And I commend the gentlelady from Florida for her inspiring words.

This bill is on the right track by extending shuttle operations, giving NASA the option to extend shuttle operations beyond 2010. Taking away the artificial 2010 deadline and allowing NASA to finish all the flights currently on the manifest will give NASA more flexibility and provide needed transportation to the International Space Station and help lessen the severity of the gap.

However, I want to underscore that this bill does not fix the problem established by this administration. And my hope is that the next administration and the next Congress will fix this problem of putting NASA and the United States in a situation where we will be dependent on the Russians to put our astronauts into space for possibly longer than 5 years.

The Government Accountability Office recently testified before a congressional committee indicating that there are a number of technological challenges facing the Constellation program, the program to replace the shuttle, and that delays in the program could occur and could lengthen this gap beyond the 4½ to 5 years that it currently is.

History has shown time and time again that complex technological problems often lead to delays, and that attempts at closing gaps can often be frustrated. Therefore, it is my opinion that the only way to assure that we do not get a lengthening of the gap, and the only way to make sure that we eliminate this gap is to extend shuttle operations.

Now, I was very disappointed in the Statement of Administration Policy on this bill that whoever was responsible for drafting this thing, they chose to dig up the canard that it is unsafe to extend shuttle operations beyond 2010. The truth is that the last shuttle that flies in 2010 will be the same shuttle that flies in 2011 if we extend shuttle operations. And if we are to argue that it is unsafe to fly the shuttle beyond 2010, you could just as easily argue that it's unsafe to fly it today. The truth is, after the improvements that have been made after the Columbia and the Challenger disasters, the shuttle that flies today is the safest shuttle that we have ever flown. And yes, going into outer space has its risks, but we choose to do so because we are a Nation of explorers, and we feel that the risks are justified for the benefits of space exploration.

I just also want to point out that relying on the Soyuz vehicle—supposedly because it's safer, as the administration is implying in their statement—is not exactly correct. We just recently saw a situation where the returning Soyuz vehicle was thrown off course into a dangerous ballistic reentry, exposing the astronauts on board, including a female astronaut, Peggy Whitson, to very dangerous G forces.

The CHAIRMAN. The time of the gentleman has expired

Mr. HALL of Texas. I yield the gentleman an additional minute.

Mr. WELDON of Florida. This bill is a step in the right direction. It gives NASA the ability to extend shuttle operations. And I want to just point out, there is a very important scientific mission, the Alpha Magnetic Spectrometer mission. We spent $1.5 billion building that piece of machinery, and NASA's current plan is to leave it on the ground. This bill correctly calls for launching that mission, and it is the right thing to do. To spend all that money to build that thing and then to never launch it is just wrong.

However, I do want to underscore that the future Congress and the next administration is going to have to wrestle with the issue of getting the funding in the appropriation process. But I just want to say that, based on current economic growth, over the next 5 to 7 years 1 trillion additional dollars is going to come into this U.S. Treasury.

This is a matter of priorities. The American people support our space program. It's the right thing to do to keep the shuttle flying beyond 2010.

Mr. GORDON of Tennessee. Madam Chairman, I yield 3 minutes to another friend and champion of the space program from Texas (Mr. LAMPSON).

Mr. LAMPSON. Madam Chairman, I am honored to join my colleagues from the Science Committee to support H.R. 6063. I particularly want to commend Chairman GORDON and Chairman UDALL, and Ranking Members HALL and FEENEY, the committee staff, for all of their hard work and their effort to make this an inclusive process. This legislation enjoys broad support, and I believe that it provides the stability and direction necessary to sustain NASA through this transition period.

I am proud that we will be able to provide a much needed 11 percent increase in the funding over FY08 that will help NASA get back on track. This inflationary increase will allow NASA to operate the shuttle program, accelerate the development of Constellation, and refocus its efforts on science and research without having to rob Peter to pay Paul.

I'm also pleased that this legislation directs NASA to fly the ''contingency flights'' and to take all necessary steps to deliver the Alpha Magnetic Spectrometer that we just heard about from our colleague, Mr. WELDON to the International Space Station. This will ensure the space station's viability and use for its intended purpose as a national lab well into the next decade.

In addition to being one of the most valuable foreign policy tools that we have, there is no doubt in my mind that research conducted on the space station will yield great discoveries that will benefit all Americans and all of mankind.

I would especially like to thank the chairmen and ranking members for adopting language on issues that I have particularly championed and believe will also help secure NASA's future. This includes the Small Business Alliance Outreach and Technology Assistance Program (SATOP).

Building on the partnership between NASA centers, institutions of higher learning, and industry partners, this initiative will further the agency's mission of technology transfer in a unique way by providing free technical assistance to small businesses who cannot afford to have an engineer or a rocket scientist on their staff. Solving technical problems will mean these businesses will help grow our economy and create and retain jobs.

I have also worked to make sure that, as we face the space flight gap and the loss of a highly skilled workforce, that we are cognizant of the fact that we risk losing the imagination of the next generation of scientists and engineers and diminishing their desire to serve our Nation's space program.

Well, the fact that we are already falling behind when it comes to awarding advanced degrees in math, science and engineering means that we must focus on K–12 education now more than ever so that we don't lose our technological edge.

This bill provides an 11 percent increase over FY08 funding, including NASA's educational programs. I believe that some of this increase should go toward continuing the EarthKAM program and expanding NASA's participation in robotics competition. Bringing NASA directly into classrooms across the country and encouraging hands-on learning is a great way to spark a hopefully life-long interest in math and science.

So as we continue with this transition from shuttle to Constellation and a new administration in about 6 months, we must be mindful of providing stability and support for our Nation's space program at this critical juncture. I believe this bill provides both, and I urge my colleagues to support it.

Mr. GORDON of Tennessee. Madam Chairman, I yield 4 minutes to the chairman of the Technology Innovation Subcommittee, Mr. WU of Oregon.

Mr. WU. Madam Chairman, I rise as a cosponsor in support of H.R. 6063.

When NASA was born in response to the launch of Sputnik, many Americans were scared of what it meant for

Russia to have space capabilities. Congress' passage of the National Aeronautics and Space Act of 1958 created NASA and marked the beginning of the space race between America and Russia.

Just 11 years after NASA was created, and only 9 years after President Kennedy threw a cap over the wall, the United States landed the first humans on the Moon. Since then, NASA has had its share of its successes and challenges, but in the end NASA is an example of what can be accomplished when the President and Congress share a vision, a common vision, and when funds are devoted toward that vision.

As Speaker PELOSI says, ''a budget is the tangible embodiment of our values, of what is important to us and what is not.'' We are considering this bill 50 years after the creation of NASA. We are at a singular point in time, the space shuttle will retire soon. And while we develop the next generation crew exploration vehicle, we will, for the first time, rely on other countries to take Americans to space. In the meantime, more and more countries are developing space capabilities. To keep us in the game, this bill provides an extra $1 billion to accelerate the development of the next crew exploration vehicle and shorten the American space flight gap.

Space has become more competitive. Where we only competed with Russia, we will soon compete with several countries to maintain our leadership in space. This bill includes a provision to ensure that the United States leads an international cooperation initiative with these countries promoting the peaceful exploration of space.

Today, NASA is funded at a much lower percentage of our GDP than when it was first created. At a time when other countries are aggressively investing in their space capabilities, Congress needs to send the message that it continues to support NASA and its mission by providing the appropriate and necessary funds. This bill does just that. And I want to commend Mr. UDALL, Chairman GORDON, and Ranking Member HALL for a very strong bill, and I urge its passage.

Mr. HALL of Texas. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. First and foremost, I would like to congratulate my colleagues for the hard work that's been put into this legislation, MARK UDALL and BART GORDON, of course, on the majority side, and also, of course, TOM FEENEY and RALPH HALL on the minority side of this. This is a bipartisan effort. It always has been.

RALPH HALL will be submitting my amendment for me, which will be the second amendment up today. Let me just note that my amendment simply suggests that NASA should put on its priority list seeking cooperation between the United States and our European and Russian friends to try to have an international effort to detect and deflect near-Earth objects. What that means is, if there are asteroids or comets that might be out there and might threaten the Earth, perhaps threatening millions of lives, that my amendment simply says the United States should not bear the entire burden and cost of identifying them and tracing their trajectory to see if they threaten the Earth, but we should be trying to recruit our friends and make it an international effort.

I just recently came back from Berlin and Moscow, where this idea received a very, very warm response from these other spacefaring nations, and they're really anxious to work with us. This instructs NASA to take advantage of that spirit of cooperation, take the burden off the American taxpayers a little bit, and make sure this job gets done.

I appreciate that Chairman GORDON and Ranking Member HALL have both supported this legislation. And RALPH will be submitting it for me in a few minutes.

Thank you very much, BART. Thank you very much, RALPH. And I want to thank all of you and the staff for doing such a great job in this committee.

Mr. GORDON of Tennessee. Madam Chairman, I yield 3 minutes to the gentlelady from Texas, a great supporter of NASA, Ms. JACKSON-LEE.

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

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman of the committee. It's really good to be with him, in spite of holding us over. We are still here fighting the good fight.

Chairman GORDON, thank you for your leadership and the work that you've done, of course, with the chairman of the subcommittee, Mr. UDALL, and my very dear colleague, who has been an advocate, Congressman NICK LAMPSON, who has worked closely on this issue, to the ranking member, Mr. HALL, and of course the ranking members on the respective committees. I rise today to enthusiastically support this legislation dealing with NASA's authorization.

I was reflecting on the history of authorization, and the committee should be commended. This is not a very easy task to get an authorization bill out, and we have done so. And I'm very proud that this Congress, this Democratic Congress has done so.

Today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Our children depend on us to do this.

Space exploration remains part of our national destiny. Knowing the cutting edge of technology, the research on HIV/AIDS, on stroke, on heart disease, on cancer, all of this has occurred through NASA exploration and the International Space Station. It inspires our children to look at the stars and dream of what they, too, one day may achieve.

Space exploration allows us to push the bounds of our scientific knowledge as we carry out research projects not possible within the constraints of the planet Earth. Just an anecdote, when I have an annual Christmas party of 3,000 children, the astronauts that come are more popular than Santa Claus. That should be the test for continuing this wonderful effort to ensure that America always stands at the forefront of innovativeness.

□ 1600

As a Nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our Nation in 1962 calling it the ''greatest adventure on which man has ever embarked.'' Despite the setbacks of recent years, including the tragedy that befell the Space Shuttles *Columbia* and *Challenger*, NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, NASA began its operation. It consisted of only about 8,000 employees and an annual budget of $100 million, but it is now in its 50th year, and we are going further.

President Kennedy in 1961 said, ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth.''

Believe it not, we have now had men going into space, and we have just recently had the fiftieth woman going into space. This is an important challenge. And this legislation today provides us with an opportunity to save the 18,000 employees and to begin to look to a funding system that will continue our journey.

H.R. 6063 is addressing serious concerns. Between 2010, when the space shuttle will be phased out, and 2015 when the next generation human space flight is likely to become operational, the United States will have no method of transportation to the space station that we have already invested in.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. GORDON of Tennessee. I yield the gentlewoman 1 additional minute.

Ms. JACKSON-LEE of Texas. With this legislation, we are going to deliver important hardware, the Alpha Magnetic Spectrometer, through an additional extension. The bill also authorizes $1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle, the successor to the space shuttle, in hopes of narrowing the gap.

We are also allowing one more shuttle trip for the space shuttle. This is helpful to Johnson. We don't want to

lose jobs. We want to support this effort. And we may want to reconsider, as we go forward, the retiring of the space shuttle.

Let me thank the committee for supporting, as well, my small business amendment that addresses the question of giving training, technological training, to veterans-owned businesses, to HUB businesses, to women-owned businesses and minority-owned businesses so they can be part of the cutting edge of science.

I conclude simply by saying that President Kennedy set the mark. I am glad this committee and this Congress is carrying the torch. We must continue space exploration. It is our duty. It is our challenge. It is our obligation as patriots. And it is for the future of our children. On with the space. This legislation gets us there.

Madam Chairman, I rise today in strong support of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. As we mark the 50th anniversary of the establishment of the United States space program, this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. I would like to thank Congressman UDALL for introducing this important legislation, as well as Science Committee Chairman GORDON for his leadership in bringing this bill to the floor today.

I would also like to thank Chairman GORDON for his support of an amendment that I am offering. My amendment modifies section 1108 of the bill, and it states:

(1) in subsection (a), strike ''small businesses'' and insert ''small, minority-owned, and women-owned businesses''; and

(2) In subsection (b)(2), insert '', giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUB Zone small business concerns'' after ''to small businesses.''

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. I would like to thank my colleague and fellow Texan, Congressman LAMPSON, for his leadership in authoring the important section describing the NASA Outreach and Technology Assistance Program, and for supporting my amendment.

Madam Chairman, today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our nation on the forefront of innovation and exploration. After the Columbia disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth. As a nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our nation in 1962, calling it the ''greatest adventure on which man has ever embarked.'' Despite the setbacks of recent years, including the tragedy that befell the Space Shuttle *Columbia*, NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA and the Jet Propulsion Laboratory have been involved in many defining events occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: ''I believe this Nation should commitment itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish.'' The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Today, NASA is the nations' primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation reaffirms the fundamental operating principles of NASA, emphasizes the importance of NASA leadership in a range of endeavors such as Earth observations and research, aeronautics reach and development, and an exploration program. It authorizes $20.21 billion in NASA funding for FY 2009.

Madam Chairman, in addition to this funding, H.R. 6063 begins to address what many of us believe is a serious problem that we will face in the coming years. Between 2010, when the space shuttle will be phased out, and 2015, when the next-generation human spaceflight vehicle is likely to become operational, the United States will have no method of transportation to the International Space Station, which we have already invested a great deal of American resources in. This legislation allows for an additional space shuttle flight to the International Space Station, to deliver important hardware (the Alpha Magnetic Spectrometer). The bill also authorizes $1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle, the successor to the space shuttle, in hopes of narrowing the gap.

Always on the forefront of technological innovation, NASA has been home to countless ''firsts'' in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community. I strongly urge my colleagues to join me in support of this legislation, and in support of the future of American innovation and exploration.

Mr. HALL of Texas. Madam Chairman, I have no further speakers.

I yield back the balance of my time.

Mr. GORDON of Tennessee. In conclusion, Madam Chairman, let me once again thank my partner and friend from Texas (Mr. HALL) for his help and leadership in putting this bill together. RALPH, this is the 36th bill that we have brought to this floor, all of which have been bipartisan. All but one has been unanimous. Thank you for your help.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of H.R. 6063, the NASA Authorization Act of 2008.

Since the beginning of flight, my home State of Ohio has played a critical role in the aerospace industry. From Wilbur and Orville Wright and the invention of the airplane, to the first American-manned orbital mission by Senator John Glenn, to Neil Armstrong's famous walk on the Moon—Ohioans have been instrumental in maintaining the United States leadership in space.

Fifty years after the creation of NASA, Ohio continues to play an important role in the aerospace industry. Ohio's NASA Glenn facility pioneered the use of liquid hydrogen as a rocket fuel—enabling astronauts to reach the Moon. And today, NASA Glenn is working to build cutting-edge vehicles that will one day send a new generation of explorers to the Moon and Mars.

NASA's economic impact in Ohio is deep and far-reaching. Today, Ohio's aerospace industry includes 600 companies and employs more than 66,000 Ohioans each year.

It is clear that NASA provides significant benefits to the American people. That's why I am proud to support H.R. 6063. It is a fiscally responsible bill that works to ensure that NASA has the resources it needs to successfully conduct a balanced set of missions in human spaceflight, science, and aeronautics.

This bill recognizes that NASA is an important contributor to the Nation's innovation agenda and builds on the provisions included in last year's ''America COMPETES Act.'' H.R. 6063 includes provisions that will provide our Nation's next generation of engineers and scientists with the hands-on training and education they need to advance our space program.

Madam Chairman, on the 50th anniversary of the U.S. space program and the establishment of NASA, I urge my colleagues in joining with me in supporting this important bill.

Mr. CALVERT, Madam Chairman, I commend Subcommittee Chairman UDALL, Chairman GORDON and Ranking Members HALL and FEENEY and their staff for their work on this bipartisan bill. It is most appropriate that we recommit our Federal support and investment to

our Nation's civilian space and aeronautics agency during this 50 anniversary year.

NASA has been the Nation's leading catalyst for innovation and technology based on 50 years of broad public support and strong bipartisan political leadership. The agency's work is linked to larger issues like national security, global warming, and American competitiveness. This valuable research is also the genesis of tens of thousands of high-tech jobs in America and millions of dollars into our economy.

H.R. 6063 largely follows in the tradition of the NASA Authorization Act of 2005, the first authorization bill to endorse the Vision for Space Exploration which chartered the agency to move beyond low-Earth orbit.

I enthusiastically support most measures in this reauthorization including: the reasonable increase in authorization levels which allows the agency to maintain a balanced and robust portfolio of exploration, science and aeronautics activities; the accelerated development of the Orion and Ares launch systems in order to minimize U.S. reliance on Russia for access to the International Space Station; and the full authorization of the Commercial Orbital Transportation Services program, as well as the funding to develop a commercial crew capability under this program.

I am somewhat concerned about language that may inappropriately tie the administrator's hands by requiring three shuttle flights; two contingency and one for the Alpha Magnetic Spectrometer, before the fleet's final retirement. I understand why the committee has included the language but I also encourage the Science Committee leadership to work with the NASA administrator to alleviate the outstanding concerns about NASA's ability to properly manage the shuttle fleet and the remaining flight manifest without the mandated flexibility; especially if under unexpected budget and safety constraints.

Overall, I am happy to lend my strong support to this reauthorization. I believe it does a comprehensive job of providing NASA the rules and tools to succeed in this Second Space Age. There is not a NASA center in the 44th Congressional District of California, but I understand the criticality of the agency's success and its impact on our Nation's prosperity. I encourage all my colleagues to rediscover the many ways our constituents benefit from the agency's important work. We do not consider this legislation in a vacuum. Other nations are actively pursuing human spaceflight and exploration. China and India are out-producing us in engineering graduates each year many times over. NASA, with its excellent reputation in exploration, science and aeronautics is the one national agency which can focus and inspire America's youth to take up the challenging work of math and science careers.

Again, I want to thank the Science Committee leadership and their hard-working staff for their efforts in putting together this bill. I understand it will be important to have a solid civilian space and aeronautics blueprint for the next Administration to follow. I encourage my colleagues to support H.R. 6063.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, the National Aeronautics and Space Administration is a strong economic driver in the State of Texas and an important national resource.

My colleagues and I on the House Committee on Science and Technology have worked on this legislation to reauthorize many of NASA's programs for 1 year. This action will provide a funding bridge until next year, and it will provide important funding for research and programs in the areas of science, aeronautics, exploration, education, space operations, cross-agency support programs and other activities.

NASA celebrates 50 years since its establishment. For 50 years, NASA research has enabled scientists to continue to do groundbreaking research in a zero-gravity environment, with untold benefits. For example, one of the many spinoff technologies from the Hubble telescope is the use of its Charge Coupled Device (CCD) chips for digital imaging breast biopsies.

The resulting device images tissue more clearly and efficiently than other technologies. The CCD chips can detect the small differences between a malignant or benign tumor, without the need for a surgical biopsy. This saves the patient weeks of recovery time, and the cost for this procedure is hundreds of dollars vs. thousands for a surgical biopsy. With over 500,000 women needing biopsies a year, the economic benefits are tremendous, not to mention the reduction in pain, scarring, radiation exposure, time, and money associated with surgical biopsies. Of course, this is just one of so many examples of NASA research that benefits society with broader applications.

H.R. 6063 authorizes $20.21 billion in funding for NASA in fiscal year 2009. I support this legislation and urge NASA to continue its education efforts. A well-educated technical workforce is essential to NASA's success, and it is imperative for the agency to continue to invest in education as well as its other activities.

Again, I want to congratulate NASA for 50 years of stellar work.

Mr. COSTELLO. Madam Chairman, I rise today in support of H.R. 6063, which authorizes the National Aeronautics and Space Administration (NASA) for fiscal year 2009. As a member of the Science and Technology Committee, I am pleased that this bill has reached the floor with the full bipartisan support of the committee. H.R. 6063 reaffirms the basic principles that NASA is and should remain a multimission agency with a balanced portfolio of programs in science, aeronautics, and human space flight, including human and robotic exploration beyond low-Earth orbit.

This year marks the 50th anniversary of the establishment of the National Aeronautics and Space Administration (NASA) and the dawn of the United States space program. H.R. 6063 honors this accomplishment with an affirmation of the administration's goals of transitioning to new space vehicles, sending astronauts to Mars and repairing the Hubble telescope. I believe this bill makes important investments in aeronautic research and development while continuing NASA's important work to carry us into the next half century of space exploration. Madam Chairman, I encourage my colleagues to support this bill.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

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

The text of the committee amendment is as follows:

H.R. 6063

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 ''National Aeronautics and Space Administration Authorization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

Sec. 101. Fiscal year 2009.

TITLE II—EARTH SCIENCE

Sec. 201. Goal.
Sec. 202. Governance of United States Earth observations activities.
Sec. 203. Decadal survey missions.
Sec. 204. Transitioning experimental research into operational services.
Sec. 205. Landsat thermal infrared data continuity.
Sec. 206. Reauthorization of Glory Mission.
Sec. 207. Plan for disposition of Deep Space Climate Observatory.

TITLE III—AERONAUTICS

Sec. 301. Environmentally friendly aircraft research and development initiative.
Sec. 302. Research alignment.
Sec. 303. Research program to determine perceived impact of sonic booms.
Sec. 304. External review of NASA's aviation safety-related research programs.
Sec. 305. Interagency research initiative on the impact of aviation on the climate.
Sec. 306. Research program on design for certification.
Sec. 307. Aviation weather research.
Sec. 308. Joint Aeronautics Research and Development Advisory Committee.
Sec. 309. Funding for research and development activities in support of other mission directorates.
Sec. 310. University-based centers for research on aviation training.

TITLE IV—INTERNATIONAL EXPLORATION INITIATIVE

Sec. 401. Sense of Congress.
Sec. 402. Stepping stone approach to exploration.
Sec. 403. Lunar outpost.
Sec. 404. Exploration technology development.
Sec. 405. Exploration risk mitigation plan.
Sec. 406. Exploration crew rescue.
Sec. 407. Participatory exploration.
Sec. 408. Science and exploration.

TITLE V—SPACE SCIENCE

Sec. 501. Technology development.
Sec. 502. Provision for future servicing of observatory-class scientific spacecraft.
Sec. 503. Mars exploration.
Sec. 504. Importance of a balanced science program.
Sec. 505. Restoration of radioisotope thermoelectric generator material production.
Sec. 506. Assessment of impediments to interagency cooperation on space and Earth science missions.
Sec. 507. Assessment of cost growth.
Sec. 508. Outer planets exploration.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

Sec. 601. Utilization.
Sec. 602. Research management plan.
Sec. 603. Contingency plan for cargo resupply.

Subtitle B—Space Shuttle

Sec. 611. Flight manifest.

Sec. 612. Disposition of shuttle-related assets.
Sec. 613. Space Shuttle transition liaison office.
Subtitle C—Launch Services
Sec. 621. Launch services strategy.
TITLE VII—EDUCATION
Sec. 701. Response to review.
Sec. 702. External review of Explorer Schools program.
TITLE VIII—NEAR-EARTH OBJECTS
Sec. 801. In general.
Sec. 802. Findings.
Sec. 803. Requests for information.
Sec. 804. Establishment of policy.
Sec. 805. Planetary radar capability.
Sec. 806. Arecibo Observatory.
TITLE IX—COMMERCIAL INITIATIVES
Sec. 901. Sense of Congress.
Sec. 902. Commercial crew initiative.
TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES
Sec. 1001. Review of information security controls.
Sec. 1002. Maintenance and upgrade of Center facilities.
Sec. 1003. Assessment of NASA laboratory capabilities.
TITLE XI—OTHER PROVISIONS
Sec. 1101. Space weather.
Sec. 1102. Space traffic management.
Sec. 1103. Study of export control policies related to civil and commercial space activities.
Sec. 1104. Astronaut health care.
Sec. 1105. National Academies decadal surveys.
Sec. 1106. Innovation prizes.
Sec. 1107. Commercial space launch range study.
Sec. 1108. NASA outreach and technology assistance program.

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as practicable.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important ''seed corn'' on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

SEC. 101. FISCAL YEAR 2009.

(a) BASELINE AUTHORIZATION.—There are authorized to be appropriated to NASA for fiscal year 2009 $19,210,000,000, as follows:

(1) For Science, $4,932,200,000, of which—

(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);

(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;

(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;

(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and

(E) $75,000,000 shall be for Cross-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).

(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—

(A) aviation safety;

(B) environmental impact mitigation, including noise, energy efficiency, and emissions;

(C) support of the Next Generation Air Transportation System initiative; and

(D) investigation of new vehicle concepts and flight regimes.

(3) For Exploration, $3,886,000,000, of which $100,000,000 shall be for the activities under sections 902(b) and 902(d); and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program, $276,500,000 for International Space Station-related research and development activities, and $355,000,000 for research and development activities not related to the International Space Station.

(4) For Education, $128,300,000.

(5) For Space Operations, $6,074,700,000, of which—

(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;

(B) $100,000,000 shall be to augment funding for International Space Station Cargo Services to enhance research utilization of the International Space Station, to remain available until expended; and

(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves and Shuttle Transition and Retirement activities.

(6) For Cross-Agency Support Programs, $3,299,900,000.

(7) For Inspector General, $35,500,000.

(b) ADDITIONAL AUTHORIZATION TO ADDRESS HUMAN SPACE FLIGHT GAP.—In addition to the sums authorized by subsection (a), there are authorized to be appropriated for the purposes described in subsection (a)(3) $1,000,000,000 for fiscal year 2009, to be used to accelerate the initial operational capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle and associated ground support systems, to remain available until expended.

TITLE II—EARTH SCIENCE

SEC. 201. GOAL.

The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall assume a leadership role in developing and carrying out a cooperative international Earth observations-based research and applications program.

SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.

(a) STUDY.—The Director of the OSTP shall enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.

(b) REPORT.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.

SEC. 203. DECADAL SURVEY MISSIONS.

(a) IN GENERAL.—The missions recommended in the National Academies' decadal survey ''Earth Science and Applications from Space'' provide the basis for a compelling and relevant program of research and applications, and the

Administrator should work to establish an international cooperative effort to pursue those missions.

(b) PLAN.—The Administrator shall prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.

SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.

(b) INTERAGENCY PROCESS.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(c) RESPONSIBLE AGENCY OFFICIAL.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.

(d) PLAN.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.

SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.

(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.

(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.

SEC. 206. REAUTHORIZATION OF GLORY MISSION.

(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.

(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.

SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.

(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.

(b) CONSULTATION.—NASA shall consult, as necessary, with other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.

(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

TITLE III—AERONAUTICS

SEC. 301. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.

(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.

SEC. 302. RESEARCH ALIGNMENT.

In addition to pursuing the research and development initiative described in section 301, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

SEC. 303. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.

(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing an appropriate sonic boom standard for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.

(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms that would enable the promulgation of a standard that would have to be met for overland commercial supersonic flight operations.

SEC. 304. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.

(b) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

SEC. 305. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with the United States Climate Change Science Program and other appropriate agencies, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research initiative that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(c) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for conducting an independent review of the interagency research program plan, and shall provide the results of that review to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 2 years after the date of enactment of this Act.

SEC. 306. RESEARCH PROGRAM ON DESIGN FOR CERTIFICATION.

(a) PROGRAM.—Not later than 6 months after the date of enactment of this Act, NASA, in consultation with other appropriate agencies, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), NASA shall develop a plan for the research program that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(c) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for conducting an independent review of the research program plan, and shall provide the results of that review to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 2 years after the date of enactment of this Act.

SEC. 307. AVIATION WEATHER RESEARCH.

The Administrator shall establish a program of collaborative research with NOAA on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 308. JOINT AERONAUTICS RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—A joint Aeronautics Research and Development Advisory Committee (in this section referred to as the ''Advisory Committee'') shall be established.

(b) DUTIES.—The Advisory Committee shall—

(1) make recommendations regarding the coordination of research and development activities of NASA and the Federal Aviation Administration;

(2) make recommendations for and monitor development and implementation of processes for

transitioning research and development from NASA and the Federal Aviation Administration to external entities for further development as appropriate;

(3) make recommendations regarding the status of the activities of NASA and the Federal Aviation Administration's research and development programs as they relate to the recommendations contained in the National Research Council's 2006 report entitled ''Decadal Survey of Civil Aeronautics'', and the recommendations contained in subsequent National Research Council reports of a similar nature; and

(4) not later than March 15 of each year, transmit a report to the Administrator, the Administrator of the Federal Aviation Administration, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on the Advisory Committee's findings and recommendations under paragraphs (1), (2), and (3).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 10 members, none of whom shall be a Federal employee, including—

(1) 5 members selected by the Administrator; and

(2) 5 members selected by the Chair of the Federal Aviation Administration's Research, Engineering, and Development Advisory Committee (REDAC).

(d) SELECTION PROCESS.—Initial selections under subsection (c) shall be made within 3 months after the date of enactment of this Act. Vacancies shall be filled in the same manner as provided in subsection (c).

(e) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its members.

(f) COORDINATION.—The Advisory Committee shall coordinate with the advisory bodies of other Federal agencies, which may engage in related research activities.

(g) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) MEETINGS.—The Advisory Committee shall convene, in person or by electronic means, at least 4 times per year.

(i) QUORUM.—A majority of the members serving on the Advisory Committee shall constitute a quorum for purposes of conducting the business of the Advisory Committee.

(j) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 309. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

SEC. 310. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking ''may'' and inserting ''shall''.

TITLE IV—INTERNATIONAL EXPLORATION INITIATIVE

SEC. 401. SENSE OF CONGRESS.

It is the sense of Congress that the President of the United States should invite America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals.

SEC. 402. STEPPING STONE APPROACH TO EXPLORATION.

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding and agreement on an international cooperative framework for the conduct of the international exploration initiative. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

SEC. 403. LUNAR OUTPOST.

(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the ''Neil A. Armstrong Lunar Outpost''.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that NASA shall make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.

SEC. 404. EXPLORATION TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.

(b) ESTABLISHMENT.—The Administrator shall establish and maintain a program of long-term exploration-related technology research and development that is not tied to specific flight projects and that has a funding goal of at least 10 percent of the total budget of the Exploration Systems Mission Directorate.

(c) GOALS.—The long-term technology program shall have the goal of having at least 50 percent of the funding allocated to external grants and contracts with universities, research institutions, and industry.

SEC. 405. EXPLORATION RISK MITIGATION PLAN.

(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.

(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.

SEC. 406. EXPLORATION CREW RESCUE.

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

SEC. 407. PARTICIPATORY EXPLORATION.

(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 408. SCIENCE AND EXPLORATION.

It is the sense of Congress that NASA's scientific and human exploration activities are synergistic, i.e. science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.

TITLE V—SPACE SCIENCE

SEC. 501. TECHNOLOGY DEVELOPMENT.

The Administrator shall establish a cross-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the cross-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.

The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair.

SEC. 503. MARS EXPLORATION.

Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.

SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.

It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants

programs, technology development, small, medium-sized, and large space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation. It is further the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program.

SEC. 505. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.

(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.

SEC. 506. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies to assess impediments to the successful conduct of interagency cooperation on space and Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space and Earth science missions.

(b) REPORT.—The report of the assessment carried out under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.

SEC. 507. ASSESSMENT OF COST GROWTH.

(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large, medium-sized, and small space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.

(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.

SEC. 508. OUTER PLANETS EXPLORATION.

It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

SEC. 601. UTILIZATION.

The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2016.

SEC. 602. RESEARCH MANAGEMENT PLAN.

(a) RESEARCH MANAGEMENT PLAN.—The Administrator shall develop a research management plan for the International Space Station. The plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. This plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. The plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. The plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The plan shall be transmitted to Congress not later than 12 months after the date of enactment of this Act.

(b) ACCESS TO NATIONAL LABORATORY.—The Administrator shall—

(1) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and

(2) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station and missions returning from the International Space Station to Earth.

(c) ASSESSMENT.—The Administrator shall—

(1) identify existing research equipment and racks and support equipment that are manifested for flight;

(2) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station; and

(3) provide the results of the assessment to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

(d) ADVISORY COMMITTEE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an advisory panel under the Federal Advisory Committee Act to monitor the activities and management of the International Space Station National Laboratory.

SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.

(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible, after the Space Shuttle is retired.

(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.

Subtitle B—Space Shuttle

SEC. 611. FLIGHT MANIFEST.

(a) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF–4 and ULF–5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle.

(b) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER TO THE INTERNATIONAL SPACE STATION.—In addition to the flying of the baseline manifest as described in subsection (a), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station prior to the retirement of the Space Shuttle.

(c) SPACE SHUTTLE RETIREMENT DATE.—The Space Shuttle shall be retired following the completion of the baseline flight manifest and the flight of the additional flight specified in subsection (b), events that are anticipated to occur in 2010.

SEC. 612. DISPOSITION OF SHUTTLE-RELATED ASSETS.

Not later than 90 days after the date of enactment of this Act, the Administrator shall provide a plan to Congress for the disposition of the remaining Space Shuttle orbiters and other Space Shuttle program-related hardware and facilities after the retirement of the Space Shuttle fleet. The plan shall include a process by which educational institutions and science museums and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program-related hardware. The Administrator shall not dispose of any Space Shuttle-related hardware prior to the completion of the plan.

SEC. 613. SPACE SHUTTLE TRANSITION LIAISON OFFICE.

(a) ESTABLISHMENT.—The Administrator shall establish an office within NASA's Office of Human Capital Management that shall assist local communities affected by the termination of the Space Shuttle program. The office shall offer technical assistance and serve as a clearinghouse to assist communities in identifying services available from other Federal agencies.

(b) SUNSET.—The Office established under subsection (a) shall cease operations 24 months after the last Space Shuttle flight.

Subtitle C—Launch Services

SEC. 621. LAUNCH SERVICES STRATEGY.

(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—

(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.

TITLE VII—EDUCATION

SEC. 701. RESPONSE TO REVIEW.

(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, ''NASA's Elementary and Secondary Education Program: Review and Critique''. For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.

(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.

(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.

(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

TITLE VIII—NEAR-EARTH OBJECTS

SEC. 801. IN GENERAL.

The Congress reaffirms the policy direction established in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) for NASA to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter. NASA's Near-Earth Object program activities will also provide benefits to NASA's scientific and exploration activities.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.

(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.

(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.

(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.

(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.

SEC. 803. REQUESTS FOR INFORMATION.

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid, which scientists estimate will in 2029 pass at a distance from Earth that is closer than geostationary satellites; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

SEC. 804. ESTABLISHMENT OF POLICY.

Not later than 2 years after the date of enactment of this Act, the Director of OSTP shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near term public safety is at stake; and

(2) recommend a Federal agency or agencies to be responsible for protecting the Nation from a near-Earth object that is anticipated to collide with Earth and implementing a deflection campaign, in consultation with international bodies, should one be required.

SEC. 805. PLANETARY RADAR CAPABILITY.

The Administrator shall maintain a planetary radar that is, at minimum, comparable to the capability provided through the NASA Deep Space Network Goldstone facility.

SEC. 806. ARECIBO OBSERVATORY.

Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.

TITLE IX—COMMERCIAL INITIATIVES

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services.

SEC. 902. COMMERCIAL CREW INITIATIVE.

(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—

(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;

(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with two or more commercial entities for a Phase 1 Commercial Orbital Transportation Services (COTS) crewed vehicle demonstration program.

(b) COTS CREWED VEHICLE DEMONSTRATION PROGRAM AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the program described in subsection (a)(4) $50,000,000 for fiscal year 2009, to remain available until expended.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(a)(3), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(d) ADDITIONAL TECHNOLOGIES AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the provision of International Space Station-compatible docking adaptors and other relevant technologies to be made available to the commercial crew providers selected to service the International Space Station $50,000,000, to remain available until expended.

(e) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.

(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure, modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—

(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;

(2) the physical access to network resources; and

(3) the extent to which sensitive research and mission data is encrypted.

(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior

management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.

SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.

(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.

(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.

SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.

(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

TITLE XI—OTHER PROVISIONS

SEC. 1101. SPACE WEATHER.

(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L–1 LAGRANGIAN POINT.—

(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L–1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.

(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.

(b) RESEARCH PROGRAM ON SPACE WEATHER AND AVIATION.—

(1) ESTABLISHMENT.—The Administrator shall, in coordination with the National Science Foundation, NOAA, and other relevant agencies, initiate a research program to—

(A) conduct or supervise research projects on impacts of space weather to aviation, including impacts on communication, navigation, avionic systems, and airline passengers and personnel; and

(B) facilitate the transfer of technology from space weather research programs to Federal agencies with operational responsibilities and to the private sector.

(2) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this subsection.

(c) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on at least communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety;

(C) provide recommendations on how NASA, NOAA, and the National Science Foundation can most effectively carry out research and monitoring activities related to space weather and aviation; and

(D) provide recommendations on how to integrate space weather information into the Next Generation Air Transportation System.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 1102. SPACE TRAFFIC MANAGEMENT.

(a) IN GENERAL.—As more nations acquire the capabilities for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

(b) DISCUSSIONS.—The Administrator, in consultation with other appropriate agencies of the Federal Government, shall initiate discussions with the appropriate representatives of other spacefaring nations with the goal of determining an appropriate framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

SEC. 1103. STUDY OF EXPORT CONTROL POLICIES RELATED TO CIVIL AND COMMERCIAL SPACE ACTIVITIES.

(a) REVIEW.—The Director of OSTP shall carry out a study of the impact of current export control policies and implementation directives on the United States aerospace industry and its competitiveness in global markets, and on the ability of United States Government agencies to carry out cooperative activities in science and technology and human space flight, including the impact on research carried out under the sponsorship of those agencies.

(b) CONSULTATION.—In carrying out the study, the Director shall seek input from industry, academia, representatives of the science community, all affected United States Government agencies, and any other appropriate organizations and individuals.

(c) REPORT.—The Director shall provide a report detailing the findings and recommendations of the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 9 months after the date of enactment of this Act.

SEC. 1104. ASTRONAUT HEALTH CARE.

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

SEC. 1105. NATIONAL ACADEMIES DECADAL SURVEYS.

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.

SEC. 1106. INNOVATION PRIZES.

(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.

(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—

(1) by amending subsection (b) to read as follows:

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.''; and

(2) in subsection (i)(4) by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 1107. COMMERCIAL SPACE LAUNCH RANGE STUDY.

(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—

(1) identify the issues and challenges associated with establishing a space launch range and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and

(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.

(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1108. NASA OUTREACH AND TECHNOLOGY ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—NASA shall contract with an organization that has demonstrated the

ability to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to transfer the knowledge and technology of the space and aeronautics programs to small businesses in communities across the United States. The program shall support the mission of NASA's Innovative Partnerships Program to provide technical assistance through joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating technology transfer to the private sector to produce viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating technical assistance to small businesses.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the program established under subsection (a), $4,000,000 for fiscal year 2009 from the funding available for the Innovative Partnerships Program, to remain available until expended.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–707. 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 MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–707.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. GORDON of Tennessee. Yes, I do, Madam Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

In section 303, add at the end the following new subsection:

(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

Amend section 305 to read as follows:

SEC. 305. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

Amend section 306 to read as follows (and amend the table of contents accordingly):

SEC. 306. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Federal Aviation Administration, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the Federal Aviation Administration shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator of the Federal Aviation Administration shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

In section 504, strike ''and high-altitude balloons,'' and insert ''high-altitude balloons, and suborbital reusable launch vehicles,''.

In title VII, add at the end the following new section (and amend the table of contents accordingly):

SEC. 703. SENSE OF CONGRESS.

It is the sense of Congress that NASA's educational programs are important sources of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with Astronauts aboard International Space Station and take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.

In section 901, insert ''It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.'' after ''provide those services.''.

In title XI, add at the end the following new sections (and amend the table of contents accordingly):

SEC. 1109. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees except for cause on charges of misconduct, delinquency, or inefficiency prior to December 31, 2010.

SEC. 1110. LIMIT ON THE USE OF TERM POSITIONS.

NASA shall limit the percentage of employees in term positions, excluding students and cooperatives, within NASA to less than or equal to ten percent of the total number of non-Senior Executive Service, civil servant employees in fiscal year 2009.

SEC. 1111. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) Section 8905a (d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

''(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1) (A).

''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

''(C) For purposes of this paragraph, ''surplus position'' means a position which is—

''(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

''(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.''.

(b) Paragraph (1)(A) of such subsection (d) is amended by striking ''(4) and (5)'' and inserting ''(4), (5), and (6)''.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman this is a bipartisan manager's amendment that has been developed in close collaboration with the Science and Technology Committee minority leadership.

It provides several aeronautics-related provisions in the bill to conform them to provisions that were included in last year's House-passed FAA reauthorization bill.

It also includes a provision in section 303 related to coordination with the FAA on sonic boom research, which will help ensure that NASA's research results can help inform any future FAA rulemaking.

The amendment also encourages the potential scientific utility of emerging commercial, reusable launch vehicles by citing them as potential options for suborbital scientific research once they become available.

The amendment also includes language provisions by Mr. LAMPSON on the value of NASA's EarthKAM and robotics competitions for aspiring students.

Both of these activities were great ways to inspire students to learn about math, science and technology by providing exciting learning experiences. And I want to commend Mr. LAMPSON for his initiative in this area.

The amendment also expands section 901 to include a sense of Congress urging NASA's use of entrepreneurial companies to conduct corporate R&D.

Innovative ideas and products have repeatedly come out of these small entrepreneurial companies, and this amendment encourages NASA to seek ways to ensure such firms are not disadvantaged when the agency seeks to procure technology development.

Finally, the manager's amendment includes several important NASA workforce-related provisions, including an extension of the RIF moratorium, a limit on the use of certain positions in fiscal year 2009, and temporary continuation of health care benefits.

We have worked with NASA, the IFPTE union, and Chairman DAVIS' subcommittee on Federal Workforce to come up with a reasonable set of provisions.

The workforce provisions included in the manager's amendment are acceptable to all parties, and I believe they will help strengthen and protect the NASA workforce.

In sum, I believe the manager's amendment will make a good deal even better. And I urge Members to support it.

I reserve the balance of my time.

The CHAIRMAN. The Chair now recognizes Mr. HALL from Texas.

Mr. HALL of Texas. Madam Chairman, I rise to claim the time, and I am going to encourage my colleagues to support this amendment. But first I want to yield 3 minutes to Mr. FEENEY, the gentleman from Florida.

Mr. FEENEY. I thank Ranking Member HALL, and I thank Chairman GORDON for this amendment. I did want to take a moment or two to point out a very important aspect of this manager's amendment. It directs the White House Office of Science and Technology to establish an interagency committee to study issues related to locating a commercial space launch range in close proximity to a Federal launch range.

In order to have viable commercial launch operations in the United States, effective coordination and cooperation must exist between potential commercial ranges and existing Federal ranges. Federal agencies have to endeavor to assist and not choke off commercial space ranges. The interagency committee will focus on these agencies and the importance of this issue.

Let me say that for the last 50 years, space has been really a bipolar world. Either you were a part of the former Soviet orbit and space power, or you were part of the American-led free nations in space power.

Today it is a very different world. I just recently came back from the first ever global space summit in Beijing, China, where over 15 nations were represented, some six or seven major spacefaring powers. It is not just people that have to come ask the United States to get permission to get commercial opportunities in space today. There are some 50 different international agreements, many of which don't even involve the United States of America.

In some ways, our competitors are beating us to the punch in commercial launch opportunities. It is not just bad for business. Let me say, for example, the Chinese have launched over 33 satellites from other countries. They are doing this to help countries we would consider troublesome, for example, Venezuela or Nigeria. They are also using it to buy influence with our friends, like Japan or Brazil. America cannot shoot itself in the foot in developing and maintaining our historic leadership in commercial opportunities any more than we can give up predominance in the civilian side of human space exploration.

And so this manager's amendment contains a very important aspect. I sincerely applaud the chairman and others, including John Culberson, for advocating for this specific piece of the manager's amendment.

Mr. GORDON of Tennessee. I yield 1 minute to the gentleman from Colorado, the chairman of the subcommittee.

Mr. UDALL of Colorado. I thank the gentleman for yielding.

I rise in support of the manager's amendment. We have all worked together to fashion a constructive amendment. And I believe it includes a number of useful provisions that enhance the bill. Chairman GORDON already described them. So I am not going to restate them. But I want to note in particular that the workforce provisions included in the amendment have been under consideration for some time. We wanted to make sure however that we had the concurrence of all the stakeholders before we added any of these provisions. That has been done. The provisions will strengthen and protect the NASA workforce. I would ask the Members to support this amendment. It is a good amendment. It deserves the support of the body.

Mr. FEENEY. I am claiming time, without objection, for the minority side. We have no further speakers and would urge support and adoption of the manager's amendment.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield the remainder of my time to my friend from Ohio (Mr. KUCINICH).

The CHAIRMAN. The gentleman from Ohio is recognized for 1 minute.

Mr. KUCINICH. Madam Chairman, I rise in strong support of the manager's amendment and the underlying bill that reauthorizes the National Aeronautics and Space Administration. I want to thank the chairman of the Federal Workforce Subcommittee for working with me on three critical provisions that are included in this amendment. I also want to thank the chairman of the Science and Technology Committee and the Space and Aeronautics Subcommittee for putting together yet another bill that protects NASA and for working with me on this amendment.

The most important provision in this amendment is an extension of the ban on layoffs until at least 2011. Since announcing the ambitious vision for space exploration, the administration underfunded NASA. But Congress has consistently, and I might point out, in a bipartisan way, rejected these destructive cuts and layoffs. I am particularly proud of the way our own Ohio delegation has worked together on this.

Layoffs undermine not only workers' lives and the mission of the agency but also the regional economy. According to the researchers at Cleveland State University, NASA Glenn in Brook Park generated a demand for products and services of $955 million and was responsible for over 6,000 jobs in northeast Ohio in 2006.

Over the last few years, NASA has hired nearly three-quarters of its new science and engineering employees as short-term employees, thereby denying them full Civil Service protections. The 10 percent cap on short-term positions in this amendment will help NASA compete for the best and brightest in the field.

The third provision would temporarily extend health care benefits for employees in transition. The sudden loss of health care coverage is a major factor currently discouraging employees from taking a buy-out. The provision would be helpful in fostering a respectful workforce transition plan during this time of change for NASA.

This amendment and the underlying bill keep NASA healthy by supporting its employees. All across this country,

from one end of the country to the other, there are NASA employees who are performing a valuable service, who are helping us to create the jobs of the future and enabling America to fulfill its vision to keep reaching.

Mr. OBERSTAR. Madam Chairman, I rise in support of the Manager's Amendment to the National Aeronautics and Space Administration Authorization Act of 2008 (NASA Reauthorization), offered by the gentleman from Tennessee, Representative BART GORDON, Chairman of the Committee on Science and Technology. I commend Chairman GORDON for his work on this important bill, which provides approximately $20 billion in funding authorization for fiscal year 2009, including approximately $853 million for aeronautical research, which is vital to commercial aviation.

The Manager's Amendment includes two revisions to the base authorization bill to reflect previous agreements between the Transportation and Infrastructure Committee and the Science Committee on provisions that were part of H.R. 2881, The FAA Reauthorization Act of 2007, which passed the House on September 20, 2007. The Manager's Amendment revises Section 305 of the bill, to require the Federal Aviation Administration (FAA) Administrator, in coordination with NASA and the United States Climate Change Science Program to establish a research initiative to assess the impact of aviation on the climate and to evaluate mitigation approaches. In addition, this section, as amended, requires, within one year of the date of enactment, the participating federal agencies to develop a plan for a research program dedicated to aviation's impact on the climate.

The Manager's Amendment also amends Section 306 of the bill to require the FAA, in consultation with other agencies, to establish a research program on ways to improve the confidence in and timeliness of certification of new technologies for introduction into the National Airspace System. In addition, this section, as amended, requires the FAA to develop a research plan, and to contract with the National Research Council to conduct an independent review of the research program plan, with a subsequent report to the committees of jurisdiction, including the Committee on Transportation and Infrastructure.

Madam Chairman, I support H.R. 6063, as amended by the Manager's Amendment, and urge my colleagues to do so as well.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–707.

Mr. FEENEY. Madam Chairman, I have an amendment under the name of Mr. ROHRABACHER at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FEENEY:

In title VIII, add at the end the following new section (and amend the table of contents accordingly):

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Florida (Mr. FEENEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

□ 1615

Mr. FEENEY. Madam Chairman, on behalf of this amendment, as Congressman ROHRABACHER explained earlier, this amendment is a sense of the Congress provision stating the U.S. should seek to obtain commitments for cooperation from other nations in the search for near-Earth objects.

Mr. ROHRABACHER has been an ardent advocate in our committee for the potential threat posed by asteroids and comets having orbits that bring them close to Earth and the devastation they could create should one of them impact us.

By the way, I have sat through hearings, along with Congressman UDALL and others, and we have incredibly sophisticated technology and capabilities one day to protect Earth if we know we are going to be targeted by an asteroid or comet, for example. In fact, the testimony was that some 99 percent of the resources today globally to prepare for this eventuality are American tax dollars. It seems seeking cooperation on behalf of all humankind only makes sense.

Our committee held a highly informative set of hearings on near-Earth objects late last fall. It is clear to me that the entire world community needs to be much more vigilant in finding, tracking and characterizing near-Earth objects and developing deflection capabilities and technologies.

I urge support for this amendment.

Mr. GORDON of Tennessee. Will the gentleman yield?

Mr. FEENEY. I will be glad to.

Mr. GORDON of Tennessee. Let me just quickly add that our colleague and friend to both of us, Mr. ROHRABACHER, has long been an advocate for the detection and monitoring of near-Earth objects. I don't know that anybody has done any more on that. I certainly commend this constructive amendment.

Mr. FEENEY. Reclaiming my time just to close on behalf of Mr. ROHRABACHER's amendment, he is a great advocate, but I felt more comfortable after I heard from a bevy of the world's best astrophysicists that this is not only a real threat, but a real potential way to solve a threat to humankind.

With that, I would urge my colleagues to support the Rohrabacher amendment.

Mr. ROHRABACHER. Madam Chairman, my amendment offered by Mr. FEENEY encourages NASA to seek increased international cooperation to find and characterize all natural bodies in outer space over 140 meters in size that pass close to the Earth, referred to as near-Earth objects. Estimates of the total numbers of such objects vary from 25,000 to 100,000. This threat to the Earth is a worldwide matter of potentially catastrophic proportions should a collision with Earth occur, and the responsibility of dealing with it should not fall entirely on the United States or NASA, in particular.

The motivation and timing for this amendment arises from discussions with Russian and German government officials on furthering cooperation with the U.S. in science and technology that occurred during a CODEL that I attended over the Memorial Day recess.

The specific suggestion to cooperate in the effort to find and characterize near-Earth objects was greeted with great enthusiasm by the government officials with whom I met during the CODEL.

The initiative encouraged under my amendment is intended to provide relief for the enormous burden being placed on NASA to find and characterize the vast number of these objects estimated to exist. Many countries around the world have very capable astronomical observatories that can assist (and probably have to some extent).

In addition to telescopes, deep space radars play a critical role in quickly authenticating any impending threats that may be indicated from optical observations. Though the United States has the world's most capable deep space radar, namely the Arecibo Radar, and also the somewhat less capable Goldstone Radar, the Russian RT–70 Radar may be able to provide some contributions as well. Furthermore, certain large radio astronomy facilities around the world may be able to participate by pairing with these powerful U.S. deep space radars.

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

The CHAIRMAN. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Florida (Mr. FEENEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WU

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–707.

Mr. WU. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WU:

In section 401, insert at the end the following: ''When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.''.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Madam Chairman, I rise in support of my amendment to build international trust and confidence in human space flight.

For decades, the United States and Russia were the only countries that had viable human space programs. In recent years, a number of countries have entered space or have expressed their intent to do so. This amendment recognizes the new playing field in space and includes a sense of Congress that the President of the United States should invite other spacefaring nations and soon-to-be spacefaring nations to participate in a long-term international initiative under our leadership.

My amendment would add a sentence to this sense of Congress that the United States should engage in confidence-building measures that advance this long-term initiative. With more countries in space, we need to ensure that space will not be used for hostile purposes.

I commend Chairman UDALL for proposing a long-term international initiative that will work toward that end. Confidence-building measures will encourage short-term actions that advance the long-term initiative for international cooperation in space. The United States and Russia engaged in confidence-building measures when Apollo 18 and Soyuz 19 connected in space. My amendment encourages similar actions between the United States and other members of the international space community. Actions like these will encourage the peaceful exploration of space.

I urge adoption of the amendment.

I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida.

Mr. FEENEY. Thank you, Madam Chairman.

I do not rise in opposition to the amendment. I should say I have no objection to the amendment. I have read it very carefully, and I appreciate the language ''when appropriate.'' Of course, it would be the United States that determined, in my view, when international confidence-building measures would be appropriate.

I should say there are times when, for example, sharing sensitive technologies with certain countries may be inappropriate, if we don't have confidence what they may use those technologies for or what their long-term intentions are. On the other hand, there are things we ought to clearly explore sharing with every spacefaring Nation; for example, a common docking device with the Shuttle, perhaps, so any nation in the event of emergency may be able to help rescue our astronauts.

I should also suggest, as I talked about earlier, that space is developing. It is no longer a bipolar world. Historically, people have out of habit and out of practicality had to rely on asking the U.S. if they wanted to send a satellite, for example, into orbit, to see whether or not that satellite would safely orbit the Earth without colliding into another country's satellite. That is not true because of any international treaty or convention. Anybody can send anything into space. The truth is, in terms of space law, we have really sort of an international anarchy, just as originally when we with had travel by navy or by commerce through the seas and ultimately international air travel.

There has to be some way to communicate ultimately in terms of maintaining space traffic. Stopping the creation of space junk or debris that would threaten all peacefaring uses of space would be another example of appropriate times the U.S. should lead in confidence-building measures to advance long-term initiatives for international cooperation.

With that, again, I have no objection to the amendment.

I yield back the balance of my time.

Mr. WU. Madam Chairman, I urge adoption of this amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WU

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–707.

Mr. WU. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WU:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. SENSE OF CONGRESS.

It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Madam Chairman, I rise in strong support of scientific integrity at NASA and everywhere else in this Federal Government.

Earlier this month, the Inspector General at NASA released a report regarding allegations that NASA suppressed climate change science and denied media access to a NASA scientist. As recent news reports have documented, this report came from the revelation in 2006 that an administration official had intervened in communications between climate change scientists and the press for political purposes.

The report acknowledged that from the fall of 2004 through early 2006, the NASA Public Affairs Office managed the topic of climate science ''in a manner that reduced, marginalized, or mischaracterized climate change science made available to the general public through those particular media over which the Office of Public Affairs had control.''

The report also found that these actions were inconsistent with NASA's mandate and purpose to allow ''the widest practical and appropriate dissemination of information concerning NASA's activities and results.''

My amendment expresses the sense of Congress to reiterate the original intent of NASA's responsibilities. We are at a singular moment in time when climate change constitutes the challenge of our generation. Let us not fail. Let us base climate change information on science, not ideology.

This amendment is about far more than climate change. I believe scientific integrity should be held as a value throughout NASA and throughout our government. The safety of astronauts who are sent to space is dependent on sound science. We should not compromise scientific integrity for political gain or private profit. We should not compromise it in any situation. My amendment sends a message that Congress rebuffs the attempts of those who would marginalize science for the sake of ideology or politics.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise in order to address the amendment, to claim the minority time.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. FEENEY. For purposes of debate, I may well be opposed, yes.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. Madam Chairman, I have carefully read the amendment, and while I may not press my objection, I will state that the amendment, in my view, is unnecessary, that NASA has a policy in place that goes to the very same points expressed in the amendment, and perhaps unintentionally this amendment implies that NASA cannot be trusted to factually in an unbiased manner publicize research results conducted by agency scientists.

Several years ago, NASA's Public Affairs Office was accused with inappropriately choosing which NASA scientists participated in specific interviews with the press. Once this interference was brought to NASA Administrator Michael Griffin's attention, he quickly and forcefully intervened, assuring Congress, NASA researchers and employees, and the public that NASA will never seek to censor agency scientists.

In a letter dated March 30, 2006, and this issue has been addressed over and over again, addressed to former Science Committee Chairman Sherry Boehlert, Mr. Griffin stated, ''I will not tolerate any policy or action where any NASA employee may filter, alter or

censor scientific findings and facts, and I want to reaffirm that NASA has always been and will continue to be committed to open scientific and technical inquiry and dialogue with the public.''

Mr. Griffin then formed a policy development team comprised of NASA employees with science, legal and public affairs backgrounds to review existing policies, identify ways to improve them, and develop agency practices to maintain NASA's commitment for full and open discourse on scientific, technical and safety issues. The result of their work was a series of revisions to 14 Code of Federal Regulations, section 1213, which guides the agency's public affairs policies, which all Americans can visit.

Mr. Griffin then formed a policy development team comprised of NASA employees with science, legal and public affairs backgrounds to review existing policies, identify ways to improve them, and develop agency practices to maintain NASA's commitment for full and open discourse on scientific, technical and safety issues. The results of their work was a series of revisions to 14 CFR (Code of Federal Regulations), Section 1213, which guides the agency's public affairs policies.

More recently, the NASA Office of Inspector General concluded an investigation in response to a Congressional inquiry dating back to 2006, requesting a formal investigation about ''political interference'' by NASA public affairs officials.

The IG's investigation found that ''. . . during the fall of 2004 through early 2006, the NASA Headquarters Office of Public Affairs managed the topic of climate change in a manner that reduced, marginalized, or mischaracterized climate change science made available to the general public through those particular media over which the Office of Public Affairs had control. We also concluded that the climate change editorial decisions were localized within the NASA Headquarters Office of Public Affairs; we found no credible evidence suggesting that senior NASA or Administration officials directed the NASA Headquarters Office of Public Affairs to minimize information related to climate change. To the contrary, we found that once NASA leadership within the Office of the Administrator were made aware of the scope of the conflict between the Office of Public Affairs and scientists working on climate change, they aggressively implemented new policies with a view toward improved processes in editorial decision-making relating to scientific public affairs matters.''

The IG's report also stated: ''With respect to NASA's climate change research activities, we found no evidence indicating that NASA blocked or interfered with the actual research activities of its climate change scientists . . . (W)e found that NASA systematically distributed its technical climate change research throughout the scientific community and otherwise made it available through a variety of specialized forums, such as scientific journals, professional conferences, and public appearances by NASA scientists.''

Additionally, a May 2007 GAO report found ''that NASA policies are generally clear and should help facilitate the dissemination of research results. For example, NASA's recently revised media policy clearly defines the roles and responsibilities for managers, researchers, and public affairs staff; details steps in the process for dissemination via press releases and interviews; and describes a process to resolve disputes about agency decisions regarding press releases.''

In closing, while I have no objection to the gentleman's (Mr. WU) amendment, I don't want Members to surmise that NASA science findings are being manipulated by agency management. That is not what the NASA IG, or GAO reports found.

Madam Chairman, I don't specifically object to the language of this amendment, because I think it is consistent with NASA policy and Michael Griffin's great efforts to explain to the public that he will insist and has insisted on this policy. But I will remind all of us that a May 2007 GAO report found ''NASA policies are generally clear and should help facilitate the dissemination of research results. For example, NASA's recently revised media policy clearly defines the roles and responsibilities for managers, researchers, and public affairs staff, details steps in the process for dissemination of press releases and interviews, and describes a process to resolve disputes about agency decisions regarding press releases.''

In closing, while I do not object to Mr. WU's amendment, I don't want Members to surmise that NASA science findings are being manipulated by current agency management. That is not what NASA, IG, or GAO reports found.

Again, we have no objection to the language that Mr. WU offers.

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

Mr. WU. Madam Chairman, I yield 2 minutes to the chairman of the Space Subcommittee, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. I thank the gentleman from Oregon for yielding and thank him for his leadership on the committee.

I rise in support of this amendment on scientific integrity and openness at NASA. I want to commend the gentleman from Oregon for his action that we stay vigilant on this matter.

A few years ago, concerns were raised about political interference in the discussion of scientific research and results by NASA scientists. These concerns about scientific openness were and are serious, and we need to ensure that all measures are in place to prevent such interference.

It is true that the NASA Administrator, Dr. Griffin, took swift action in response to the reports of political interference and NASA revised the agency policy on the release of information of news and media, and I want to commend Dr. Griffin on his clear commitment to scientific openness. That said, we need to continue, Madam Chairman, our oversight on scientific integrity to ensure that Americans continue to have confidence in the important scientific research results that NASA provides to all of us and to our Nation.

So I again want to thank the gentleman from Oregon for his initiative, and I urge my colleagues to support it.

□ 1630

Mr. WU. Madam Chairman, I would like to submit a letter from Francesca T. Grifo, Senior Scientist and Director, Scientific Integrity Program, Union of Concerned Scientists into the CONGRESSIONAL RECORD.

UNION OF CONCERNED SCIENTISTS,
June 11, 2008.

HON. David Wu,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE WU: The Scientific Integrity Program of the Union of Concerned Scientists supports your amendment to H.R. 6063, the NASA Authorization Act. This amendment will make clear that Congress intends that scientific research developed at NASA be free of political interference, and that NASA scientists are able to disseminate their findings without fear of retaliation.

We know that the problem of political interference in federal science is a widespread and serious one. Indeed, of the nearly 3,400 federal scientists across nine agencies who have responded to questionnaires by the Union of Concerned Scientists, more than 1,100 scientists report that they fear retaliation for openly expressing concerns about their agency's mission-driven work.

Your amendment will send a signal to this Administration and future Administrations that this state of affairs cannot and should not continue.

Sincerely,

FRANCESCA T. GRIFO,
Senior Scientist and Director,
Scientific Integrity Program.

I think that we need to be concerned about scientific integrity at NASA always, and we also need to be concerned about scientific integrity at other agencies, whether it's the EPA or the FDA, throughout the Federal Government. We intend to work on those agencies across the spectrum to ensure that ideology does not overtake sound science as this government moves forward towards research and the development of sound policy.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. LAMPSON

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–707.

Mr. LAMPSON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LAMPSON:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Madam Chairman, I yield myself such time as I might consume.

Today I rise in support of my amendment to the National Aeronautics and Space Administration Authorization Act of 2008. This amendment would clarify section 526 of the Energy Independence and Security Act, which addresses the procurement of fuels by a Federal agency. This amendment seeks to provide guidance for implementation of the provision by establishing conditions by which NASA would be allowed to enter into a contract to purchase a generally available fuel, so long as it is not predominantly an alternative or synthetic fuel.

Because section 526 doesn't define alternative or synthetic fuel or nonconventional petroleum sources, many stakeholders, including refiners in southeast Texas, believe that section 526 could have unintended consequences, preventing refiners from mixing fuel received from nonconventional sources such as oil sands with conventionally derived oil.

Oil sands account for about 5 percent of the total U.S. oil supply, and it's common practice to mix it with fuel that is derived from other sources. It's very difficult for an end user and consumer to determine whether a fuel contains petroleum from oil sands or other nonconventional sources.

With half of Canadian crude produced from these sources, this could have an adverse effect on the relationship that we enjoy with our largest supplier of oil. Additionally, most diesel fuel is mixed with some biodiesel, which could also mean that its procurement could be prohibited under this section. While the intention of this language may not have been to prohibit the purchase of fuel, the small amounts from tar sands or oil shale, section 526 is written so broadly, with no definition provided, that it could be interpreted either way. That's why a clarification is needed.

I know that our colleague, Congressman GINGREY, made a proposal the other day in committee. I viewed the proposal that we have come up with here as a compromise to that suggestion.

Adoption of this amendment will allow NASA to contract for generally available fuels, as it always, has as long as the fuel is not predominantly comprised of petroleum from nonconventional sources such as Canadian oil sands with a greenhouse gas footprint that is higher than conventional oils and fuels. This allows some wiggle room and recognizes the complexities of the refining process while supporting the original intent of not extending or exceeding current emission levels.

Finally, I would like to note that when the House passed the FY09 defense authorization act last month, a similar amendment was approved by this committee and accepted by voice vote on the floor. While that amendment had a government-wide application, this seeks to clarify section 526 in order to allow NASA to meet present and future energy needs.

Madam Chairman, I reserve the balance of my time.

Mr. GINGREY. Madam Chairman, I rise to claim time in opposition to the amendment.

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

Mr. GINGREY. Madam Chairman, I have a number of concerns with the amendment offered by my friend and colleague, the gentleman from Texas, my colleague on the Science Committee.

Unfortunately, I do not believe that this amendment does anything to alleviate the Draconian problems presented to us by section 526 of the Energy Independence and Security Act of 2007.

Even if this amendment passes, Americans will still not be able to increase the supply of fuels from alternative sources derived from resources available in the United States. Oil shale, with its estimated 1.5 trillion barrels of petroleum in rock, would remain trapped there in our southwestern States, I think five States have a lot of this oil shale that's there for the taking. We, furthermore, will not be able to use clean carbon captured coal-to-liquid fuel.

So the amendment intends to create an exception under section 526 for generally available fuel not predominantly produced from a nonconventional petroleum source, and NASA, under the amendment, will still be able to purchase Canadian fuels that do have traces of oil sands, as the gentleman says, that may create more of a carbon footprint than completely conventional fuel. And this is what basically section 526 is. As the gentleman explained, he is trying to allow an exception so that this fuel that we purchase from Canada, a lot of people think most of our foreign sources of fuel are from OPEC or Venezuela, but actually, Madam Chairman, they are from Canada. Some of this fuel does have the tar sands footprint in it.

The gentleman, and I have no objection to that, is saying let us continue to purchase this fuel and not be restricted by 526. Yet my opposition is this, the agency won't be able to utilize any of the sources of fuel that may be totally derived from resources we have readily available in the good-old USA, clean domestic alternatives, coal, natural gas, biomass and, as I mentioned, oil shale that is estimated to have 1.5 trillion barrels of petroleum that can be extracted from that in our own country.

At committee markup, Science Committee and at the Rules Committee, I offered amendments that would have removed the handcuffs placed on the NASA administrator by section 526. I would have been happy to work with my good friend from Texas to protect his amendment so that implementation of it would have, indeed, a positive effect for NASA. Unfortunately, I just don't think the amendment does much of anything.

I fear that the amendment does nothing to rectify, as I said, the underlying problem with 526 that prevents the Federal Government, any agency of the Federal Government, not just NASA, but also the Department of Defense, which utilizes something like 380,000 barrels of refined petroleum products every day, every day, and the increased cost to the Department of Defense is $9 billion. Just the increase in the year 2008, the increased fuel cost to NASA over the last 5 years has been 400 percent. It has gone from $4.5 million a year to $18.3 million a year.

Our efforts should be focused on easing the pain felt by American taxpayers, not codifying this misguided policy, 526, that prevents us from future innovation. Again, the gentleman's amendment, in my opinion, does no harm, but it does very little good.

I felt compelled to stand and express my opposition—not strong opposition to the amendment—but rather to make this point that we need to allow the administrator of NASA to have a waiver, at least have a waiver if, in his knowledge of innovation and what they are doing in trying to develop alternative fuels that are available in this country, he would not be bound by the crazy restrictions put on him and other agencies by section 526 of this so-called Energy Independence and Security Act of 2007 passed 17 months ago. Since that time the price of a gallon of regular gasoline has gone up by $1.70, up to over $4.05 a gallon.

I respectfully oppose the gentleman's amendment.

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

Mr. LAMPSON. I yield myself 1 minute, Madam Chairman.

I agree with much of what Mr. GINGREY has said. I want to point out

that the intent of the law, as passed, the Energy Independence and Security Act, specifies that the lifecycle greenhouse gas emissions, which are higher, oftentimes, in these oil sales, is what was intended to be prohibited.

If we were using, or NASA were purchasing all of their fuel for their operation, then it would not fall within the bounds of this act. But NASA can purchase generally available fuels that may include a blend of fuel from oil sands refined in existing commercial processes. The purpose of the contract can't be to obtain fuels from nonconventional petroleum sources or otherwise promote the expansion of nonconventional fuels with high life-cycle carbon emissions. We believe that the refiners within my district that are making many of the fuels that are actually being purchased by NASA will use some of these nonconventional sources of energy.

As it's blended, it can still be used by NASA so that there is some benefit to them.

Mr. FEENEY. Would the gentleman yield for a question?

Mr. LAMPSON. I would yield for a few seconds, yes.

Mr. FEENEY. I don't know whether, candidly, I support or oppose the amendment, because it has some very technical effects in its interplay with other portions of Federal statutes and requirements and regulation.

Just one of the many questions I have would be that it seems, as I read the amendment, that it establishes different conditions on contracting fuel versus those established in section 526. So I guess one of my questions, maybe the most important, since we don't have a lot of time, do the conditions in your amendment supplant the greenhouse gas emission criteria found in 526, or do they remain in effect, and are these conditions in addition to the 526 regulations?

Mr. LAMPSON. They remain in effect, but this just clarifies what the intent of the legislation was and is. It's going to allow blends of those fuels to be used by NASA until we can do the research that shows that emissions are going to be reduced below the amount of emissions from traditional fuels.

Mr. FEENEY. If the gentleman will yield.

Mr. LAMPSON. Am I within my 1 minute, Madam Chairman? Have I used up my minute yet, and how much time do I have left before I say that I will yield?

The CHAIRMAN. The gentleman is recognized for just 1 minute. The gentleman has 1 minute remaining.

Mr. LAMPSON. Would you use your time, please?

Mr. FEENEY. If I have any. I don't know that we have any more time.

Could I ask unanimous consent that each side have an additional 2 minutes?

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

There was no objection.

Mr. LAMPSON. I yield to the gentleman.

Mr. FEENEY. Actually if I could suggest, rather than taking up your 2 minutes, I would be grateful if you yielded, but I will yield back to you and claim my own 2 minutes so that you can use yours since you were gracious enough not to object.

Mr. LAMPSON. Then I will reserve my time and let the gentleman proceed.

The CHAIRMAN. The Chair would like to clarify that it is the gentleman from Georgia who has the 2 minutes.

Mr. GINGREY. Madam Chairman, thank you very much.

I very graciously at this time will yield to the subcommittee ranking member of the NASA Subcommittee of Science and Technology, my good friend from Florida (Mr. FEENEY).

□ 1645

Mr. FEENEY. I thank the gentleman.

This amendment may be very positive. The problem is that it conflicts with other statutes and regulations. It is very complicated as we read it.

What my friend says is a clarifying amendment actually creates a lot more ambiguity in our minds about the interplay of these different standards.

I talked about the interplay with 526, and I still don't know which set of rules will govern, the set of rules in the gentleman's amendment or section 526.

We also seem to cite a section of the Energy Independence and Security Act, 42 U.S.C. 17142. There is currently no section 526(a) nor a 42 U.S.C. 17142(a) in the law, and yet I believe the gentleman's amendment cites these sections, as I read it, that do not exist in current law.

I have a concern about the amendment's intention. Do you want to create an exemption under 526 for generally available fuel that is not predominantly produced from a nonconventional petroleum source, or does it create a broader exemption for all alternative or synthetic fuels as referenced in section 526?

So I guess I have a number of very complex questions. I wish this is something we might have dealt with in committee where we have a number of experts, both members and staff. While I don't know that I object, it is because I just don't understand all of the different regulations and statutes and the interplay, and this seems to be one more additional attempt at dealing with whether NASA can or can't do things, and I really have no idea whether this is in addition to, or whether it is consistent with, or whether it may be mutually exclusive with provisions in other portions of the law, and I wish we could spend some time with technical staff to iron out these difficulties.

With that, having expressed concern and not necessarily opposing the amendment because I don't really understand all of the ways it will be enforced given other statutes and regulations.

Mr. GORDON of Tennessee. Would the gentleman yield?

Mr. FEENEY. I would be happy to yield to the chairman.

Mr. GORDON of Tennessee. Let me just suggest that this is one more process in getting a law enacted. The Senate will pass a bill, and we will go to conference. I am sure Mr. LAMPSON can answer very well here, but this can be a continuing dialogue as we move forward.

Mr. FEENEY. We appreciate that. Having said that, on a technical issue like this, it sure would have been great to take a more technical look at this at the subcommittee or committee level. Having said that, I appreciate the chairman's gracious offer to help clarify for those of us who think more ambiguity, not less, is being created by this amendment, and what the ultimate impact will be.

Mr. LAMPSON. Madam Chairman, I yield 1 minute to Chairman UDALL.

Mr. UDALL of Colorado. Madam Chairman, I am pleased to support this amendment.

This amendment is similar to the Boren amendment offered to the defense authorization package recently. That amendment passed with a voice vote on the floor.

This amendment as well seeks to clarify requirements of section 526 of the Energy Independence and Security Act of 2007 to allow NASA to procure conventional fuels that contain incidental amounts of unconventional fuels.

Section 526, Madam Chairman, is important because it establishes a positive benchmark for future alternative fuels, that their lifecycle greenhouse gas emissions be less than or equal to those emissions from conventional fuels.

The amendment clarifies section 526 while retaining the standard it sets for greenhouse gas emissions.

I want to thank the Member from Texas for bringing this important amendment and urge all Members to support the amendment.

Mr. LAMPSON. Madam Chairman, I just recognize in closing that this is not a complicated piece of legislation. It is one that does not stop these fuels from being produced or the research and development on these types of sources of energy. It allows NASA to continue to purchase the kinds of fuels without restrictions and without putting themselves into the jeopardy that is asked for within section 526. So it is a simple amendment that was voice voted in the defense authorization, and we believe it should be here as well as the bill came out of committee.

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

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

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

Mr. LAMPSON. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–707.

Mr. ARCURI. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ARCURI:

In section 407(a), add at the end the following: ''As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public and shall identify issues associated with such contracts. In any such contracts, NASA would be required to adhere to a transparent bidding process to award contracts, pursuant to United States law.''.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Madam Chair, NASA's accomplishments over the years have led to some of the greatest advances in human history. These scientific discoveries have led to everything from prolonging the average life span to improving the overall quality of life. NASA's research and exploration has also helped to unlock some of the greatest mysteries in the universe. The problem, however, is that too often the American public doesn't have an opportunity to fully experience NASA's accomplishments. It is when these accomplishments are transferred from the Federal sector to the private sector and the general public that the true benefits of what has been achieved can be realized.

Clearly, we don't have the ability or the financial means to shuttle every American into space, but we can do a better job of bringing the space experience into televisions, computers, and classrooms around the world.

The House Science and Technology Committee, under the leadership of Chairman GORDON and Ranking Member HALL and Chairman UDALL, recognize that point. The underlying bill includes language directing the NASA administrator to develop a technology plan that will allow the general public to experience missions to the Moon, Mars and other destinations in our solar system.

My amendment aims to take this effort and expand it in a way that leverages existing technology underway at our universities and high-tech businesses.

Specifically, my amendment tasks NASA to examine the feasibility of entering into contracts with appropriate public-private sector and international partners to share images and video of space missions with the public. The amendment promotes good government by requiring NASA to engage in a transparent bidding process when awarding contracts as it sees fit.

This new chapter in scientific discovery presents a valuable opportunity to engage public and private sectors in advancing NASA's mission for the 21st century. My upstate New York district is fast becoming a science and technology hub. We have an opening here to work together with colleges and universities, private research facilities, and small and large high-tech businesses to provide NASA with the tools it needs to better educate the public about space.

I would like to highlight that this amendment is intended to provide NASA with an additional resource to meet its goals. This measure would authorize NASA to conduct its own feasibility study to determine if and how it can best use the talents of our independent innovators to support its new international exploration initiative. This requirement would grant NASA the flexibility it needs to create a plan that best fits the ideas of its new program.

This amendment would also require all NASA contract decisions to be awarded following a fair and transparent bidding process.

This amendment has the backing of the State University of New York, the New York State section of the American Physical Society, the American Association of Geographers and the Information Technology Association of America. I respectfully urge all of my colleagues to support this amendment and support the contributions that our public and private universities and businesses make to scientific and technological progress in this country.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise, at least for purposes of debate, to be recognized in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. I appreciate the gentleman's amendment. I think it is very well-intentioned. I do not intend to object to the language. I do believe it is designed to help NASA distribute its space images and multimedia records to the public. I share that goal; but I should say that I think this amendment is superfluous. I think it is already contained in the bill language itself. Now superfluity is not necessarily an awful thing. Sometimes the best thing we do here is just to repeat what we have already done, and it probably does very little harm.

But I would point out that section 407 clearly instructs NASA to develop a plan, to identify opportunities to leverage the very same technologies Mr. ARCURI references in his amendment.

The gentleman's amendment seeks NASA to develop a plan and examine the feasibility to ''broadcast electronically, including via the Internet.'' The language in the bill talks about already ''rapidly delivering the content through extended high bandwidth communications networks.''

So I think Mr. ARCURI's concerns are already adequately addressed in the bill. I would simply argue that they are unnecessary. Having said that, I would not object to them being included.

I reserve the balance of my time.

Mr. ARCURI. I thank the gentleman for his comments. I would just point out what this amendment does is it attempts to get the private sector more engaged by promoting within NASA the push to transfer not from the public sector, not to just have this go from the public sector to the universities, but from the public sector to the private sector, to get the private sector more engaged and more involved in distributing the information. So that is slightly different than what I think the bill has because we do attempt to get the private sector more engaged. After all, that is probably the best way, by using the market system, to get the information out.

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

Mr. FEENEY. Madam Chairman, I appreciate and I don't dispute the intentions that the gentleman has. I agree with that, and I believe that the current language in the bill requires NASA to rapidly deliver this content that you are talking about through high bandwidth communications networks, and I think that includes universities in the private sector, et cetera.

Having said that, because the intent of the language clearly is not something I object to, I will not oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WU

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–707.

Mr. WU. Madam Chairman, I rise on behalf of my friend and colleague, Mr. DEFAZIO of Oregon, who has an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WU:

In title IV, add at the end the following new section (and amend the table of contents accordingly):

SEC. 409. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human spaceflight that will replace the Space Shuttle program.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Again, on behalf of my good friend and colleague, Mr. DEFAZIO, I am presenting this amendment.

When the President announced his new vision for the Nation's space exploration program on January 14, 2004, he proposed a new human exploration vehicle to return to the Moon by 2020 and to leverage these lunar efforts to send a human mission to Mars.

After Mr. Bush unveiled his plan in 2004, a congressional subcommittee requested that the Congressional Budget Office perform a budgetary analysis of NASA's New Vision For Space Exploration, as this program was titled. The report was released in September of 2004 and concluded that NASA's long-term projections only included a 2 percent increase for inflation.

NASA's budget has undergone radical changes since the President's vision was announced in 2004. NASA's budget requests for aeronautics has been reduced by over $200 million. NASA's budget requests for science programs, including climate research, have been reduced by over $300 million. In stark contrast during the same period, overall funding requests for NASA have increased by over $2 billion.

Since the President first proposed his new ''vision for space exploration,'' we have spent more than $600 billion in Iraq, over $120 billion on Hurricane Katrina, and the Federal deficit has grown by over $2.4 trillion.

Mr. DEFAZIO's amendment will direct the Congressional Budget Office to update its 2004 budgetary analysis of the President's plan. This makes fiscal sense. It will give us a more complete picture of the budgetary hurdles the project will face and a more accurate assessment of its long-term costs.

□ 1700

Congress needs to continue to analyze the project as it moves forward and be mindful of its effect on other important NASA programs. If anyone claims that they believe that the report will be duplicative of previous GAO reports, the fact is that GAO hasn't done a true cost estimate of the program, but, rather, done risk assessments of the program. Budget and cost estimate analysis is something that the Congressional Budget Office usually handles, not the Government Accountability Office.

The GAO has done some high level budget analysis, but CBO will be able to give a much more detailed report. On Mr. DEFAZIO's behalf, I urge adoption of his amendment, and reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I am not necessarily in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. I think all of us want to know the cost of every government project. That certainly includes Constellation.

As Mr. WU pointed out, on behalf of Mr. DEFAZIO, the GAO just gave us a very comprehensive report. We had a full hearing on the matter of the progress of the Constellation program.

I can tell you that there are some 56 annual reports that NASA has to give to Congress, and dozens of others that it has to give to other agencies, regulatory agencies and other governmental agencies. This is not a request that NASA add to their 100 or 150 reports an additional report. It's asking CBO to take an outside look. And I'm never opposed to transparency in government, especially cost.

I should point out that the amendment singles out Project Constellation for particular scrutiny. Project Constellation is our follow up to the Space Shuttle Human Space Flight Program which is clearly a top priority for NASA, and has been established in this Congress as a top priority.

The shuttle will be retired roughly at the end of this decade. Without Constellation, NASA will have no choice but to buy assets from other nations if we intend to maintain access to our own international space station.

We're going to be dependent on the Russians right now under a very bad plan, but the only plan we have for 5 years. Without Constellation, all hopes of accessing, through American capabilities, the international space station or venturing the moon or other planets or asteroids will simply disappear.

Not all of our colleagues pay as much attention as those of us that are on the floor here today to space. I think one of our colleagues recently suggested that the first manned lunar outpost in space be named after Neil Armstrong, the great first American ever on the Moon.

My question, in response, was why would the Chinese, who are going to get back to the Moon before us, give us permission to name their lunar outpost after an American? We've got to remind our colleagues that this is now an internationally competitive environment in more ways than one.

Constellation is a technology-driven program that will achieve its initial operational capability roughly in the Year 2015, hopefully earlier. NASA has worked hard to maintain their schedule. They give us reports every day. We had a GAO report.

Having said that, if the gentleman feels compelled to support the DeFazio amendment, and we have one additional report on the budgetary status, I don't have any objection to transparency in government. But at some point you're doing so many reports that it's hard to send people back to the moon if you're doing 150 or 200 reports for Congress and other agencies and spending all your time filling out paperwork.

These are really bright engineers. I want to get into the business of flying rockets and not doing more paperwork.

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

Mr. WU. Well, I certainly hope that Americans return to the Moon before anyone else.

I would point out to my friend and colleague from Florida, that we have named a number of things after Columbus, and well, he wasn't exactly an American. So, you know, you never know how far the generosity of spirit will go.

My good friend and colleague from Oregon (Mr. DEFAZIO) has, with his usual vigor, many reasons why a Congressional Budget Office report is appropriate under these circumstances. I have not delivered some of those more pointed arguments, and join with the gentleman from Florida to urge adoption of this amendment for both purposes of fiscal prudence and in the interest of our space program in which we have such a strong common interest.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. HARMAN

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–707.

Ms. HARMAN. Madam Chairman, I have an amendment at the desk which you have just identified, and I rise in support of the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. HARMAN:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentlewoman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HARMAN. Madam Chairman, I rise in support of the Harman-Ehlers amendment and the underlying authorizing legislation.

Madam Chairman, I represent the heart of the aerospace industrial base,

and have long called my district the ''satellite center of the universe.''

I have always been mindful of the need for a skilled and diverse industrial base. Simply put, rocket scientists don't grow on trees.

Earlier this year, on a visit to a major aerospace firm in my district there was a stark reminder of the crisis facing that industry. Following a briefing on an important satellite program, I asked if any the employees in attendance had anything else to tell me. A 31-year old engineer raised his hand and said, ''all my peers are gone.'' Engineers his age, he explained, are leaving the aerospace industry for other fields, and very few are interested in taking their place.

The problem is twofold. More than 60 percent of the aerospace industry workers are over 45, and 26 percent of them are eligible for retirement in 2008. And, as a Nation, we have failed to inspire our kids, particularly girls, to go into STEM fields, science, technology, engineering and math.

There just isn't a pool of qualified workers for NASA and others to draw from. The result is a looming demographic cliff that leaves NASA and the industry without the intellectual capital necessary to keep pace with global competitors.

But the problem extends beyond NASA. The United States depends on this industrial base to give us the capabilities on the ground, in the air and in space that are essential to the way we wage war, collect intelligence and protect our homeland. This looming workforce shortfall could cripple not only NASA's ability to reach its goals, it could deal a serious blow to our national and our economic security.

The Harman-Ehlers amendment expresses the sense of Congress that a skilled workforce is essential to NASA's success, and that NASA should work cooperatively with other government agencies to sustain and expand a diverse workforce.

Madam Chairman, almost 50 years ago President Kennedy inspired a whole generation of Americans. American talent and ingenuity put a person on the moon in a decade. We need that kind of ambitious goal to inspire the next generation to be scientists, engineers and astronauts.

If we fail to dream big, to ask our kids to imagine a future beyond our humble planet, they will pursue other fields. There will be no one to invent the technologies and programs on which NASA's success and our national security depend. That future, Madam Chairman, is unacceptable.

I urge an ''aye'' vote for the Harman-Ehlers amendment, and would like to thank my coauthor, VERN EHLERS, a senior member of the Science Committee, who did seminal work in this field, is a true leader in this field, and a valued partner.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I am not necessarily in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. Madam Chairman, not only am I not in opposition, but I wholeheartedly and enthusiastically endorse the Harman-Ehlers amendment. And I should point out as she mentions the trouble in getting new people into the workforce and an aging and retiring workforce. By the way, one of those young engineers that works in the space field is my wife, and she remains eternally young. But she's the exception.

I've talked extensively about the competition, both civilian and commercial, coming from China. I can tell you that I recently visited CASC, which is the Chinese Civilian and Commercial Space Agency. They have 160,000 employees. About half of those are dedicated to space. And we asked the question, what the average age, because we were startled by the engineering manager that addressed us on their program, what the average age of the managers were in the Engineering Department. The average age of the managers was 40. We were stunned.

We asked, what's the average age of your engineers that are doing space work. And the answer is 30.

Madam Chairman, nothing could be more important to science and technology.

And with that, I want to yield the balance of my time, to, as the gentlelady said, a great advocate for science and space and technology, and for young people getting into these fields, Mr. EHLERS.

Mr. EHLERS. As has been stated, this is a labor of love for me for many years. But a few years ago I began noticing or realizing that we were approaching a major inflection point that we should be worried about.

As you heard from the principal author of this amendment, that it was in the 1960s that John Kennedy asked for us to go to the moon, proposed this advanced and wild notion, and that inspired a whole generation of Americans to become involved in aerospace.

Those individuals are now retiring. And because we hired so many in NASA at one time, they are all retiring at about the same time, which is going to leave us bereft of talent if we don't take action.

Because of this, 2 years I introduced a bill which was passed which established an interagency aerospace revitalization task force within the Federal Government. I would have liked to have it be more broad, but I couldn't persuade my colleagues to make that giant leap at that point.

But since then that task force which involves, I believe, 17 different Government agencies has worked together. The 2008 report of the Interagency Aerospace Revitalization Task Force was released earlier this year. I spoke at the release. And I was astounded at the number of people in the room. It was a local hotel. The room was overflowing with people concerned about aerospace employment and how we keep the aerospace effort going.

This amendment is intended to reinforce what we've talked about for the past 2 years, but it does something very important. As I mentioned, my bill simply addressed the interagency governmental work. But we also have to involve universities. We have to get students excited about aerospace again, and that's what this amendment will do. It will require that NASA reaches out beyond Government agencies, beyond its own boundaries and work with everyone possible to improve STEM education in America, get the young people of today excited about the opportunities in science, particularly in space.

So I thank the gentlewoman from California for initiating this amendment. I believe it's going to be very, very important to the future of NASA and for the future of our country, because if we don't get our kids back into math and science education, we are going to become a second-rate Nation.

Twenty years ago the nation of China and the nation of India both decided that their economic futures lay in developing highly skilled workers who understood mathematics and science. It worked, and they have gone ahead with leaps and bounds, while our students are still mired where they were 20 years ago.

At all levels, from kindergarten on up, we have it take note of that and we have to do a much better job of teaching our children mathematics and science, not just for the sake of NASA, although that's very important, but for the sake of our Nation if we wish to remain competitive with other countries.

I will reserve the balance of my time.

Ms. HARMAN. I am prepared to yield the balance of my time. I'm inquiring whether I'm the last speaker or Mr. EHLERS is the last speaker.

The CHAIRMAN. The gentlewoman has 2½ minutes.

Mr. EHLERS. I will be pleased to yield back the balance of my time.

Ms. HARMAN. Madam Chairman, in closing the debate on this amendment, I would just observe that during my first two terms in Congress, in the last century, I served on the Science Committee. It's a great committee. And I commend the current chairman, Mr. GORDON, for enormous leadership. He is fast and swift, and on his game. And this is probably the most important work we will do for our children and grandchildren. And as a grandmother of three, I want one of those children, like Mr. FEENEY's wife, to want to be an aerospace worker.

□ 1715

I hope that one of them chooses that occupation. I hope it's there for them.

This amendment, the Harman-Ehlers amendment, is our effort to keep this

potential alive, to make sure that our best and brightest kids want to do this work, and then that hopefully our dreams remain big and putting a person on the moon is just a first step to surveying the heavens in ways we can't even imagine.

So on behalf of dreamers, on behalf of an extraordinary industrial base, much of it in California's 36th Congressional District, and on behalf of three little grandchildren whom I love dearly, I urge an ''aye'' vote for the Harman-Ehlers amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–707.

Mr. GORDON of Tennessee. Madam Chairman, I rise to offer an amendment on behalf of the gentleman from Iowa (Mr. BRALEY) who was required to return to his district.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. GORDON of Tennessee:

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 208. TORNADOES.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes, tornado-force winds, and other factors determined to influence the development of tornadoes, with the goal of improving the Nation's ability to predict tornado events. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado research.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I also support this amendment, and I want to thank the gentleman from Iowa for his attention to the important issue of tornado research.

Tornadoes and tornado-force winds present serious hazards to life and property in the United States. We've already had ample and tragic evidence in recent days of the devastation that can be wreaked by these terrible storms. We need to do all that we can to improve our understanding of tornadoes and learn how to better predict them.

The National Oceanic and Atmospheric Administration has the lead responsibilities for addressing tornado-prediction issues. However, NASA has existing cooperative activities with NOAA that may contribute to greater progress in this effort. NASA's existing cooperative activities with NOAA on facilitating research and data sharing are important to improving our understanding of tornadoes. I agree with Mr. BRALEY that the work that NOAA and NASA are doing related to tornadoes needs to be given a high priority.

That is the objective of this amendment. It is just common sense that we ensure that any relevant work that NASA and NOAA are collaborating on is given the attention and priority it needs to improve our Nation's ability to predict tornado events.

I thank the gentleman from Iowa for his initiative for this amendment, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I'm not necessarily opposed.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. This really is an amendment that we're enthusiastic about. NASA currently conducts weather research in cooperation with NOAA, although through the U.S. Weather Research Program, the gentleman's amendment emphasizes the importance of this research as we cope with predicting and dealing with the aftermath of violent weather systems.

It's a terrific amendment, and with that, I would urge its support.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Space and Aeronautics, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Chairman, I strongly support this amendment.

Tornadoes cause an average of 54 fatalities and 1,500 injuries in the United States each year. Just last month in my home State of Colorado, tornadoes devastated the town of Windsor in Colorado destroying more than 100 homes and causing one death. Predicting tornado intensity and location is critical to protecting lives and property, and we must do all we can to improve our knowledge in this important area.

I'm proud to say that the research at NOAA's Earth System Research Laboratory in my district, the Second District in Colorado, contributes to this better understanding and improved forecasts of tornadoes. This amendment will further involve NASA scientists and data in this important process.

I would urge Members to support this amendment just like the chairman did.

Mr. LATHAM. Madam Chairman, I rise today in support of Congressman BRALEY's amendment and to express my deepest sympathies to all my fellow Iowans affected by the tornados that recently tore through Iowa. It is my hope the intense grief felt by those suffering from the sudden loss of a loved one will be lifted, even for a moment, by the prayers of hope from strangers.

For those of us who have the privilege of living in America's heartland, severe weather is nothing new. Tornados are a seasonal reality we all live with. But, when disaster strikes and takes the lives of our friends and neighbors—we are never prepared to witness the power of Mother Nature and the tragedies she can leave in her wake.

Through the tears and sense of disbelief, Iowans again have pulled together to help friends, family and strangers in need. Over the years, I have had the misfortune of viewing many communities damaged by storms. Earlier this week I toured the flood ravaged parts of my district. The scenes painted by wind and water are heartbreaking, but it never ceases to amaze me how quickly Iowans show their true mettle by bringing hope and strength to their towns.

I know for many Members of Congress, tornados rarely, if ever, affect your communities. When you see the astonishing videos of storms and the aftermath, I ask that you take a moment and think about our first responders and the people who find themselves in need. We must take every step possible to prevent and prepare for disasters like the State of Iowa has experienced in recent weeks. This amendment will go a long way towards that important goal.

Our thoughts and prayers are with Iowa and I urge my colleagues to support this amendment.

Mr. BRALEY of Iowa. Madam Chairman, I am in strong support of my amendment that will help improve our ability to forecast deadly tornadoes. I regret my absence today to speak and vote in favor of this amendment. However, I have had to return to Iowa due to major flooding in my district. I would like to thank Chairman GORDON for offering this amendment today in my absence.

In the last three weeks, 12 people have lost their lives in Iowa due to tornadoes. On May 25, parts of my district in northeastern Iowa were hit by an EF–5 tornado with winds of up to 205 miles per hour. Eight people died, and over 70 people were injured due to this tornado, which was the strongest to hit Iowa in 32 years. Just yesterday, a tornado ripped through a Boy Scout camp in Harrison County killing 4 Boy Scouts and injuring 48 people. My thoughts and prayers go out to the Boy Scouts, their family members, friends and all those affected by this devastating tornado in western Iowa. I hope that all of those injured in the western Iowa tornado make a speedy recovery so that they can continue on with their lives.

It is clear that the destruction caused by this tornado would have resulted in more injuries and lives lost had it not been for the warning sirens that went off before the tornado hit. Those warning sirens gave most people the time needed to evacuate and take shelter. However, this warning was, unfortunately, not enough to ensure the safety of every person in the path of these deadly storms.

I'm offering this amendment today to ensure that NASA is actively pursuing research opportunities to accurately predict and forecast tornadoes. My amendment would require NASA to cooperatively work with the National Oceanic Atmospheric Administration, NOAA, on tornado research. NOAA is actively involved in tornado research at its Storm Prediction Center in Norman, Oklahoma, and coordination between these agencies could

prove very beneficial. At the Prediction Center, NOAA is studying ways to improve the prediction and location of tornadoes.

I believe that NASA has a lot of valuable technology and input to offer on the study of tornadoes. However, it seems that NASA has done very little work with NOAA on this important life saving research. My amendment will give NASA and NOAA the opportunity to find ways to work cooperatively on tornado research which will help us accurately predict these deadly storms.

My amendment would also require NASA to make any existing cooperatives with NOAA on tornado research a high priority. In the past, NASA has proven that they have a lot to offer with tornado research. Their past work with NOAA on the Tropical Rainfall Measuring Mission satellite has shown us that sudden increases in lightning in strong super-cell thunderstorms can increase the chances of a tornado touchdown. NASA must commit more resources to this program and other programs dealing with tornado research. Committing more resources to already existing programs will help us accurately forecast tornado touchdown locations.

I urge the House to adopt this amendment to give NASA a better opportunity to offer its technology and expertise in the area of tornado research, and to improve and provide additional resources to its already existing tornado research programs.

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

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

The amendment was agreed to.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. YARMUTH) assumed the chair.

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. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The Committee resumed its sitting.

AMENDMENT NO. 10 OFFERED BY MR. HODES

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–707.

Mr. HODES. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HODES:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. CHRISTA MCAULIFFE SCHOLARSHIP PROGRAM FOR FIELDS RELATED TO THE MISSION OF NASA.

The Administrator shall establish a scholarship program in honor of Christa McAuliffe, who died in the 1986 Challenger Space Shuttle Disaster. The scholarship fund would provide scholarships each year of $10,000 each to three women who are going to college to study in fields related to the mission of NASA, with the goal of seeking careers in space science, aeronautics, and other fields related to NASA.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Madam Chairman, I yield myself such time as I might consume.

This amendment will honor a fallen hero from New Hampshire who was beloved by the Nation. Christa McAuliffe was a teacher from Concord, New Hampshire, who achieved national fame for being the first educator selected to go into space. To those who knew her at home and loved her, she was a social studies teacher who touched the lives of hundreds of New Hampshire's children.

When she was selected by NASA to join the 1986 Challenger Crew, she touched a chord with all of the American people. They saw her dedication to teaching and learning. She believed in helping our children succeed. She often said, I touch the future. I teach.

Even though her life was cut tragically short when the Challenger exploded, her message about shaping our Nation's future through education and exploration is the reason we are here today to consider this important measure.

This amendment will provide three scholarships for women to pursue degrees in science and other fields related to NASA's mission. Christa always dreamed of going into space, and today we can create the opportunity for more women to fulfill their dream of one day being able to journey into space and pursue careers in science, mathematics, and other science-related fields.

These scholarships honor Christa McAuliffe, they honor her dream and are a fitting tribute to her great sacrifice.

Madam Chairman, I urge passage of this amendment.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I'm not necessarily opposed.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. Again, this is an amendment we enthusiastically support. NASA does a great deal to incentivize education programs for women engineers and scientists, but a lot of us Americans remember exactly where we were the moment that Ms. McAuliffe and her colleagues perished. It reminds all of us that human space flight is an inherently risky venture and especially for teachers throughout America and school children who were contemporaries of the Challenger disaster.

I think the gentleman's amendment makes a really good point and with that, I would support the amendment and urge its adoption.

I yield back the balance of my time.

Mr. HODES. Madam Chairman, I thank the gentleman for his kind and heartfelt remarks.

At this time, Madam Chairman, I yield 1 minute to my colleague from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Chairman, I want to thank the gentleman from New Hampshire for yielding to me.

I'm pleased to support this amendment as co-chair of the STEM Education Caucus along with my colleague, Dr. EHLERS, from Michigan. We've long worked to create emphasis on science and math education programs. These areas of study are critical to our future economic competitiveness as well as to the future of our space program.

It is very appropriate to honor the life of educator and astronaut Christa McAuliffe with this scholarship program.

I'm proud to support this amendment and urge all my colleagues to support it.

Mr. HODES. I thank the gentleman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

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

Mr. HODES. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 11 OFFERED BY MR. YARMUTH

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–707.

Mr. YARMUTH. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. YARMUTH:

In title II, add at the end the following new section (and amendment the table of contents accordingly):

SEC. 209. SHARING WEATHER RESEARCH.

The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, Earth Science and Applications from Space, and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Kentucky (Mr. YARMUTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. YARMUTH. Madam Chairman, I yield myself as much time as I may consume.

Before I begin, I want to thank Chairman GORDON, Chairman UDALL, and Ranking Member HALL for their leadership and their hard work that has gone into the NASA Authorization Act.

The amendment I have offered today to the National Aeronautics and Space Administration Authorization Act of 2008 will make sure that the American public has access to the best and most up-to-date taxpayer-funded Federal research.

In the transparent government we wish to provide to the American people, the suppression of nonsensitive information has no place. Yet last year, I took part in two Oversight and Government Reform Committee hearings where we investigated instances in which critical data on the causes and long-term effects of global warming were withheld from the American public.

The taxpayers are funding government studies every day, and they should fully benefit from the results. To proceed otherwise is a disservice to science and the American people.

In order to protect the integrity of scientific discoveries and to ensure the widespread availability of the research being conducted by government scientists, the Government Accountability Office and the National Academy of Sciences made a series of recommendations. Those recommendations include making available the information that supports published results to other researchers creating an infrastructure in which data can be easily accessed, and releasing research in an affordable and timely fashion.

The amendment I'm proposing would simply require NASA to develop a response to these recommendations. These provisions would further scientific progress by enabling data sharing between government agencies, colleges, universities, and grant recipients. It's also my understanding that NASA agrees with the recommendations of the GAO.

The United States has the advantage of being home to some of the greatest scientific minds of the world, and by providing these scientists with the most up-to-date research information, we can help ensure that American innovation stays on the cutting edge.

At this crucial time when America strives to end its addiction to oil, it could not be more important to ensure that our Nation's scientists have every possible advantage in working towards the next generation of discoveries, inventions, cures, and energy solutions.

I urge my colleagues to join me in supporting this amendment which will ensure that the American people have unfettered access to reliable information that their tax dollars help to undercover while giving American ingenuity another edge in revolutionizing the world.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I'm not necessarily opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

□ 1730

Mr. FEENEY. Madam Chairman, I will not necessarily oppose this amendment. I will point out that I think the amendment provides some confusing requirements on NASA.

On the one hand, for example, it says, ''The administrator shall work to ensure that NASA's policies on the sharing of climate-related data respond to the recommendations of the Government Accountability Office report on climate change research and data-sharing policies.''

But then the amendment goes on to direct the administrator to also align the agency's policies to recommendations contained in a National Academy report on Earth Science Applications and ''other relevant National Academy reports.''

It doesn't seem to provide any discretion at NASA to determine amongst a whole bevy or multitude of academy reports from all over the place as to which ones are meritorious or more meritorious than others. There seems to be some confusion here in terms of what NASA ought to determine.

Most importantly, I think we want NASA to make determinations based on good science. That's what they've been charged with. NASA has long been a leader in promoting both domestically and internationally the full and open access to science data to all.

I would also point out that NASA data and information are accessible to the public, on the Web through the NASA Web site.

And finally, we've already discussed the fact that NASA has a set of policies about data and information sharing that I think are comprehensive and are working today quite well.

With that, I would indicate again that I have no objection to the language; although I do think it creates some ambiguity and confusion.

I yield back the balance of my time.

Mr. YARMUTH. I thank the gentleman, and I appreciate the point made by my colleague.

The intent of the amendment is that, since the Government Accountability Office has set a broad range of actions that they recommend in a very general sense, we wanted to provide the flexibility to NASA and to the other agencies—although this amendment only covers NASA—to develop guidelines for the sharing of data that comply broadly with those guidelines set down by the GAO.

So, with that, I urge my colleagues to support this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. YARMUTH).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–707.

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. JACKSON-LEE of Texas:

In section 1108—

(1) in subsection (a), strike ''small businesses'' and insert ''small, minority-owned, and women-owned businesses''; and

(2) in subsection (b)(2), insert '', giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by the Agency'' after ''to small businesses''.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me thank the committee, both the ranking member, Mr. HALL, and the chairman of the full committee, as well as the subcommittee chairs and ranking members.

It is a pleasure to have had the honor and privilege of serving on the Science Committee for a number of years and to congratulate them for its very important work. I believe the Science Committee, as I've indicated, creates the work of the 21st century: science and technology and research.

My amendment has a very simple premise, and it is an amendment to the program of which Mr. LAMPSON of Texas has created that is part of the Innovative Partnerships Program that NASA's had for a very long time.

The amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned and women-owned businesses. But as well, it specifically focuses on small business concerns owned and controlled, which is part of the existing law, by service-disabled veterans and HUBZone small business concerns. So this will be added to small businesses. What better way to ensure diversity than to ensure that our returning veterans, service-disabled, have the further opportunity of participating in this program.

And Madam Chairman, let me share with you how vital small businesses are, no matter where they are. First of all, small firms represent 99.7 percent of all employer firms. They employ about half of all private sector employees. They pay more than 45 percent of the total U.S. payroll, and in 2006, we believe there were 26.8 million businesses.

When you speak to veterans, it seems that it's their cup of tea. They're independent, they're resilient, and yes, they've fought a war. And so, there's given emphasis in selection of the businesses to participate in this technology and outreach program to socially and economically disadvantaged small business concerns, and as I indicated, to service-disabled veterans and HUBZone small businesses.

The interesting part of this effort, of course, is the very backbone of our economy will get the opportunity to benefit from the strength of this great NASA program.

And the full committee has been very fair in the dollars that they've put in science and research and the space exploration program, and this, of course, would provide an opportunity for our small businesses to be right in the middle.

I believe that science and technology creates the work of the 21st century, and for that reason, this program and its ability to reach out to these small businesses is a plus for us. They will include the opportunity to hire people who have that technology training. They will reach out to various universities, Hispanic-serving and historically black colleges and other colleges around the Nation, to get the employees that will work in these small firms, and they'll have the technological training that is so important.

I hope my colleagues will support this and continue to support the opportunity for outreach, particularly as it creates jobs and interests and commitment to the NASA mentality and the NASA technology, and it puts America on the cutting edge.

I reserve my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition; although I'm not certain I oppose the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. I guess at the outset, I'd like, if she would yield, to ask my friend a question because, as I understand the amendment, what it does is to require NASA to contract with a company or companies that have a demonstrated ability to do business and to work with certain companies. Right now, the language gives essentially a requirement that we find small businesses that we can cooperate and work with. I think all of us support that.

I don't understand the language in her amendment. It will substitute for small business, substitute the language in quotes, small, minority-owned and women-owned businesses, end of quote; is that conjunctive or disjunctive? If a company has a great record, for example, in its area of working with minority-owned businesses or women-owned businesses or small businesses or, for example, if a contractor has one subcontractor, do they have to demonstrate that they will be able to have three different contractors, one that's a small business, one that's a minority-owned, and one that's a women-owned business?

If it's a disjunctive, if they can demonstrate ability really to reach out to smaller companies or minority or women, that's terrific, but it may present a real host of problems if it is conjunctive.

I would be happy to yield to my friend to explain whether it's disjunctive or conjunctive.

Ms. JACKSON-LEE of Texas. I'm glad the gentleman asked the question, and the gentleman is right in terms of the positive and not the negative. It is ''and,'' it is including. It is to indicate that if these businesses are around, reach out to them.

And again, this does not impact any contracts of NASA. It only impacts the access to this outreach program, and to have small businesses, if a small business is there, they're there. But to ensure that others are aware of the program and can participate in it.

And of course, it just adds that those who will be part of the outreach will be women-owned, will be HUBZone businesses, and will also be disabled veterans, many of whom are returning back to the country.

Mr. FEENEY. Reclaiming my time, I should point out that the minority happily worked on a manager's amendment, where we enthusiastically endorsed the concept that the administrator ought to contract with external organizations to facilitate new technologies for NASA to new businesses.

And we were sort of provided this at the last moment. We don't really have a chance to examine what the effects are. There may be a contractor out there that only has one subcontractor. There may not be specific types of the businesses.

Though I don't necessarily oppose the amendment, I would suggest that there may be practical problems depending on how this becomes interpreted, and suddenly, we're adding additional requirements.

I think all of us want to help women-owned businesses. We've already done a scholarship today. I think minority-owned businesses are part of Federal contracting law. I think this specific language was designed to help all small businesses, without regard to what specific gender or ethnicity or background they had. We certainly support assistance in helping recently returned or long-standing veterans organizations.

We don't object to the intent of the gentlelady's amendment. I guess we have some real concerns as a practical matter. Small contractors, we're trying to encourage, by the way, NASA not just to pick the Goliaths that then get to divvy out the work. We're trying to encourage NASA to get down and help do business directly with small contractors that are capable.

This may become impossible for small businesses to comply with if they only had one or two contracts and one or two subs.

So, with that, I will not oppose the amendment. I will be happy to yield to my friend to respond.

Ms. JACKSON-LEE of Texas. I want to again reaffirm to the gentleman that this does not impact contracts. This only impacts the ability to participate in getting technical assistance and accessing the wisdom and the expertise of NASA.

In addition, the language is small, comma, and then it goes on. So no one is replaced. It is simply adding a list and saying, don't forget this list as well. It will not replace anyone, and it will not replace anyone or require a small contractor to replace or be replaced, if you will. It is all about technical training and assistance.

Mr. FEENEY. Reclaiming my time, I understand the gentlelady's intent, and actually, I agree with her, given the explanation.

I mean, we've got a NASA Web site. NASA does data sharing. Hopefully, they don't exclude anybody that the gentlelady's talking about. I'm not sure what requirements that contractors that have access to NASA data, that may not be publicly shared, have now got to do that they're not doing. But with that, sometimes we just hope that the details get worked out later in the process, as Chairman GORDON has already reminded me earlier today.

With that, I will not oppose the amendment.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. If I might simply close and thank the distinguished gentleman, Mr. FEENEY, for his inquiries and, as well, his clarification.

And with that, I would indicate that this is a reemphasis of how important small businesses are, accessing technical assistance, and I would ask my colleagues to support the Jackson-Lee amendment dealing with expanding opportunities to socially and disadvantaged businesses and, of course, returning veterans and other HUBZones.

I ask my colleagues to support this amendment for technical assistance.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today to offer an amendment to H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. My amendment modifies section 1108, and it states:

(1) in subsection (a), strike ''small businesses'' and insert ''small, minority-owned, and women-owned businesses''; and

(2) in subsection (b)(2), insert '', giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns'' after ''to small businesses.''

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

Madam Chairman, I would like to thank my colleague and fellow Texan, Congressman LAMPSON, for his leadership in authoring the important section describing the NASA Outreach and Technology Assistance Program. As set forth in this legislation, this program is intended to support the mission of NASA's Innovative Partnerships Program to provide technical assistance through joint partnerships with industry, academia, government agencies, and national laboratories. It will facilitate technology transfer to the private sector, create a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating technical assistance to small businesses, and create a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

My amendment would clarify that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in the selection of businesses to participate in this program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Minority businesses are also crucial to our communities and our country. Black entrepreneurs owned 9.7 percent of all such businesses in the United States. Statistics gathered between 1997 and 2002 show substantial increases in the number of black-owned firms with receipts of $1 million or more, as well as the number of black-owned firms with 100 employees or more. Black-owned firms accounted for 5 percent of all non-farm business in the United States in 2002.

In my home city of Houston, small businesses are vital to our economy. In 2002, Harris County ranked 6th in the nation for counties with the largest number of black-owned firms, with 27,770 firms with receipts totaling $1,817 million. I have worked to introduce minority, women, and small business owners to contracting officials at NASA to help promote and develop Houston small businesses.

Madam Chairman, the NASA Office of Small Business Programs sets forth, as its mission, ''to promote and integrate all small businesses into the competitive base of contractors that pioneer the future of space exploration, scientific discovery, and aeronautics research.'' Today's legislation makes important strides toward working to realize this important goal, and I believe that my amendment would strengthen this objective. The legislation we are considering today reinforces the fundamental fact that the benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

My amendment would help to ensure that the important program authorized by this legislation to develop technical partnerships with private industry will be readily accessible to these vital, but disadvantaged, enterprises. I would like to thank Congressman LAMPSON for his support of my amendment. I ask that my amendment be ruled in order, and that my colleagues join me in working to bring the benefits of this important legislation to all members of our community.

Madam Chairman, I would also like to thank my colleague Congressman UDALL for introducing this important legislation. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth.

SUPPORT STEM DIVERSITY RELATED AMENDMENTS TO H.R. 6063

DIVERSITY AND INNOVATION CAUCUS,
June 11, 2008.

DEAR COLLEAGUE: We write to bring your attention to several amendments that may be offered during consideration of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. Amendments presented by Representatives HODES and JACKSON-LEE are aimed at creating greater diversity in the science, technology, engineering, and math (STEM) workforce through opportunity and access. As Co-chairs of the Diversity and Innovation Caucus, we have worked to expand the participation of under-represented groups in the STEM fields to help bolster U.S. competitiveness. The amendments that will help us accomplish this goal in H.R. 6063 include:

Hodes (NH)—VOTE YES: Establishes a scholarship program in honor of Christa McAulliffe, a teacher from Concord, New Hampshire who died in the 1986 Challenger Space Shuttle disaster. The scholarship would go to women pursuing degrees in mathematics, science, and engineering.

Jackson-Lee (TX)—VOTE YES: Clarifies that the NASA Outreach and Technology Assistance Program includes small, minority-owned, and women-owned businesses. It would also give preference, in selection for the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

If America is to achieve its strategic objectives in STEM, then the enormous potential of groups that are currently under-represented in the STEM fields must be utilized. STEM policies which encourage diversity help strengthen American innovation and competitiveness by expanding the STEM pipeline. We strongly urge you to support the amendments to HR 6063 listed above.

Thank you for our careful consideration of these important amendments.

I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

Mr. GORDON. Madam Chairman, I want to thank everyone for this constructive and civil debate that we've had today.

I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Ms. BORDALLO, 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. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, had come to no resolution thereon.

□ 1745

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 gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GET YOUR FACTS STRAIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, Special Orders, such as I am now entered into, are a time when Members can fairly freely say things without fear of contradiction because generally no one is here. And as you listen to many of the Special Orders, there is a very good reason why no one is here: No one ought to want to pay any attention to them. And we have a certain amount of tolerance when it comes to Special Orders, but sometimes the stupidity level, it seems to me, is exceeded.

In a Special Order yesterday, the gentleman from Iowa (Mr. KING) said the following. He was denouncing the notion of financing public transportation from the gasoline tax. It does

seem to me that having public transportation available is one of the good ways to reduce the use of oil. High prices have driven more people to use public transportation, but that's a legitimate subject for debate. What is not a legitimate subject is to make things up.

The gentleman said yesterday, and I quote from the RECORD, ''And if you go to Barney Frank's district and you jump on—I don't know what they call it, the subway, the ''Big Dig,'' the major multibillion dollar boondoggle—and you buy a ticket to ride along on that thing, you get a cheap ticket because it's subsidized by H5321.'' Well, you can't buy a ticket to ride on the Big Dig, but if you could, it should be cheap because there's nothing to ride on.

In fact, quite contrary to what the gentleman from Iowa made up yesterday, the Big Dig is not a subway, the Big Dig is a highway. Now, it did cost a lot of money, but it was money that was spent on a highway. So when the gentleman says, ''I don't know what they call it, the subway, the Big Dig, the major multibillion dollar boondoggle''—and by the way, it's not in my district. But that is such a small error compared to the major errors the gentleman made that I mention it only in passing. But I am baffled by why the gentleman would get up and purport to talk about something in Massachusetts and so mis-describe it.

So let me be very clear: The Big Dig is a highway, it is not a subway. A subway is a mass transit conveyor that goes underground. A highway is something on which cars go. So you can't buy a ticket on the Big Dig, and it is not a subway.

He said further, by the way, that you get a cheap ticket because it's subsidized by H5321. I don't know what H5321 is. There is a bill, H.R. 5321, which has absolutely nothing to do with public transportation, but accuracy does not appear to have been the governing principle in that conversation.

I do note that the gentleman from Iowa singled out three districts to discuss: San Francisco, represented by the Speaker, New York City—and he imputed all New York City to the gentleman from New York, Mr. RANGEL—and myself. Why we three districts were singled out—myself, San Francisco, the gentleman from New York, Mr. RANGEL—I don't know what emotions the gentleman from Iowa was seeking to evoke by, out of all of the public transportation districts, picking the three of us. Again, that's something he is entitled to do, but he is really not entitled to call a highway a subway and denounce us for that.

So, as I said, I understand that when you are here under Special Orders, you can generally get away with a great deal because there is no one to point things out. And I actually felt sufficiently concerned about the accuracy of what's said in the House that I waited around for a while. And I learned many interesting things about NASA, more than I had planned to, but that was an educational experience. But I would hope that Members in the future, when they want to go and attack things, would put a little effort into trying to know what they are talking about. It might elevate the debate.

The SPEAKER pro tempore (Mr. SARBANES). 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.)

BORDER PATROL AGENTS RAMOS AND COMPEAN

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. Mr. Speaker, today is the 512th day since a great injustice took place in this country. On January 17, 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11 and 12 years, respectively. Agents Compean and Ramos were convicted in March of 2006 for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These agents never should have been prosecuted, yet the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler. I want to repeat that, Mr. Speaker, yet, the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler, who claimed he was unarmed. The illegal drug smuggler received full medical care in El Paso, Texas and was permitted to return to Mexico.

Mr. Speaker, today I would especially like to thank House Judiciary Chairman JOHN CONYERS and his staff for their interest in investigating this case. Last week, I spoke to Chairman CONYERS about this case, and I was so grateful to learn that the chairman is seriously considering holding hearings to thoroughly examine the prosecution of these two Border agents. The American people have not forgotten Agents Ramos and Compean, who should have been commended instead of indicted. The hundreds of thousands of Americans who have supported these two heroes will greatly appreciate a decision by Chairman CONYERS to hold hearings on this injustice.

These two agents have given years of their life in service to this Nation, yet they have been unjustly punished for doing their job to protect our homeland. Those of us—and there have been many on both sides of the political aisle—who have spoken out on behalf of these agents for more than a year are waiting on the Fifth U.S. Circuit Court of Appeals in New Orleans to render its decision in this case.

When those who bravely defend our borders are prosecuted, it sends a confusing message to law enforcement, who are trying to protect the American people. Mr. Speaker, it is my hope and prayer that one day soon this injustice will be corrected and these two heroes will be home with their families.

Mr. Speaker, I want to close by saying that we have called on the President of the United States to pardon these two agents, and yet nothing has happened. The last hope for this Congress is in the hands of Chairman CONYERS. And I have great respect for Chairman CONYERS, he is a man of integrity and honor.

So with that, Mr. Speaker, I will ask God to continue to bless these two Border agents and their families. And I will also ask God to continue to bless our men and women in uniform, and ask God to continue to bless America.

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.)

NASA REAUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we just finished a historic debate for historic legislation, H.R. 6063, and I look forward to my colleagues enthusiastically supporting the NASA Reauthorization Bill.

Let me highlight what this bill will generate for science in America. Funding for science will be some $4.932 billion. Aeronautics will be $853 million. Space exploration will be $3.886 billion. Education will be $128 million. Space operations will be some $6 billion. Cross-Agency Support Programs, some $3 billion. And Inspector General, which is very important to ensure the integrity of the program, some $35 million. This is an investment not for this Congress, but for America, and that is why this debate is so important.

As we move this bill forward, I am very pleased that this body supported my amendment. And I wanted to ensure that we had record clarity to know that this amendment was worked on by the Science Committee and the Small Business Administration Committee, and was timely submitted to the Rules Committee and, as well, was, if you will, approved by the Rules Committee. And I was very pleased to have this listed as an approved amendment in the structured rule process.

And so all is well now that this amendment has been passed and that this bill now has been passed, if you will, out of this body. And of course there will be votes to finalize the passage of the bill.

Let me move now, just very briefly, to add my deep sympathy to Americans who have experienced the tragedy of untimely and precipitous weather. This, I think, will be the most remarkable weather season that we may have experienced in a couple of years. Tornados are hitting Americans and floods all over the Nation. Many of our colleagues are absent because of the tragedy occurring in their respective districts. This further emphasizes, of course, the work that we do here, but nothing can give solace to those who have lost family members.

As a member of the Board of the Sam Houston Area Council Boy Scouts of America, I offer my deepest sympathy to the Boy Scouts who lost their lives in Iowa, and to their Member of Congress and to the families there. Let me also cite the brave young men who were involved in protecting others and providing first aid. It shows what kind of character and integrity is built for those who are in the Boy Scouts. And we offer to them our deepest sympathy. We know that the national Boy Scouts are mourning, and Boy Scouts across America. But as they mourn, let us also pay tribute to those who rose and showed themselves well as they sought to help those who could not help themselves.

Again, our sympathy to the Boy Scouts of America, to the Boy Scouts of Iowa, and certainly to the families of those who lost their lives in the last 24 to 48 hours, and those Americans who are also in the face of these tragic, terrible natural disasters, and who have suffered personal loss, property loss, and certainly the loss of loved ones.

ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I don't think I'll take the whole 5 minutes tonight because I'm going to join Mr. WESTMORELAND of Georgia in a special 1 hour order on energy in just a few minutes. But I would like to say, during the 5 minutes that I have, that another week has gone by in the Congress of the United States and we have taken no action in dealing with the energy crisis that faces America today.

The price of gasoline is well over $4 in most areas, and in some areas it's up closer to $4.50. Diesel fuel is over $4.50 a gallon, and the truckers across this country are suffering, and they've even demonstrated here in Washington, D.C.

And it's not just the energy problem that we have to deal with, it's the effect that the energy problem has on other commodities, such as food and other equipment that we need to keep this economy moving forward.

The price of food is going to go up. It's going to have tremendous inflationary pressure on every family in this country if we don't address this problem and address it quickly. I know some of my colleagues say, well, you know, if we started drilling for oil in the ANWR today, it would take 10 years before we would get that oil to market. Well, I disagree; I think it would be a lot sooner than that. But the sooner we start, the quicker we will have that oil at our refineries.

We also could drill off the Continental Shelf and get another couple million barrels of oil a day. And that may take a little bit of time, but the sooner we start, the better.

The other thing we have to consider is we need more refineries to refine that oil. We haven't built a refinery, I think, in this country for the past, what, 30 years? And we need that capacity in order to get this oil transitioned into gasoline and diesel fuel for the people to use in this country.

□ 1800

To sit back like we have and not do anything over the past weeks and months, watching the gas prices go up and watching people suffering, in my opinion, is just unconscionable. Yet, my colleagues, we really haven't done a thing.

I reach out to my colleagues on the Democrats' side of the aisle. You're in the majority and we're in the minority, but we all understand we have a crisis facing this country. We need to work together to explore, to get the oil that we have in our country to market as quickly as possible. We also have as much as a 500-year supply of natural gas, a clean-burning fuel that we could get to market if we could get it out of the ground, and we can do it in an environmentally safe way, and we can extract the oil in an environmentally safe way.

If we were talking to Americans all across the country tonight and if we said, ''do you think gas prices are too high?'' they would all say, ''Yes.'' If we said, ''would you mind if we drilled in this country and in an environmentally safe way to get oil out of the ground to lower your gas prices?'' you'd get 80–90 percent to say, ''Yes.'' If you asked them ''what about the ANWR?'' they'd say, ''Where's the ANWR?'' Most people aren't aware that it's a very small part of Alaska which is three times the size of Texas.

We need to move toward energy independence. We have the ability to be completely energy-independent from Saudi Arabia, from Venezuela, from Mexico, from Canada, from any country in the world. We can be independent if we work together, but we haven't done that.

Many of my colleagues are saying, ''Well, we're concerned about the environment.'' We all want to transition to new technologies, to new ways of getting energy so that people can have clean-burning fuel, but in the meantime, while we're doing that, we must realize that we're having a terrible, devastating impact on our economy by not taking action.

So I would just like to say to my colleagues, before I get together with Mr. WESTMORELAND for this 1-hour special order, let's work together. The American people are begging us. If you don't believe it, go to any gas pump in the morning or tonight and ask them. They're begging us to do something about the exorbitant fuel prices which are not only affecting their getting to and from work but that are also affecting their ability to buy groceries at the supermarket and that are affecting every other commodity. It's going to severely hamper and hurt this economy if we don't work together very quickly to get the job done.

Now, I believe that if we listen to the American people that Democrats and Republicans can work together, and we can come up with a plan to extract these vital, essential minerals so that we can lower our gas prices and can lower the energy prices in this country, but if we don't and if we continue to fight with each other and if we're recalcitrant and if we don't do something, then the problem is going to get worse and worse and worse.

So I would just like to say to my colleagues and to plead with them one more time tonight: Let's not let another week, month or year go by of our not having done anything to explore or to drill for our own natural resources that can give us energy independence. We've been talking about it since the Carter years back in the 1970s. It is time we did something. Americans are suffering, and we're not doing anything. Democrats and Republicans must work together to solve this problem.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF 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 June 12, 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 12,925 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 12,925 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their 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 June 12, 2008, 12,925 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 gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California 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 Washington (Mr. REICHERT) is recognized for 5 minutes.

(Mr. REICHERT 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 Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS 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 Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

(Mr. FORTENBERRY 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 Virginia (Mr. SCOTT) is recognized for 5 minutes.

(Mr. SCOTT of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be on the floor of the House of Representatives here in the United States of America to talk about issues that are pressing, representing the 30-Something Working Group. I will be joined shortly by my friend, Congressman MEEK of Florida, who will join us through this discussion.

I want to talk about a couple of issues that are pertinent to what has been going on in our country. I think the most pressing issue that we've been dealing with in this Congress and that, I think, most of our constituents are dealing with every single day is what is going on with our energy policy here in the United States of America.

We have heard, as Democrats have come into office with Speaker PELOSI's leading this House of Representatives, is that one of the key issues that we're trying to deal with is to make sure that our country is energy-independent and to reduce our dependency not only on oil but especially on foreign oil and to move off of oil in general, into renewable energy, into biodiesel, into solar, into wind, into nuclear, into a lot of these other areas that will allow us to be energy-independent, that will provide for renewable energy and that will provide a stable supply of energy here in the United States.

One of the issues that keeps coming up is: Why don't we keep drilling? Why don't we drill in ANWR? That will solve our problem. I'm sure, in the next special order, the folks who are paying attention to this debate will get the other side of this. But from our perspective and from what the analysts are telling us, if you begin drilling in ANWR and if you start the process today, it will be 10 years from now before you get one drop of oil out of ANWR. If you continue, in 10 years, you will get 40,000 barrels of oil a day in a market that has 80 million barrels of oil. In 20 years, you will get yourself up to about 800,000 barrels of oil a day, and you will reduce the cost of a gallon of gas by 1.8 cents per gallon. Now, that is 20 years from now. So, if we start today, in 20 years, we will have a savings of 1.8 cents per gallon of gas. From our perspective, that is not a long-term strategy.

One of the reasons that it is not a long-term strategy is that we have now currently 68 million acres of land on the continental shelf, onshore, that is eligible to be drilled upon. There are 8,000 leases for drilling on these acres of land, 8,000. Of these 8,000 leases, there are only about a quarter of them that are actually being used or that are being pursued.

What we are saying is, if you have 68 million acres of land and if you have 8,000 leases already to drill on those acres of land, why do we need to go somewhere else up in ANWR—up in Alaska—when we're not even drilling in the areas that we have now in which the oil companies have permission to go and drill? That is the question.

So we have this available to us now, and if we got into the 68 million acres of land, that would produce 4.8 million barrels a day.

Mr. BURTON of Indiana. Would the gentleman yield.

Mr. RYAN of Ohio. I'd be happy to yield.

Mr. BURTON of Indiana. The geologists with whom we've talked say that they know that there is oil in the ANWR and that they know where the oil is off the continental shelf. I don't know about these other 8,000 leases in the spots that we're talking about, but I would be happy to talk to them about

exploring those if we could work together to get the oil out of the ground and get it to market.

I'd just like to say to my colleague that I know that you want to move toward energy independence. We have a different view on how it has to be done. You'd like to do it in an environmentally safe way, and so would we, but we aren't starting. So I'd just like to say to my colleague:

When are we going to start? In your opinion, how are we going to start, and how long will it take?

The transition to hybrids and to everything else and to get everybody in this country working on these things is a laudable objective, and I agree with you that we should be doing that, but in the interim, we've been just sitting around, waiting for 30 years. The American people, I don't think, can wait much longer.

So I'm sorry to interrupt you, but I'd just like to ask you: Where do we start? When do we start? How do we start if we don't drill?

Mr. RYAN of Ohio. Reclaiming my time.

I have a great deal of respect for my friend from Indiana. I wanted to give him an opportunity to speak his peace.

It's not up to us, and that is the point I was going to make. This is already available. It's the oil companies that are not pursuing this. They have the leases. They have the space. They have the okay, but they're the ones that aren't doing the drilling, and that's the point.

One of the reasons is that there is a difference between the certifications. When you have to mine for coal and you get one of these permits and you get the ability to lease, there's a 20-year lease for coal companies, but you have to show that you're diligently developing your mining with coal. Under oil and gas, it's only a 10-year lease that is renewable, but you don't have to show that you're diligently developing the leases and that you're diligently developing the mining in trying to get the oil and the gas out.

So the oil companies have the leases—they have the ability to do it—but the law does not require them to show a diligent developing of a particular resource. That is the problem. So they're holding the leases and are, in our minds, driving up the cost. Now, I think there are some other things going on, too, with commodity markets and whatnot, but this is the gist.

There is a bill that is coming out of Mr. RAHALL's office from the Natural Resources Committee, the Responsible Federal Oil and Gas Lease Act of 2008. I will be happy to share with my colleague and have my staff get to your staff the proper information here because there is no reason why they're not developing it, and that's the problem that we have here.

So look at what is going on in the commodities market. We have passed a bill out of this House of Representatives to try to address that problem. If we soon pass Mr. RAHALL's bill that will deal with the lease issue and the oil companies' being able to hold onto these leases, I think then we can force these folks to either get rid of the leases and get them in the hands of somebody who will actually do the drilling or they will have to drill it themselves, but you have to show diligence in developing that particular resource that you're going after.

So that's really the main issue here, and I appreciate the opportunity to bring that up and to further expound on that point because it puts the ball right back in the court of the oil companies'.

So, on all of these prongs, whether it's futures or whether it's the leases or whether it's the $14 billion in subsidies that the taxpayers have given the oil companies, on each of these issues, we're trying to change the policy, and we want to join with the Republicans to help us to do that because a lot of this oil and gas is available to be developed, to be explored, to be used here in the United States of America.

Not only that, there is a bill that we passed, I think, in 2005 that would allow a 50 percent tax credit to build refineries. That is one of the other points that has been made, which is of the refineries. Why aren't there more refineries? Refineries now are only working at 85 percent capacity.

Mr. BURTON of Indiana. Would the gentleman yield.

Mr. RYAN of Ohio. I would be happy to yield. I'm going to yield to you because you're my friend, but I'm going to have to leave, so I'm not going to get a chance to rebut you guys, but go ahead, because Mr. WESTMORELAND and I are going to be on Fox later, so we'll be glad to take that up over there.

Mr. BURTON of Indiana. The reason I wanted to talk to you really briefly before Mr. WESTMORELAND and I take this hour is that we're going to have to work together to solve this problem. On its face, for us to say that the oil companies with these leases really don't want to exercise the ability they have to drill doesn't make sense.

The problem we have with energy right now is that China is buying an awful lot of the oil, and India is buying a lot of the oil. The appetite for energy is growing at a very rapid rate, even here in the United States, and we're not keeping up with the production necessary to keep the prices down. The oil companies want to drill. They want to make this money. They want more refineries.

You and I don't know each other really well, but what I'd like to say to you is that I'd like to sit down with you and with some of the oil companies executives and talk to them about the drilling problem and about the lease problem. Maybe there's something we can do by talking to them to get this thing off dead center. But to sit around and say they're not drilling where they should when the world needs more energy doesn't make any sense. We need more refineries. Everybody knows that.

As you were talking a minute ago, we want to move toward energy independence, but that's going to take time as well. So I would like to work with you and with other Democratic leaders—Mr. RAHALL and others—and see if we can't get some of the oil execs in without beating them over the head about, you know, taxes on them and just say, ''What do we need to do to get you to do exploration in a clean way and to get this energy to market as quickly as possible?'' I'd like to talk to you about it and see about that.

Mr. RYAN of Ohio. Reclaiming my time.

I'd like to chat with you about it. I think it would be important to have Mr. RAHALL involved in that conversation.

□ 1815

Our argument on this side, and I think it is not a prima facie case here, these are the facts that have been explored. They have the leases, they have the land, there is nothing preventing them from doing it. You have a 50 percent tax cut on refineries. They still haven't done that. And we are giving them $14 billion to help develop this stuff. I mean, how much more do you need? And you are the most profitable industry in the country.

So it leaves folks like us to say, you know, you are obviously not doing things properly, because the price of oil is going up.

And I agree, obviously China and India are a major component of this. No one is saying it will be $20 a barrel if we implement this stuff. But if you talk about it, most people are saying anything between a 10 and 100 percent increase because of the commodity trading, which probably puts it somewhere in the middle at 40 percent, which would be 40 or 50 bucks a barrel. That alone would reduce it to about 90 bucks a barrel.

Now, drilling has increased by 66 percent since 2000, so there is more drilling going on to try to keep pace with that. But the prices have increased. Last Friday a barrel of oil increased more in one day than it cost 10 years ago. That is a significant increase, and you can't say there are some shenanigans going on here.

All we are asking is, I think if we pass something like the Responsible Federal Oil and Gas Relief Act of 2008, if we say that you have to diligently develop those leases that you have, I think that would be a piece of this argument, to say you got the lease, you are not allowed to sit on it. Either develop it or give it to someone else.

No one here is saying we are going to be off oil tomorrow. What we are saying is we don't want to be in the same situation a decade from now or two decades from now because we opened up ANWR and saved 2 cents a gallon. That is not going to get us where we want to be. And the sooner we take the brain power here in the United States of America and put it to work to develop some of these alternative energies, the better off we are going to be.

So, 68 million acres, 4.8 million barrels a day, 44.7 billion cubic feet of natural gas, this is the direction we need to be going in. This is the direction that I think Americans want us to go in, Mr. Speaker. This is the direction that the Speaker and the Democrats want to lead this country in.

Mr. WESTMORELAND. Will the gentleman yield?

Mr. RYAN of Ohio. We are happy to. You guys are going to have more time on my Special Order than I am.

Mr. WESTMORELAND. I just want to ask you one question and give you time to rebut it, and I will leave.

To my friend Mr. RYAN, you mentioned not being able to use our technology. In the energy bill that we passed in January of 2007, section 526 really limits the government agencies' ability to use fuels that could come from our technology. It says we cannot use these fuels, such as oil from shale, fuel made from that, for NASA, our military or other government agencies.

Could you kind of rectify that and how that relates to what you are saying? Because I agree with you, we have some of the smartest people in the world here that can look at some of the technology that has been in place in Europe for years of coal-to-liquid. But how does that translate in your energy policy, compared to what you are saying about the technology? Because I certainly agree with you about the technology, but I don't necessarily agree with the energy policy.

Mr. RYAN of Ohio. Well, regardless of how we develop it, I think this is what we have done. We put billions of dollars into research and development, and we will continue to put more into research and development, maybe even over the protests of some of the folks on your side of the aisle.

But you could talk about oil shale and you could talk about all of these the other issues. We have 68 million acres right now, there are 8,000 leases, and you folks keep talking, Mr. Speaker, the other side keeps talking about going up to ANWR, when we have 68 million acres already to be tapped, 8,000 leases ready to develop this. They are only using a quarter of them. Go ahead and drill. But why do we have to go up to ANWR, when we already have the ability to do it now? That is all we are saying.

So, yeah, we should use technology to figure out other ways to develop oil and the coal-to-liquid. As long as you are sequestering the CO_2, speaking on behalf of myself now, I don't have any problem with it. You have nuclear plants that are going on and permits and leases for moving that process forward.

So this is going to be a comprehensive bill and a comprehensive approach to all this. But when you have the oil companies getting $14 billion, you have the commodities problem that you have, and you have them buying leases and holding them because they don't have to diligently develop, like they have to do for coal, you get skyrocketing gas costs, and that is what we are trying to fix here.

The oil companies have more incentives than they could ever possibly need. They have been getting $14 billion in basically corporate welfare. They get a 50 percent tax credit to develop a refinery, and they still haven't done that. So these issues are hanging around here, and we are trying to change it and the rhetoric from the other side is we got to go to ANWR, when we already have the ability to address these problems here.

So I think we have a comeprehensive approach on how to fix this problem. It is much different. And, again, to just say, you know, Mr. Speaker, it was the other side. They were in charge for 6 years, had the House, had the Senate, had the White House, and we are currently living under their energy policy and the Bush economy.

Mr. BURTON of Indiana. If the gentleman will yield for just one second, I know you have to leave and I just want to say one thing real quickly, if you don't mind.

Mr. RYAN of Ohio. I will be happy to yield.

Mr. BURTON of Indiana. You know, you can blame us, we can blame you. We can go all the way back to the Carter administration when we had lines. You are a fairly young man, you probably don't remember, But there were lines around the block and people coming with five gallon cans to get gas because we didn't have any. There is probably enough blame to go around.

The problem is we are in an economic crisis right now that is not going to get any better until we work together. I have been down here railing against you and the Democrats for the last three or four or five weeks saying you guys are the reason that gas has gone up a buck-and-a-half in the last 2 years. You can blame us if you want to. But the people who are watching on television and the people around this country right now are paying 4 bucks-plus a gallon and they want us to work together. I would like to sit down with you and others like you and try to figure out a way to get this problem solved.

Mr. RYAN of Ohio. Reclaiming my time, you are exactly right. We could sit here, Mr. Speaker, and blame each other about whose fault it is. I say that as a point of clarification, because one is now you have solutions that you didn't implement while you were in, they didn't implement while they were in, Mr. Speaker. So I think that is an important point to make.

But the discussion here today is look at what the Democrats have done. We are trying to repeal the $14 billion in corporate welfare. We are trying to crack down on the commodities futures trading. We are trying to make sure that oil companies can't just hold leases and not develop them, and not develop them and diligently pursue the natural resources that are there. That is what we are saying. The other side is saying, go to ANWR. Now, that is not a solution.

So the discussion that we are having here is that your side is saying, go to ANWR and drill, and we are saying there is 68 million acres, 8,000 leases, and they are only using a quarter of them. The oil companies are holding them. They could get 4.2 billion barrels a day, and they are not doing it. That only leaves one conclusion.

I guess we are kind of blaming each other. But if you put up drilling in ANWR or drill in what we have now and focus billions of dollars on an alternative energy policy and strip the $14 billion from the oil companies and make sure that if they get leases they got to use them and make sure that there is not all kinds of monkey business going on in the commodities market, that is our solution, which your side votes against.

We are going to have an election. You guys are going to say drill in ANWR, we are going to say alternative energy, and the people are going to decide. So we can blame each other all we want, but the people are going to hear our position, they are going to hear your position, and they are going to hear the presidential candidates' positions, and they are going to decide who they want to vote for.

I believe and our caucus believes that when we get the message out that there are already 68 million acres to be developed, there are 8,000 leases being held by the oil companies, that they are only using a quarter of them, that it will look like our friends on the other side are standing shoulder-to-shoulder with the oil companies. And we are going to have a vote at some point on Mr. RAHALL's bill that will allow and force the oil companies that if they have leases to use them, that you may fall on the one side of that and we may fall on the other, and then the people will have that vote to decide on.

I am getting a bit redundant, but we want to make sure our friends who are just kind of passing through the debate catch both sides.

The gentleman from Indiana, I know he is a busy man, but if you have time tonight, me and your partner in crime there will be on Fox TV, on Hannity & Colmes, to further this discussion, and I very much look forward to it.

I think my partner in crime, Mr. MEEK, is not here, will not be here, and I will take your thank-you's later, because you had more of my special order than I had.

Mr. BURTON of Indiana. If the gentleman will yield just real quickly, I would like to say this to you as you leave. I would like to see a number of you—

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman yield?

Mr. BURTON of Indiana. Will the gentleman yield just for a second?

Mr. RYAN of Ohio. Well, you are going to get the next hour.

Mr. BURTON of Indiana. I know, but I would like to talk to you before you leave.

The SPEAKER pro tempore. Does the gentleman want to yield, or yield back?

Mr. RYAN of Ohio. I yield back the balance of my time. I will wait and listen to you.

ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, I am glad Mr. RYAN was here, and we will continue this discussion, I am sure.

Mr. BURTON of Indiana. Will the gentleman yield just for one second?

Mr. WESTMORELAND. I will.

Mr. BURTON of Indiana. Before you leave, let me say I think what would be very illuminating for the American people is for you and three or four of your colleagues who have some expertise in this area to come down with three or four of our colleagues and sit down and discuss in logical way these issues you are talking about, because we all want the same thing. So I would like to talk to you about that after we are through here, and maybe we can work something out in the next week or two.

Thank you, Mr. WESTMORELAND.

Mr. WESTMORELAND. Thank you.

As we continued listening to my friend and colleague Mr. RYAN talk about the amount of land that is open for drilling, it is only 3 percent of the Outer Continental Shelf. That is only 3 percent of it. There are only 6 percent of the Federal lands on shore that are open to drilling. Now, these oil companies may hold some of these leases, but why would you want to drill on something that did not have oil? I don't think that makes good sense.

He is talking about the $14 billion tax. Well, you know, I am not the smartest guy in the world, but I had an economics teacher, Colonel Walford, in high school, who made it very clear to me that taxing a producer or manufacturer did not lower the price to the consumer. You don't have to be an economist to understand that if you raise taxes on somebody, it is not going to lower the price to the consumer.

Now, the other thing is that the majority has been in control for 17 months. When they took over, the price of a gallon of gas was $2.26. Right now it is up over $4. I believe it was in April of 2006 that then Minority Leader PELOSI, now Speaker PELOSI, made the statement that the Democrats had a commonsense plan to bring down the skyrocketing price of gas. Now, it was probably $2.08 then, right at $2. So I don't know where this plan is.

They passed an energy bill in about January of 2007 that Mr. RYAN referred to, and in that energy bill they had specific language that said our government could not use certain alternative fuels. So they are saying one thing and then doing something else, and it is real confusing to the American people.

But I have something I want to unveil tonight, Mr. Speaker, for the American people. We have got some of it up here. What this is, Mr. Speaker, there have been all kind of petitions on the Internet. I went into a service station in my district and there was a petition there on the counter about the price of gas. There are petitions all over. Our constituents have an opportunity to go on the Internet and sign these petitions or go into their local grocery store or gas station and sign a petition for drilling, against drilling, for any variety of things as far as what the energy costs are that are affecting the average person.

So as I thought about this I said, you know, we need to make this simple. We need to make it so we have a petition for the House of Representatives. We have 435 Members here, and the American people need to know how their Representative would vote.

□ 1830

What would they be voting on? American energy solutions for lower gas prices, the things that we can control, our resources.

You know, China and Cuba are fixing to start drilling 45 miles off the coast of Florida. That's our natural resource, we could be drilling there, but we are not. So we have got 97 percent of the Outer Continental Shelf that we control we are not drilling on, 94 percent of the Federal lands that we have in this country, we are not drilling on. So we have got a real simple thing, bring onshore oil on line, bring deepwater oil on line and bring new refineries on line.

You might realize or might not realize that we haven't built a refinery since the late 1970s. We import, right now—this is probably going to surprise some people—we import 6.9 billion gallons of refined crude oil that's gasoline into this country every year, because we do not have the refining capabilities.

We had a motion to recommit, I believe, on May 22 that Mr. CONAWAY offered that said, within the 90 days, that the government would identify three locations on some of our military bases that have environmental problems, maybe, that the BRAC has closed immediately and in 90 days identify three of those to build new refineries. The majority voted against it. They stand and say one thing, but their actions do something else.

We need to build and expand our refineries, and we need to make this to where our oil companies are willing to invest. But when you import 6.9 billion gallons of gasoline and probably about the same amount of diesel fuel, that we come in.

What we have got is a petition here, and this petition starts out with Alaska at large, it goes out through Alabama and goes all the way through every State in this Union, and we have got everybody a district line.

Now, we just kind of, we had it back here in the corner today and some people came by and said hey, what you got, and I told them it's a petition. What the petition says, ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

That's pretty simple. It's not convoluted, it doesn't have anything to do with anything other than Americans providing their own resources for our energy. Now, what's wrong with that? We are a country that is known for our resourcefulness.

Mr. RYAN mentioned the technology. Germany, back in the late 1920s, had technology that converted coal to fuel. That was back in the late 1920s. Surely technology has come to where it's better. We have got over a trillion, that is a trillion with a ''T'', barrels of shale oil out west, a trillion, a trillion, and we are not doing anything with it.

In fact, not only are we not doing anything with it, but Mr. UDALL from Colorado last year passed an amendment that said we couldn't do anything with it, that we couldn't drill, and it passed this House 219 to 215. You might remember, I believe that was the stolen vote. But those are circumstances that we have got, and so we want the American people to know where their Congressman is at.

We have got this petition, we are going to update it, every day we are going to have it back on the floor. I have got two pencils with me today, two markers. If anybody is listening that's still in town, wants to come down, they can certainly come down. I will give them some time to speak and they can tell their constituency why they want us to support us using our natural resources, our resources to provide energy for our people.

I will yield some time to Mr. BURTON of Indiana.

Mr. BURTON of Indiana. First of all, let me compliment my colleague from Georgia, because I really appreciate you taking the initiative to actually lay before the American people those who support energy independence, true energy independence and those who don't. I think this will do it. I hope this is publicized across the country so every single constituent of yours, mine, everybody in this country who is paying $4-plus a gallon for gasoline will know how their representative feels about this issue.

One of the things we were talking about just a few moments ago before our colleague left, which was very troubling, was that he indicated that oil companies were protecting leases, and he didn't want to drill in those places. It's very—it's almost a ludicrous argument.

Because with the demand for oil growing like it has around the world, the need for more oil or energy is apparent. The more oil companies, the

more they drill and the more they refine, the more they are going to be able to sell. What my colleagues have said in the other side of the Senate and over here is they want to raise taxes on the oil producers.

That's okay if they want to tax those people, but oil companies don't pay taxes. This is what people need to understand. Those taxes are passed on to the consumer when they buy the gasoline, because they raise the price of the gasoline.

When you buy a car, if you raise the taxes on the production of a car, it's passed on with the prince increase on the car. So companies, corporations aren't paying these taxes, the consumer is. That's what we really need to explain to the American people.

The thing that troubles me the most—and this is why I appreciate you doing this and taking this initiative, Representative WESTMORELAND, is because the American people are confused. Right now they read in the paper, see on television, well, the Republicans killed a bill in the other body that would have really put the hammer to the oil companies.

The fact is that it was raising taxes on the oil companies, which would have passed on to consumers in a price increase that would have made gas prices even higher. What we need to do, as you said, and what you are doing tonight, as my colleague from Georgia, your buddy here is going to talk about in a few minutes, is we need to get more energy out of the ground and we have the ability to be energy independent.

My colleagues say, well, it's going to take 10 years it may take 5 years, it may take 2 years. I don't know. But we have been talking about this since the Carter years in the 1970s, and we haven't done anything.

So I want congratulate you one more time, I am happy to be here with you tonight. I will stay with you for the whole hour if you want me to. But I hope that we will get across to the American people this, we don't want this to be political, we want to work together with them, and they are not willing to do it at this point.

We need to work with the Democrats to get a program, to become energy independent, to get our oil and natural gas and coal shale out of the ground so we don't have to depend on Saudi Arabia or OPEC or Venezuela and Mr. Chavez down there who may pull our string any day.

We need to become energy independent and quit talking about it. We need to work together to get that job done because the American people, if you look at the polling results, I think Congress is worth, what, 18 percent in popularity right now, a pox on all of our houses. We better get together, or they will throw us all out.

I thank the gentleman for yielding.

Mr. WESTMORELAND. Let me say this, the American people sometimes get confused, just as you spoke about, the bill that was in the Senate. They don't hear all of the things that were in that bill. That's one of the reasons I wanted to make this as simple as I could. It is not confusing. This is not confusing.

If anybody calls their Congressman and asks them if they signed this petition—and, by the way, the one petition I found online, I think, was American Solutions had over 500 now people, I think it has been up for less than 2 weeks, have already sent in and said we want to drill. There is a radio station in Tampa, Florida, that has started sending drill bits to Members of Congress and Members of the Senate to show their support for drilling.

This is a radio station in Florida that's doing this, and I imagine it would probably catch on all over the United States, and we will probably have more drill bits. I hope they will send a whole set that we will have to remind these people that we need to rely on our own resources.

That's the reason that we made it as simple as we could. All it says is, ''I will vote to increase U.S. oil production.'' Ninety-plus percent of the Republicans in this House have consistently voted for more domestic oil production. Eighty-six percent of the now majority party have consistently voted against more domestic production. This is going to put everybody on equal footing.

Everybody has an opportunity to sign it. I hope we get 435 Members to sign it and then, Mr. BURTON, we can get on with what you offered to Mr. RYAN that we could come together, because we really don't have an opportunity to come to the floor in front of the American people. We only have a certain time where we can do it.

Maybe we ought to get a 2-hour thing where we could all come down here and talk and see if we can't straighten some of these facts out, because the facts are totally different from what I am getting from land management and evidently what somebody else has gotten from land management.

Right now I am proud to yield as much time as he might take to my good friend from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank you, Congressman WESTMORELAND, for your leadership on this issue and that is really a great idea, and that is a petition that has a spot for every Member of the United States House of Representatives to sign that will say, ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

As you said, it doesn't get any more simple than that. It's just as straightforward as it could be.

I am sorry I couldn't join you at the beginning. I was listening in my office to our friend from Ohio who had some comments, that I thought it was important to set the record straight a little bit. I know my good friend from Indiana has done so, but I thought I would mention a couple of things.

It's true, we do need to work together. We do need to work together, Democrats and Republicans on behalf of the American people. But as my mama used to say, it takes two to tango, and it's tough to dance by yourselves when the folks who are setting the agenda and setting the bills that come to the floor of the House, that will allow the bills that come to the floor of the House, when they won't tango, when they aren't interested, apparently, in solving this problem when the American people are crying out for a solution.

My good friend, Mr. RYAN from Ohio, talked about the issue of the oil companies, domestic oil companies, American oil companies who are trying to bring as much product out of the ground as possible. At these prices, one would think that they would. He talks about the fact that only a quarter of the lands are being used that are currently being leased to the oil companies.

He says, well, why don't they use the other 75 percent?

Well, that reminds me of the question that Willy Loman got, you know, Willy Loman was a bank robber. And they asked him, Willy, why do you rob banks? He thought a little bit and said, because that's where the money is, the money is there.

These oil companies don't drill on the other 75 percent of that land, not because they don't want to, it's because there are tests, remarkably efficient tests, that allow the domestic oil producers to tell whether or not there is oil down there. If they do those tests and they find that there is not any oil down there, then should we expect them to waste money and drill in those areas?

Mr. WESTMORELAND. I just wanted to say that in relation to that, between 2002 and 2007, 52 percent of all the exploration wells were dry, 52 percent of them, of all of them that they drill. So it's not all there.

Mr. PRICE of Georgia. Will my friend yield?

Mr. WESTMORELAND. Yes.

Mr. PRICE of Georgia. That's an important figure. Over half of the time that the oil companies put a drill down to find oil, they didn't find anything, and this is on that leased land. That's on that leased land.

Mr. BURTON of Indiana. Would the gentleman yield, I would just like to interject something here.

Mr. WESTMORELAND. Sure.

Mr. BURTON of Indiana. Our colleague from Ohio was talking about these leases. And the reason they want to drill in ANWR is because geologists found there is a huge supply of oil there. That makes your point. That's where the oil is.

As Willy said, that's where the money is. So why would you drill, as you said, in leases where there aren't any, when you know, you know that there's oil in the ANWR.

Mr. PRICE of Georgia. I appreciate my friend's comment. I could let them

drill in my backyard, but they are not going to find any oil there, so it's a waste of time to drill in my backyard. It's a waste of time for them to drill where there is no oil.

To underscore the point that my friend from Indiana made about Alaska, the proven reserves, the proven reserves that are there are more than twice as much as the oil reserves in all of Texas, more than twice as much as the oil reserves in all of Texas. That's where the oil is, that's why it's important to allow them to go there.

This would represent, the Alaska exploration, would represent a 50-percent increase in the total U.S. proven reserves. I would say that's a remarkable amount, incredible amount. You talk about something that would drive down the cost of gasoline, just the announcement that we would allow it to occur would drive down the price of oil across the world.

But I think it's extremely important.

□ 1845

We have a group called the Truth Squad that gets together to try to shed light on things because facts are stubborn things. Facts are stubborn things. Our motto is everyone is entitled to their own opinion, but they are not entitled to their own facts.

When the American people look at the facts on this issue, they understand that we need to conserve more. Without a doubt. And they understand that we need to have a transition to alternative fuel, that we need to find that non-fossil fuel that will drive our economy and our Nation for centuries to come, hopefully.

But they also understand that it is foolish for a Nation that has incredible resources, like the United States, to let them just sit fallow and not take advantage of them and make it so that we are more reliant on foreign oil than ever before, and that we are buying oil from folks that frankly don't like us very much. They understand what this is about.

I believe that over the coming months as we see gas prices continue to increase, that they will pay more attention to what is going on in this room and in this building. And as they pay more attention, they will appreciate that there are a group of individuals who are interested in increasing supply. And then there are a group that have proven over and over and over that they are not interested in increasing supply. I hope as we work together, we will be able to increase those numbers of people who want to increase supply to more than 218 so we can move forward.

Mr. WESTMORELAND. Absolutely.

Mr. BURTON of Indiana. I just want to say one thing about what you are doing here tonight. I know that we can't talk to the American people, we have to talk to each other. But if I were talking to the American people tonight, I would say, like you are saying, you ought to call your congressman and tell him to sign this thing. I can't say that to the American people because I'm only allowed to talk to you. But if I were talking to the American people, I would say Mr. WESTMORELAND has the right idea, let every Congressman know how you feel, and if you do, then they will change their mind and they will support exploration that will give us energy independence.

So I congratulate you on doing this. This is a great idea.

Mr. WESTMORELAND. Thank you, and it is real simple, too. It can't be confused with anything else. American energy solutions for lower gas prices simply reads, ''I will vote to increase U.S. oil production to lower gas prices for Americans.'' It is real simple.

And what you were talking about, Dr. PRICE, is we are not going to drill in these leases that don't have oil. And when you've got I think it is 1.76 billion acres in the Outer Continental Shelf, and we have only opened up 3 percent of that. We have got 700 million on shore of Federal land that we have only opened up 6 percent to.

And let's look at this. Let's remember back because Mr. RYAN made a statement that it would be 10 or 15 years before we get any oil, and then it would be only 40,000 barrels a day. Let me remind the American people of this. In 1995, this Congress passed drilling in ANWR. Then President Clinton vetoed that bill in 1995, 13 years ago. Today, by conservative estimates, we would be getting 1 million barrels a day out of ANWR. Today.

Now Senator SCHUMER on the other side of the hall made a statement last week that if we could get Saudi Arabia or OPEC to increase production of a million barrels a day, it would reduce the price of gas 50 cents a gallon. Well, isn't that swell. That we are going to go to some people that haven't always been our friends, and we are going to say to the OPEC nations that we want them to drill. We want to use their natural resources, but we don't want to use ours. That doesn't make good sense. So just remember if President Clinton had not vetoed that bill in 1995, we would be getting a million barrels a day.

Mr. PRICE of Georgia. I think it is important that we discuss a little bit about Saudi Arabia and the issue that Senator SCHUMER brought up in the context of our President going to the Middle East. And the way my constituents saw it, why is our President going to the Middle East and begging for the production or for them to sell us more oil. That is just not befitting of what we ought to do for our Nation which has incredible reserves, incredible reserves.

And the facts will bear out what you said, and that is that the increase of oil that could come from Alaska is remarkable and would significantly lower the price. I am reminded of the Jay Leno line. Jay Leno said to his audience a couple of weeks ago, ''The Democrats say if we allow for drilling in Alaska, it will take 10 years before we see any gas.''

He said, ''That's just what they said 10 years ago.'' So it hasn't changed. It's the same old excuse.

Mr. BURTON of Indiana. I think one of the things that ought to be put into the equation that we don't discuss a lot, and that is that we are depending on the Middle East for what, 40, 50 percent of our energy. Right now we know there is a lot of conflict in that part of the world. When Saddam Hussein invaded Kuwait, he burned a lot of the oil wells. And had he taken over, we would all have been buying or trying to buy oil from Saddam Hussein.

The reason I bring this up is we don't know what is going to happen 5 or 10 years from now. There could be a terrible conflagration over there and we might not be able to get oil out of that area for our country. They might sink a couple of ships in the Persian Gulf and block the tankers from even getting out of there, and we won't be able to get energy. So what do we do then? Do we let the lights go out and let the cars stop on the streets because we don't have energy? That is another reason, for national security purposes, that we have an energy supply here and become independent of the other countries in the world.

As you said, both men from Georgia, we have the ability to do it. Even if it took 10 years, and I don't think it would, but even if it did, we ought to be looking down the road and asking, Do we want to keep depending our security on the Middle East where something could go wrong tomorrow when we could be independent, as far as energy is concerned, right here in America and protect ourselves, as well as getting the energy that we need, from a conflagration that might take place halfway around the world.

Mr. WESTMORELAND. This might be a long-term plan, but you have to start some time. There has been a proposal by Senator MCCAIN to give some temporary relief with a gas tax holiday during the summer to allow some people some extra spending money. It is not a great amount, but it is something.

We could also take off-road diesel and let people burn it on road. If you remember after Hurricane Katrina, there was a shortage of diesel. They didn't have any diesel and the EPA and the IRS got together and said all right, let's start burning this off road and let them use it for 30 days, and then I believe we extended it for another 30 days until we got the supply of diesel back.

So there are some commonsense things that we can do immediately. And Dr. PRICE hit on this. The day I believe that we pass some type of bill in this body that said we are going to look after our own solutions for energy from within our own natural resources, this oil speculation would come down. You wouldn't even have to put the first drill bit in the ground. Right now they understand that the majority that is in

control of this Congress are being held hostage by the radical environmentalists and that we are not going to do anything such as this with long-term planning about our energy future. And while we all want to conserve, we cannot conserve ourselves out of the dilemma that we are in right now. And so we have got to do something. We have to have some initiative to go forward. And right now, we are laying around in the fetal position talking about a commonsense plan that we had 2 years ago that we have not done anything about. So it is time for action.

You know, I have seen a knee-jerk reaction to everything up here. You let the least little thing happen, and we will have a knee-jerk reaction to it. And that is something. We have had tragedies that we have had. We put $140 billion down after Katrina, $62 billion in 2 weeks that we addressed down there, and it wasn't that we responded fast enough. So we have a habit of throwing money at things but not providing the boots on the ground or the substance to back it up.

Well, this is something that we just can't throw money at. This is something that calls for action. We, as the duly elected people by our constituents, we are the representatives of this country, and they sent us here to do something, not just lay here in a fetal position. And I yield to Dr. PRICE.

Mr. PRICE of Georgia. I thank my friend from Indiana for bringing up the issue of national security because energy security is national security. There is no doubt about it. People at home understand this better than the folks in this room, apparently, as a whole. Energy security is national security.

I would suggest that it is irresponsible of us, it is an abrogation of our duty and our oath not to fulfill the requirements that would allow for us to be self-sufficient in energy. And we can with the resources that we have. There is no doubt about it.

The dirty little secret is 30 years ago when we had the challenge, the oil crisis where we all waited in lines to fill our gas tanks, all of us at the time said, all of us said we will never be this reliant on foreign oil again. The dirty little secret is at that time we were about 25 percent relying on foreign oil. And now we buy over 60 percent of our oil, not from ourselves, not from domestic producers. So the dirty little secret is that we have gone a long way in the wrong direction. We can turn it around. We can move it in the right direction in an environmentally sensitive and sound way, in a technologically sound way that will not have the kind of catastrophes that many on the other side say are a certainty.

I am pleased that you brought up Hurricane Katrina in a little different light. During Katrina, the thousands of rigs in the gulf, not one of them had a leak from Hurricane Katrina. In fact, there is more seepage naturally of oil out of the ground every day into the Gulf of Mexico than occurred during Hurricane Katrina because of a problem with the technology, the equipment.

We have come so far in this Nation over the last 30 years in terms of technology and being able to do energy production, oil production, getting it out of the ground, in an environmentally sensitive and sound way. There is no reason, no reason not to move forward.

In fact, the issue of Alaska and whether or not we ought to explore there, President Carter knew that we ought to. As my friends know, he signed a bill that provided for the 1002 area. That was in 1980. It is not a wildlife or a refuge at all, it is an area that was specifically designated for future exploration for oil. And our friends on the other side of the aisle won't allow that to happen.

Mr. WESTMORELAND. Yes, closed it down.

Going back to Hurricane Katrina and the fact that a large number of our refineries are on that gulf coast which is subject to hurricanes, it seems like we would take some proactive decisions and look at other places where we could put some of these refineries where they would not be as subject to hurricanes.

Once again, the people in New Orleans could not spend as much money as we sent down there as fast as they could. They needed action. They needed boots on the ground. They needed physical people down there helping them.

So we have an opportunity now to do something physical. We can put 435 pairs of boots on the ground right now and let the American people know that we are here to help. And what we are going to do, we are going to be at the forefront for making sure that we give the ability to extract oil and natural gas and clean-burning coal and any type of energy that we can from our own natural resources.

Now the Republican plan that Leader BOEHNER and others have put out talks about the on shore, online and that is estimated, and that is the shale and ANWR, that would save anywhere from 70 to $1.60 a gallon.

□ 1900

And if you look at the deepwater drilling, the OCS, that would be between 90 and $2.50 a gallon. And then the new refineries. And Dr. PRICE, before you got here, I made a statement that we import 6.9 billion gallons of gas every year, plus probably just as much diesel. But if we built a new refinery, it would save us 15 to 45 cents. So taking just a conservative estimate, that's about $2 a gallon that that would save us.

Now, if you look at the Democratic plan that they had, sue OPEC. Well, I don't think that's going to bring us in anything to reduce the price of gas.

They want to launch their seventh investigation into price gouging, their seventh. They've already had six investigations of price gouging.

They want to launch their fourth investigation into speculators, the fourth one. And they want $20 billion in new taxes on oil producers.

Now, here again, I've looked at all those things and I've kind of weighed both sides, and their savings is zero. Nada. Ours would be about $2 a gallon.

Is it going to happen immediately? No. Is it going to start happening immediately? Yes.

And so, what I wanted the American people to do with this, Mr. Speaker, is to allow them to see who's on their team for bringing down the price of gas, and who's on their team for using our own resources, rather than sending our President into foreign lands begging for other people to increase their oil production.

Dr. PRICE.

Mr. PRICE of Georgia. I appreciate that. And this idea, the idea you came up with is so wonderful because what it's going to allow every Member of this House to see is who signs on the petition. You're going to come down here with some frequency, I suspect, and we'll review the individuals that are——

Mr. WESTMORELAND. Well, we got about 20 signatures today just by showing it to people walking out the door.

Mr. PRICE of Georgia. Absolutely. Within 5 or 6 minutes they walked by and said well, I'll sign up on that. But our colleagues here are going to be able to look on that petition and see who's interested in voting to increase U.S. oil production to lower gas prices for Americans. And so that's why your leadership on this is wonderful.

I'm reminded of the individual who said that every other nation on the face of this earth looks at their natural resources and views them as an economic asset. They view them as an economic asset, something that can help their nation.

The problem that we seem to have is that the majority leadership, at least, in this body, looks at our natural resources and views them as an environmental hazard, which doesn't make any sense. It certainly doesn't make any sense to the folks in my district, and I suspect it doesn't make any sense to the folks in your districts.

Mr. BURTON of Indiana. Would the gentleman yield?

Mr. PRICE of Georgia. Sure.

Mr. BURTON of Indiana. One of the things that we haven't really discussed a great deal tonight is if they didn't want to drill for oil, for instance, we have a several hundred-year supply of natural gas, and there could be an entire new industry creating conversion units for automobiles that would be much less than a brand new car, that could convert gas-powered cars to natural gas power, which is a clean burning fuel.

But once again, the opposition will not allow us to drill for natural gas, which is a clean burning fuel which would help the environment. So it's not just the oil issue; it's the entire energy issue that you're talking about.

And that's why I think that the American people, I hope that they're paying attention to this. I know that they're getting their attention because the price of gasoline is so high. But we have the ability to use natural gas. We have the ability to use oil. We have the ability to get it out of the ground, to use shale and we're being blocked again and again and again.

And I appreciate you and the other gentleman from Georgia saying tonight that we'd like to work with the Democrats on the other side of the aisle to solve this problem. But, as you said before, it takes two to dance. Well, I guess I could dance by myself, but that wouldn't be very becoming. But it takes two to tango, and I would just say that if my colleagues on the other side of the aisle are listening to my colleagues from Georgia, let's get together and see if we can come up with a way to get this problem solved.

Mr. PRICE of Georgia. Absolutely. Let's get together. And I appreciate you bringing up some of the other ways to increase our domestic resources or utilization of our resources. Offshore drilling, offshore oil, deep sea exploration, 85 percent of the lower 48 States, Outer Continental Shelf, energy resources remain under lock and key by the Federal Government. You can't go there. 85 percent.

In fact, as I mentioned, the United States is the only nation that has shoreline in the world that doesn't allow for exploration offshore to the degree that would allow for utilizing those resources that are available.

Mr. WESTMORELAND. And keep in mind, we only use 3 percent of those offshore resources. Only 3 percent. Out of 101.76 billion acres, we only use 3 percent of it.

Mr. PRICE of Georgia. That lets you know how much of the shoreline of the United States is in Alaska, because that's what bumps that number way up.

I want to make just one brief comment about the oil shale that we've got available to us in the United States because I was astounded when I learned these figures. And again, these are facts. This isn't my opinion. This is a fact.

The Department of Energy estimates that the United States is endowed with more than 2 trillion, 2 trillion, that's T-R, 2 trillion barrels of oil from oil shale if we were allowed to move forward with that clean technology, environmentally sound way, 2 trillion barrels.

To put this figure in perspective, the world has used 1 trillion barrels of oil since the first oil well was drilled in Pennsylvania in 1859. So twice as much oil as the world has used in the past 150 years is available through environmentally sound technology, through the use of oil shale. To not take advantage of those resources is astounding to me.

Mr. WESTMORELAND. Well, those resources, that shale that you're talking about, Mr. UDALL from Colorado, if you'll remember, had an amendment on the bill that we passed in this House that said that was off, can't use it. Can't get it.

Mr. PRICE of Georgia. That's exactly right. It wasn't well maybe we ought to give it a try in a little area and see how it works.

Mr. WESTMORELAND. 219–215.

Mr. PRICE of Georgia. Yeah. We ought to, you know, at least try a little bit. Maybe we ought to see if it works, see if we can't make certain that the technologically sound and environmentally sensitive way to gain these resources is true. Shouldn't we just try a little bit? At $4 a gallon, doesn't that make sense? Or does it have to get to $5 a gallon, or is it $6?

Mr. WESTMORELAND. And Senator ALLARD, from Colorado I believe, had an amendment in the Senate Appropriations Committee to overturn the Udall amendment, and it was defeated 15–14, along party lines.

Mr. PRICE of Georgia. Isn't that amazing. And it really begs the question, how high does the price of gas have to get before we use American resources? How high does it have to get?

Maybe that's the question we ought to be asking our friends on the other side. We'd love to work with you. At what price will you begin to work? Is it $10 a gallon that you'll begin to work with us?

Mr. WESTMORELAND. But Dr. PRICE, that's the problem that the majority has because a lot of their base is the radical environmentalists don't care if gas goes to $10 a gallon. They don't want us driving SUVs. They really don't want us driving cars. They want us riding bicycles or motor scooters like you would see in China or somewhere in an Asian country. They don't want us driving. And they don't care how high gas gets. That doesn't matter to them.

And so that's a problem that the majority is facing. And I think one of the reasons they have not been quick to act is the fact that that has been a large part of their base.

But hopefully, the American people are going to realize that they can have a voice in this. They can have a voice, and that they can see, on a chart, how their person stands; are they for U.S. energy independence or not?

And so that's what we have given, a plain visual of them to be able to see.

I yield to you.

Mr. PRICE of Georgia. And I thank you. And I know that you mentioned about the certain folks in the environmental community who do not want any exploration and do not want any greater production. But I can't believe that a significant number of folks on the other side don't believe in their heart, and their constituents certainly, that we ought to be able to solve this problem with our own resources and with our own ingenuity and our own spirit and genius and American entrepreneurship and American energy for Americans. I just have to believe that a significant number on the other side of the aisle believe that.

Mr. WESTMORELAND. And I think you're right. And Mr. BURTON's been here a lot longer than you and I have. But we have seen what complete authority is in this body, and really one person controls any legislation that comes on to this floor. So it wouldn't matter.

And we saw an example of that when we had the votes to pass the FISA bill, the national security bill. We had the votes to pass that in a letter that the Blue Dogs had sent to the Speaker. And our side we had enough to pass a good FISA bill that would have protected America, but we couldn't get it to the floor.

And so I think you're right, Dr. PRICE. I think there are many Members on the other side of the aisle that realize that we need to be looking at our own natural resources that would vote with us for a good plan, for a good energy program. But they'll never have the opportunity to do it.

And so that's the reason I felt the need to have this chart, so at least they can tell their constituents, hey, look, if leadership would bring this up, I'd be with you. But they won't bring it up.

Mr. BURTON.

Mr. BURTON of Indiana. I appreciate the gentleman yielding.

You know, the truckers across this country that drive these big diesel rigs that bring food to the market and all these other commodities, they were so upset when diesel fuel got to over $4 a gallon, now it's over $4.50 a gallon, that they came, hundreds of them, maybe even thousands of them, drove here into Washington, DC to protest. And they're very concerned about that. And the people who buy those products are concerned.

You even see now where people are stealing cooking oil from McDonald restaurants in the back so they can augment their fuel so they can get more mileage with their diesel trucks.

And I would say, if I were talking to those truckers across the country, and I know we can't because we're just talking among ourselves, that the truckers, I'm sure, would want their Congressman and the people they serve to contact their Congressman to say sign this petition because we can't afford to bring across the country the food and the commodities necessary to keep your standard of living where it is today. So it's not just the guy driving his car to and from work.

I had a young man, I won't tell you who it is because he might get fired. But he's a young man who works here in the Capitol. And he was talking to one of his friends, and I walked out, and I said, what about this drilling in the ANWR and in the United States to get oil? He says, I don't care where you drill. He says, I live 45 minutes from the Capitol. I can't afford to drive to and from work anymore, and I'm going

to buy an air mattress and pump it up someplace so I can spend half of my time here because I can't afford to go home.

So they're upset, the people driving these cars, because they can't afford to live like they did in the past. It's hurting people with home mortgages, their food and everything else, those on limited incomes.

But as I was saying before, the truckers have already demonstrated. And I'll bet you if they knew tonight that these petitions that you've come up with were here on the floor, I'll bet you every one of them would call everybody they know and tell them, call your Congressman. Tell him to sign that petition so we can get the fuel down so we can transport the goods and services you need across this country so you can live again.

Mr. WESTMORELAND. And we can get out of the fetal position and start some action. And that's what we need to be doing.

And you brought up a great point. Cooking oil, the fat, the grease pots that are there that people are actually going and robbing these things and making a biodiesel fuel out of it.

We've got some companies up in northeast Georgia that are making biodiesel out of chicken parts. The ingenuity is out there. We have just got to feed that and make these people have some ideas to come up with it. And we're not doing that. And that is an immediate thing that we could do.

The other thing we could do is propane. You talk about natural gas. You know, propane conversion was going very well in this country. And it's clean burning. It was going great. And then the EPA said no, you've got to do these specific tests on every different type of engine, on every different make of car.

And rather than going to the people that are making these propane conversion engines, these natural gas conversion engines, the hydrogen cell, we need to be putting every dime we've got towards technology and the hydrogen cell, because this is something that is very real that would really solve a whole bunch of our energy problems. But, rather than the government going to them and saying, how can we best help you develop a conversion energy from gasoline to natural gas, or from gasoline to propane, gasoline to a hydrogen cell, what can we do to help you? We don't do that. We put regulations on them and taxes that burden them from doing anything.

□ 1915

Mr. PRICE of Georgia. And all of those activities that burden our own American oil producers, all of them provide greater incentives for foreign oil producers and increase our reliance on foreign oil.

And I appreciate my friend from Indiana talking about the truckers, and if we were able to contact them and say, You ought to contact your Member of Congress because this petition is so simple, American energy solutions for lower gas. What could be more simple? And so you're talking about onshore oil, bringing more onshore oil on line, bringing deepwater oil on line, bringing new refineries on line.

One thing that I learned just recently is that on the north shore of Lake Erie, the north shore of Lake Erie is not the United States. It's Canada. Good friend, neighbor to the north. They've got—they are drilling on land and then under Lake Erie to get oil. Our good friends, the Canadians to the north. And what are they doing with that oil? They're selling it to us.

Mr. WESTMORELAND. The slant drilling.

Mr. PRICE of Georgia. My folks at home, when I tell them these sorts of things, they shake their head. They say, You gotta be kidding me. And we won't allow our oil companies, American oil producers, to do the same sorts of things in environmentally sensitive and technologically sound ways.

Mr. WESTMORELAND. These are top exporters of gasoline into the United States in millions of barrels. Now these are exporters to us in gas, not crude oil, in gas.

United Kingdom, 147 million barrels a year. That's about a billion gallons; the U.S. Virgin Islands import 990 millions of gasoline to us; France, 470 million gallons; Canada, 445 million gallons; the Netherlands, 441 million gallons; Norway, 353 million gallons.

And let me say this, 20 years ago, Norway—it may have been a little bit longer ago than that—Norway was kind of dependent on foreign oil. And Norway, they're basically a tourist, fishing, snow skiing country. They are now the second largest exporter of crude oil in the world because they said we're going to drill and use our own natural resources.

Germany. We import 250 million gallons of gas every year from Germany; 310 from Russia; 410 million from Italy, and 231 million gallons of gasoline we import from OPEC countries.

Mr. BURTON of Indiana. You know, a number of us—I'm on the Foreign Affairs Committee, and I do some traveling to meet with leaders in other countries around the world. And one of the things that I have found is the Pound Sterling and the Euro, their currency has gone from where it was about 70 cents to the dollar to where the Euro is almost one and a half times what the dollar is as far as value's concerned.

And one of the reasons why you have seen the currency of the United States go down is because we're buying more and exporting less, and one of the main reasons for that is what you just mentioned a moment ago: we're importing all of this energy when we could be producing it ourselves keeping more of our money here, which would not only help us energy-wise, but which would strengthen the dollar and help the entire economy of the United States.

There are so many ancillary reasons, so many ancillary reasons why we should be drilling for our own energy that it doesn't make—that it isn't funny. And yet I can't understand why many of our colleagues don't understand that. It's not just energy, it's economic security, it's national security, it's a whole host of things; and we ought to get on with it. We really ought to get on with it.

Mr. WESTMORELAND. Think about this. Think about the number of jobs that would come here, that we would have ourselves bringing new refineries, expanding them, drilling, taking this shale out of the ground. These would create good-paying American jobs. We have a lot of people from this country that are in OPEC countries and in other nations that are working on these rigs, they're making big money. They could be doing the same thing right here in this country.

And we've got about 5 minutes left and so I want to just—I will end my part, and I will let everybody have a little bit of time.

I want to end my part in saying that I have tried to come up with as simple a way of getting information to the people of this country, Mr. Speaker, as I knew how on drilling. Because like I said, I have heard and gotten e-mails from this petition on this site, this petition on that site, and the one most people are doing is the American Solutions site, which I think has over 500,000 signatures now about drilling. You have got radio stations in Florida sending drill bits. And then I listen to all of the talk down here, and it is so confusing for people to understand exactly what we have voted on, what got enacted, what didn't get enacted.

So I wanted to come up with the simplest thing I could, and I came up with this petition: American energy solutions for lower gas prices. Brings onshore oil on line, bring deepwater oil on line, bring new refineries on line. And then it's simply asking 435 Members—we're giving 435 Members an opportunity to sign a petition, this is our energy petition, that says, I will vote to increase U.S. oil production to lower gas prices for Americans. And that's about as simple as we can get.

Dr. PRICE, would you like to close?

Mr. PRICE of Georgia. Let me thank my friend and colleague from Georgia for his leadership on this.

As you say, it's as simple as it gets. American energy solutions for lower gas prices. Either you believe and will vote for allowing an increase in U.S. oil production to lower gas prices or you won't. It's as simple as that.

So I want to commend you for focusing this issue and making it very crystal clear for all of our colleagues who sign, who support increasing U.S. oil production to lower gas prices.

Mr. BURTON of Indiana. And I would just like to say thank you very much, Representative WESTMORELAND, for taking the leadership. Once again,

Georgia, my two colleagues from Georgia are leading the way, and I really appreciate it very much.

Mr. WESTMORELAND. I yield back the balance of the time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Mr. HOYER) for today on account of flooding in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Ms. WATSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 19.

Mr. JONES of North Carolina, for 5 minutes, June 19.

Mr. REICHERT, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 17, 18 and 19.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 13, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2005-0309; FRL-8365-2] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2007-0339; FRL-8363-7] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Oxepanone, homopolymer; Tolerance Exemption [EPA-HQ-OPP-2008-0096; FRL-8362-8] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7103. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-8354-4] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7104. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerance [EPA-HQ-OPP-2007-0107; FRL-8356-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7105. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Food and Nutrition Program for Fiscal Years 2004 and 2005; to the Committee on Education and Labor.

7106. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report for Calendar Year 2007 on the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to 42 U.S.C. 2297g-4; to the Committee on Energy and Commerce.

7107. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Fiscal Year 2007 annual report pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetics Act; to the Committee on Energy and Commerce.

7108. A letter from the Commissioner of Food and Drugs, Department of Health and Human Services, transmitting the Department's Interim Report on Study Commitment Regarding Inclusion of Toll-Free Adverse Event Reporting Number by FDA, pursuant to Public Law 110-85, section 906; to the Committee on Energy and Commerce.

7109. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report for fiscal years 2003-2005 on the effectiveness of programs assisted under the Lead Contamination Control Act of 1988, pursuant to 42 U.S.C. 247b-1(j); to the Committee on Energy and Commerce.

7110. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the use of funds appropriated to carry out the Medicaid Integrity Program for Fiscal Year 2007, pursuant to 42 U.S.C. 1396; to the Committee on Energy and Commerce.

7111. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2007 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

7112. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Method 207 — Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources [EPA-HQ-OAR-2007-0844, FRL-8572-1] (RIN: 2060-A039) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7113. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures [EPA-HQ-OW-2006-0958; FRL-8573-7] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7114. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules [EPA-R04-OAR-2005-SC-0004-200809; FRL-8573-2] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Maintenance Plan Update for Dakota County Lead Area [EPA-R05-OAR-2007-1097; FRL-8572-6] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7116. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Interstate Transport of Pollution [EPA-R05-OAR-2007-1132; FRL-8573-3] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7117. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Memphis, Tennessee/Crittenden County, Arkansas 8-hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0959-200804; FRL-8547-8] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Utah; Interstate Transport of Pollution and Other Revisions [EPA-R08-OAR-2007-0647; FRL-8546-3] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Diesel Anti-Idling Regulation [EPA-R01-OAR-2007-1176; A-1-FRL-8546-9] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead

Acid Battery Manufacturing, and Wood Preserving [EPA-HQ-OAR-2006-0897; FRL-8547-1] (RIN: 2060-AN44) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment of the Eight-Hour Ozone Standard for Various Ozone Nonattainment Areas in Upstate New York State [EPA-R02-OAR-2008-0078; FRL-8546-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7122. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Report to Congress on Abnormal Occurrences: Fiscal Year 2007,'' pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

7123. A letter from the President & CEO, Federal Home Loan Bank Seattle, transmitting the 2007 management report of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7124. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7125. A letter from the Deputy General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7126. A letter from the Commissioner, Social Security Administration, transmitting the 2008 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231; to the Committee on Ways and Means.

7127. A letter from the Commissioner, Social Security Administration, transmitting a copy of draft bill to make amendments to the Old-Age, Survivors, and Disability Insurance (OASDI) program and the Supplemental Security Income (SSI) program; to the Committee on Ways and Means.

7128. A letter from the Commissioner, Social Security Administration, transmitting the Administration's latest version of Social Security and Supplemental Security Income (SSI) Statistics by Congressional District as of December 2007; to the Committee on Ways and Means.

7129. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the ''2008 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act''; to the Committee on Ways and Means.

7130. A letter from the Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Congressional Award Foundation's Fiscal Years 2006 and 2007 Financial Statements,'' pursuant to 2 U.S.C. 807(a); jointly to the Committees on Education and Labor and Oversight and Government Reform.

7131. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and Labor.

7132. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Final Report to Congress on the Evaluation of Medicare Disease Management Programs,'' pursuant to Public Law 106-554, section 121; jointly to the Committees on Energy and Commerce and Ways and Means.

7133. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2007''; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1333. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions: with amendments (Rept. 110–691 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5912. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; with an amendment (Rept. 110–711). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUHL of New York:

H.R. 6249. A bill to establish a direct loan program for providing energy efficiency improvements for single family housing, and for other purposes; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 6250. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. RAHALL (for himself, Mr. MARKEY, Mr. HINCHEY, Mr. EMANUEL, Mrs. CAPPS, Mr. DEFAZIO, Mr. YARMUTH, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, and Mr. HALL of New York):

H.R. 6251. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes; to the Committee on Natural Resources.

By Mr. STARK (for himself, Mr. CAMP of Michigan, Mr. RANGEL, Mr. BOEHNER, Mr. DINGELL, Mr. PALLONE, Mr. ALLEN, Mr. ALTMIRE, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. BOYDA of Kansas, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. PORTER, Mr. REYNOLDS, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. THOMPSON of California, and Mr. WALBERG):

H.R. 6252. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALI (for himself, Mr. KING of Iowa, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Ms. GINNY BROWN-WAITE of Florida, and Mr. WALBERG):

H.R. 6253. A bill to ban the Bureau of Alcohol, Tobacco, Firearms, and Explosives from purchasing, using, or distributing hand tools or tool kits on which any reminder about forfeiture appears; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. SHERMAN, and Mr. BACA):

H.R. 6254. A bill to authorize the temporary participation of mortgage brokers and lenders under the FHA single-family housing mortgage insurance program; to the Committee on Financial Services.

By Ms. LEE (for herself, Mr. ENGEL, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. ELLISON, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. WEXLER, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. RUSH, Mr. FATTAH, Mr. RANGEL, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. PAYNE, Ms. WOOLSEY, Mr. MEEK of Florida, Ms. WATERS, Mr. HONDA, Mrs. JONES of Ohio, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. WATSON, Mr. FORTENBERRY, Mr. FALEOMAVAEGA, Mr. DELAHUNT, and Mr. HINOJOSA):

H.R. 6255. A bill to provide for professional exchanges with Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. EMANUEL, Mr. RAHALL, Mr. HINCHEY, Mrs. CAPPS, Ms. CASTOR, Mr. CHANDLER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. YARMUTH, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. HODES, Mrs. GILLIBRAND, and Mr. FRANK of Massachusetts):

H.R. 6256. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of amounts received as such fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. CASTLE, Mr. FERGUSON, and Mr. SHAYS):

H.R. 6257. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. UPTON, Mr. MURTHA, Mr. BARTON of

Texas, Mr. RAHALL, Mr. WHITFIELD of Kentucky, Mr. COSTELLO, Mr. SHIMKUS, Mr. MATHESON, Mr. DOYLE, Mr. HOLDEN, Mr. ELLSWORTH, Mr. HILL, Mr. WILSON of Ohio, and Ms. PRYCE of Ohio):

H.R. 6258. A bill to accelerate the development and early deployment of systems for the capture and storage of carbon dioxide emissions from fossil fuel electric generation facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 6259. A bill to require the Commissioner of Social Security to revise the medical criteria for evaluating disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 6260. A bill to ensure the energy independence of the United States by promoting research, development, demonstration, and commercial application of technologies through a system of grants and prizes on the scale of the original Manhattan Project; to the Committee on Science and Technology.

By Mr. HILL:

H.R. 6261. A bill to increase the maximum amount of financial assistance that an individual or household is eligible to receive under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with recent storm damage and flooding in the Midwest, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 6262. A bill to amend the Workforce Investment Act of 1998 to include workforce investment programs on the Internet; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, and Ms. BERKLEY):

H.R. 6263. A bill to increase awareness of the existence of and to overcome gender bias in academic science and engineering through research and training, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. LOBIONDO, Mr. COURTNEY, Mr. KAGEN, Mr. WU, Mr. HILL, Mr. HINCHEY, and Mr. WELCH of Vermont):

H.R. 6264. A bill to prevent excessive speculation in over-the-counter derivatives markets for certain energy commodities by limiting participation in those markets to persons who are capable of producing, manufacturing, or taking physical delivery of the commodities; to the Committee on Agriculture.

By Mrs. LOWEY (for herself, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. NADLER, Mr. HINCHEY, Mr. FOSSELLA, Mr. ARCURI, Mr. WALSH of New York, Mr. ENGEL, Mr. MCHUGH, Mr. BISHOP of New York, Mr. MCNULTY, Mr. SERRANO, Mr. TOWNS, and Mr. WEINER):

H.R. 6265. A bill to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Kansas (for himself, Mr. DONNELLY, and Mr. PLATTS):

H.R. 6266. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the penalties for failure to disclose reportable transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6267. A bill to make the Davis-Bacon Act applicable to rural development loan and loan guarantee programs; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 6268. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. LATTA):

H.R. 6269. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mr. LATHAM, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SOLIS, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, and Mr. CONYERS):

H.R. 6270. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 6271. A bill to provide for a green building certification program as part of the Energy Star program; to the Committee on Energy and Commerce.

By Mr. WELCH of Vermont (for himself and Mr. HALL of New York):

H.R. 6272. A bill to authorize discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act of 1992; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN of Virginia:

H.R. 6273. A bill to amend the Internal Revenue Code of 1986 to restore the obligation of the Secretary of the Treasury to invest the balance of the Highway Trust Fund in interest-bearing obligations of the United States; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. CONYERS, Ms. LEE, Mr. COHEN, Mr. THOMPSON of Mississippi, Mr. GRIJALVA, Mr. SERRANO, Mr. PAYNE, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. ROTHMAN, Mr. WATT, Mr. PASCRELL, Mr. HINOJOSA, Ms. CLARKE, Mr. CLEAVER, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. ACKERMAN, Mr. ISRAEL, Ms. SLAUGHTER, Mr. ELLISON, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Ms. RICHARDSON, Mr. JEFFERSON, and Mr. SCOTT of Georgia):

H. Con. Res. 372. Concurrent resolution supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States; to the Committee on Education and Labor.

By Ms. RICHARDSON:

H. Res. 1269. A resolution honoring the 110th anniversary of the Declaration of Independence of the Philippines; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. WOLF, Mr. BURTON of Indiana, Mr. ROYCE, Mr. SHERMAN, Mr. CHABOT, Mr. INGLIS of South Carolina, Mr. CAPUANO, and Mr. FORTUÑO):

H. Res. 1270. A resolution commending the efforts of those who sought to block an international arms transfer destined for Zimbabwe, where the government has unleashed a campaign of violence and intimidation against members of the political opposition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARY G. MILLER of California (for himself, Ms. WATERS, Mr. BACHUS, Mr. ROSKAM, Mrs. BIGGERT, Mr. AL GREEN of Texas, Mr. DAVIS of Kentucky, Mr. WATT, Mr. HINOJOSA, Mr. NEUGEBAUER, and Mrs. MALONEY of New York):

H. Res. 1271. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

By Ms. FALLIN (for herself, Mrs. MCMORRIS RODGERS, Mr. SULLIVAN, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. WALDEN of Oregon, Mrs. MILLER of Michigan, Ms. FOXX, Ms. GRANGER, Ms. ROS-LEHTINEN, Mrs. MUSGRAVE, Mrs. MYRICK, and Mr. BOREN):

H. Res. 1272. A resolution honoring and recognizing Alice Mary Robertson who, while a Member of Congress, became the first woman to preside over the floor of the House of Representatives; to the Committee on House Administration.

By Mr. KENNEDY (for himself, Mr. WOLF, Ms. BALDWIN, and Mr. ROHRABACHER):

H. Res. 1273. A resolution expressing the sense of the House of Representatives regarding the human rights crisis of Laotian and Hmong people in Laos and Thailand; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS:

H. Res. 1274. A resolution commending Sonora Smart Dodd for her contribution in recognizing the importance of Father's Day and recognizing the important role fathers play in our families; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

312. The SPEAKER presented a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 100 memorializing the Congress of the United States to enact the Community Cancer Care Prevention Act of 2007, H.R. 1190 and S. 1750, to reform the Medicare reimbursement methodology for cancer drugs and their administration; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. ENGEL.
H.R. 154: Mr. SIRES.
H.R. 195: Mrs. BACHMANN.
H.R. 368: Mr. LIPINSKI.
H.R. 551: Mr. GRIJALVA.
H.R. 643: Mr. SHULER.
H.R. 748: Ms. ZOE LOFGREN of California and Mrs. LOWEY.
H.R. 749: Mrs. BACHMANN.
H.R. 821: Mr. PETERSON of Minnesota.
H.R. 854: Mr. CARSON.
H.R. 891: Mr. SESTAK.
H.R. 1014: Mr. KAGEN and Mr. FOSTER.
H.R. 1038: Ms. BORDALLO.
H.R. 1060: Ms. JACKSON-LEE of Texas.
H.R. 1070: Mr. GRIJALVA.
H.R. 1078: Mr. BISHOP of New York.
H.R. 1134: Mr. PAYNE.
H.R. 1142: Mr. STUPAK.
H.R. 1185: Mr. ACKERMAN.
H.R. 1190: Mrs. CHRISTENSEN.
H.R. 1193: Ms. MCCOLLUM of Minnesota and Mr. WU.
H.R. 1264: Mr. ADERHOLT.
H.R. 1268: Mr. CARSON.
H.R. 1279: Mr. JACKSON of Illinois.
H.R. 1307: Mr. CARSON.
H.R. 1322: Mr. JONES of North Carolina.
H.R. 1428: Mr. CARSON.
H.R. 1431: Mr. RENZI.
H.R. 1459: Mr. CARSON.
H.R. 1474: Mr. PASTOR and Mr. SCALISE.
H.R. 1532: Mr. LAMPSON.
H.R. 1589: Mrs. EMERSON.
H.R. 1606: Ms. RICHARDSON.
H.R. 1647: Ms. KILPATRICK and Mrs. LOWEY.
H.R. 1776: Mr. ABERCROMBIE.
H.R. 1783: Mr. CARSON.
H.R. 1845: Mr. TIAHRT.
H.R. 1866: Mr. GORDON and Mr. DAVIS of Alabama.
H.R. 1921: Mr. RUSH.
H.R. 1929: Mr. CHILDERS.
H.R. 1932: Mr. CARSON.
H.R. 1952: Mr. LAMPSON.
H.R. 2032: Mr. CLAY.
H.R. 2053: Mr. BILBRAY, Mr. ROSS, Mr. AKIN, Mr. HELLER, and Mr. ISSA.
H.R. 2092: Ms. HERSETH SANDLIN.
H.R. 2188: Ms. CASTOR and Mr. MORAN of Kansas.
H.R. 2210: Ms. ROS-LEHTINEN and Mr. FILNER.
H.R. 2231: Mr. LOBIONDO, Mr. SMITH of New Jersey, and Mr. THOMPSON of Mississippi.
H.R. 2266: Mr. VAN HOLLEN.
H.R. 2331: Mr. CARSON.
H.R. 2332: Mr. SHIMKUS, Mr. SIMPSON, Mr. ADERHOLT, and Mr. GOODE.
H.R. 2341: Mr. CARSON.
H.R. 2343: Mr. WAMP, Mr. TIERNEY, and Mr. HOLT.
H.R. 2371: Mr. CARSON.
H.R. 2380: Mr. WITTMAN of Virginia.
H.R. 2471: Mr. FORBES.
H.R. 2493: Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. GOODLATTE, and Mr. HALL of Texas.
H.R. 2495: Mr. CARSON.
H.R. 2606: Mrs. NAPOLITANO, Mrs. MALONEY of New York, and Mr. CARSON.
H.R. 2676: Mr. PICKERING.
H.R. 2762: Mr. ELLSWORTH.
H.R. 2792: Mr. LEWIS of Georgia.
H.R. 2802: Mr. MCNULTY.
H.R. 2805: Ms. WATERS and Mr. PETERSON of Minnesota.
H.R. 2842: Mr. HINOJOSA.
H.R. 2864: Mr. VAN HOLLEN and Mr. ISRAEL.
H.R. 2880: Mr. PETERSON of Minnesota.
H.R. 2891: Mr. CARSON.
H.R. 2926: Mr. BRADY of Pennsylvania and Mr. MEEK of Florida.
H.R. 2941: Mr. BURGESS.
H.R. 2994: Mr. FARR.
H.R. 3014: Ms. RICHARDSON.
H.R. 3024: Mr. DOYLE.
H.R. 3089: Mr. KING of New York, Mrs. MILLER of Michigan, Mrs. BIGGERT, and Mr. UPTON.
H.R. 3119: Mr. ALLEN.
H.R. 3140: Mr. RYAN of Ohio, Mr. YARMUTH, and Mr. CARSON.
H.R. 3187: Mr. LOEBSACK.
H.R. 3202: Mr. FORTUÑO.
H.R. 3267: Mr. DOYLE.
H.R. 3289: Mr. WELCH of Vermont, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BERRY, Mr. BOSWELL, Mr. CLEAVER, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HIGGINS, Ms. HOOLEY, Ms. MOORE of Wisconsin, Mr. RAHALL, Mr. REYES, Mr. SERRANO, Mr. SIRES, Ms. SOLIS, Mrs. TAUSCHER, Ms. TSONGAS, and Ms. WATSON.
H.R. 3329: Mr. FILNER.
H.R. 3457: Mr. LUCAS.
H.R. 3543: Mr. COURTNEY.
H.R. 3622: Mr. MARCHANT, Mr. BACHUS, and Mr. BONNER.
H.R. 3679: Mr. SIMPSON.
H.R. 3747: Mr. BRADY of Pennsylvania.
H.R. 3822: Mr. CARSON.
H.R. 3834: Mr. ALEXANDER and Mr. DOOLITTLE.
H.R. 3892: Mr. SMITH of Washington.
H.R. 3929: Mr. BRADY of Pennsylvania.
H.R. 3995: Mr. GRIJALVA.
H.R. 4026: Mr. HINOJOSA.
H.R. 4048: Mr. LEWIS of Georgia.
H.R. 4091: Mr. MATHESON.
H.R. 4141: Mr. BOREN.
H.R. 4248: Mr. EHLERS.
H.R. 4255: Mr. MCNERNEY and Mr. UPTON.
H.R. 4296: Mr. HALL of New York and Mr. ISRAEL.
H.R. 4321: Ms. SPEIER and Ms. ZOE LOFGREN of California.
H.R. 4450: Ms. LEE, Mr. MARKEY, Mr. WAXMAN, and Mr. BERMAN.
H.R. 4833: Mr. VISCLOSKY, Mr. PASCRELL, Mr. ROTHMAN, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. WU, Mr. BUTTERFIELD, Mr. EMANUEL, and Mr. ETHERIDGE.
H.R. 4900: Mr. TANNER, Mr. YOUNG of Florida, and Mr. CHILDERS.
H.R. 4930: Mr. YARMUTH and Mr. TIM MURPHY of Pennsylvania.
H.R. 4987: Mr. DENT.
H.R. 5057: Mr. HELLER.
H.R. 5132: Mr. SESTAK.
H.R. 5244: Mr. PALLONE and Mr. MURTHA.
H.R. 5265: Mr. HIGGINS, Mr. MCHUGH, and Mr. ROSS.
H.R. 5268: Mr. ABERCROMBIE.
H.R. 5315: Mr. HINOJOSA, Mr. ROTHMAN, and Mr. FARR.
H.R. 5404: Mr. ABERCROMBIE.
H.R. 5435: Mrs. NAPOLITANO.
H.R. 5437: Mr. DONNELLY and Mr. MCHUGH.
H.R. 5498: Mr. LOBIONDO.
H.R. 5510: Mr. FARR and Mr. DEFAZIO.
H.R. 5546: Mr. JACKSON of Illinois.
H.R. 5575: Ms. ZOE LOFGREN of California.
H.R. 5606: Mr. LAMPSON.
H.R. 5615: Mr. PAYNE.
H.R. 5629: Mr. SOUDER and Mr. PENCE.
H.R. 5656: Mr. BOEHNER, Mrs. MUSGRAVE, Mr. SMITH of Nebraska, Mr. CAMP of Michigan, and Mr. BONNER.
H.R. 5674: Mr. COHEN and Ms. FALLIN.
H.R. 5713: Mr. MILLER of Florida.
H.R. 5731: Mr. MCCOTTER.
H.R. 5734: Mr. ANDREWS and Mr. WITTMAN of Virginia.
H.R. 5760: Mrs. MCMORRIS RODGERS.
H.R. 5772: Mr. MEEKS of New York.
H.R. 5793: Mr. BACA, Mr. MAHONEY of Florida, and Mr. SCOTT of Georgia.
H.R. 5802: Mr. HINOJOSA.
H.R. 5814: Mr. WOLF.
H.R. 5816: Mrs. CUBIN.
H.R. 5846: Ms. LEE.
H.R. 5852: Mr. BRADY of Pennsylvania.
H.R. 5854: Mr. COURTNEY and Ms. HIRONO.
H.R. 5901: Mrs. JONES of Ohio and Mrs. NAPOLITANO.
H.R. 5914: Mr. LATHAM.
H.R. 5924: Mr. KELLER.
H.R. 5935: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. ABERCROMBIE, and Mr. BERRY.
H.R. 5936: Ms. ZOE LOFGREN of California.
H.R. 5942: Mr. BOYD of Florida and Mrs. MALONEY of New York.
H.R. 5949: Mr. FARR and Mr. ENGLISH of Pennsylvania.
H.R. 5950: Mr. ABERCROMBIE and Ms. VELÁZQUEZ.
H.R. 5971: Mrs. CUBIN.
H.R. 5974: Mr. WALBERG.
H.R. 5979: Mr. LATHAM.
H.R. 5984: Mr. CONAWAY, Mr. PUTNAM, Ms. GRANGER, and Mr. WALSH of New York.
H.R. 5989: Mr. WOLF and Mr. BISHOP of Georgia.
H.R. 5996: Mr. MILLER of Florida.
H.R. 5998: Mr. KENNEDY, Ms. WOOLSEY, Mr. NADLER, and Ms. SUTTON.
H.R. 6005: Mr. GRIJALVA.
H.R. 6029: Mr. BRADY of Pennsylvania and Mr. WEXLER.
H.R. 6034: Mr. PASTOR and Mr. MEEKS of New York.
H.R. 6057: Mr. GRIJALVA.
H.R. 6062: Mr. AL GREEN of Texas.
H.R. 6076: Ms. ROYBAL-ALLARD and Mr. WEXLER.
H.R. 6091: Mr. JACKSON of Illinois, Mr. MCINTYRE, Mr. SARBANES, and Mr. PLATTS.
H.R. 6100: Ms. LEE.
H.R. 6106: Mr. STEARNS.
H.R. 6107: Mr. LATTA, Mr. JORDAN, Mr. GOHMERT, Ms. PRYCE of Ohio, Mr. SIMPSON, Mr. HELLER, Mr. PRICE of Georgia, Mr. HOBSON, Mr. HOEKSTRA, Mr. KELLER, Mrs. CAPITO, Mr. MCHUGH, Mr. LEWIS of Kentucky, Mr. SHUSTER, Mr. YOUNG of Florida, and Mr. TOM DAVIS of Virginia.
H.R. 6108: Mr. MCHUGH, Mrs. CUBIN, Mr. GOODLATTE, and Mr. THORNBERRY.
H.R. 6122: Mr. MARSHALL.
H.R. 6127: Mr. BISHOP of Georgia, Mr. KILDEE, Mr. MCDERMOTT, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, and Ms. SUTTON.
H.R. 6139: Mr. HENSARLING.
H.R. 6140: Mr. PETERSON of Minnesota and Ms. CORRINE BROWN of Florida.
H.R. 6141: Ms. CLARKE.
H.R. 6168: Mr. CARNAHAN.
H.R. 6169: Mr. CARNAHAN.
H.R. 6171: Mr. COHEN.
H.R. 6192: Mr. ROHRABACHER, Mr. BILBRAY, Mr. CAMPBELL of California, Mr. GOODE, and Mr. DENT.
H.R. 6199: Mrs. LOWEY and Mr. HALL of New York.
H.R. 6207: Mr. PEARCE, Mr. LAMBORN, Mr. MCKEON, Mr. DOOLITTLE, Mr. HUNTER, Mr. PRICE of Georgia, Mr. SOUDER, Mr. YOUNG of Alaska, Mr. GOHMERT, and Mr. COLE of Oklahoma.
H.R. 6208: Mr. CARNAHAN.

H.R. 6209: Ms. ZOE LOFGREN of California.
H.R. 6210: Mr. DENT and Mr. MANZULLO.
H.R. 6211: Mr. GALLEGLY and Mr. ISSA.
H.R. 6220: Mr. CONAWAY, Mrs. MUSGRAVE, Mr. WELDON of Florida, Mr. HERGER, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. SULLIVAN, and Mr. BURGESS.
H.R. 6233: Mr. BUTTERFIELD.
H.J. Res. 12: Mrs. BIGGERT and Mr. MCINTYRE.
H.J. Res. 40: Mr. CARSON.
H.J. Res. 89: Mr. MCINTYRE, Mr. CANTOR, Mrs. SCHMIDT, and Mr. SULLIVAN.
H.J. Res. 93: Mr. MCCOTTER, Ms. DELAURO, Mr. ROHRABACHER, and Mr. OLVER.
H. Con. Res. 163: Mr. BURGESS and Mr. WEXLER.
H. Con. Res. 223: Mr. KING of New York.
H. Con. Res. 244: Mr. STEARNS, Mr. ISRAEL, Mr. CARSON, and Mr. BURGESS.
H. Con. Res. 276: Mr. BOUSTANY.
H. Con. Res. 321: Mr. ALLEN.
H. Con. Res. 338: Mr. SKELTON.
H. Con. Res. 344: Ms. WOOLSEY and Mr. PAYNE.
H. Con. Res. 350: Ms. JACKSON-LEE of Texas and Mr. GENE GREEN of Texas.
H. Con. Res. 356: Mr. PETERSON of Minnesota.
H. Con. Res. 357: Mr. MACK, Mr. MCCAUL of Texas, Mr. CALVERT, Mr. WITTMAN of Virginia, Mr. HELLER, Mr. INGLIS of South Carolina, Mr. ALEXANDER, Mr. SENSENBRENNER, and Mr. SOUDER.
H. Con. Res. 360: Mr. HINOJOSA.
H. Con. Res. 361: Ms. SCHWARTZ, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. CROWLEY, and Ms. SUTTON.
H. Con. Res. 362: Mr. GORDON, Ms. GRANGER, Mr. CAZAYOUX, Mr. KUHL of New York, Mr. KENNEDY, Mr. COBLE, Mr. SIRES, Mr. ROGERS of Michigan, Mr. KAGEN, Mr. WILSON of Ohio, Mr. CULBERSON, and Mr. LIPINSKI.
H. Con. Res. 371: Mr. ISRAEL, Mr. FORTUÑO, Mr. WAXMAN, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, and Ms. WATSON.
H. Res. 37: Mr. BRADY of Pennsylvania.
H. Res. 353: Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. INSLEE, Mr. ROSS, Ms. WATSON, and Mr. WATT.
H. Res. 672: Mr. BRADY of Pennsylvania.
H. Res. 679: Mr. MCHUGH.
H. Res. 937: Mr. STEARNS.
H. Res. 939: Mrs. BACHMANN.
H. Res. 959: Mr. ELLSWORTH.
H. Res. 1037: Ms. ESHOO.
H. Res. 1127: Mr. FALEOMAVAEGA.
H. Res. 1143: Mr. WITTMAN of Virginia and Mr. BRADY of Pennsylvania.
H. Res. 1146: Mr. BRADY of Pennsylvania.
H. Res. 1161: Mr. CHANDLER.
H. Res. 1179: Mr. FOSTER.
H. Res. 1182: Mr. BISHOP of Georgia.
H. Res. 1204: Mr. MEEKS of New York.
H. Res. 1217: Mr. CHANDLER and Mrs. NAPOLITANO.
H. Res. 1229: Mr. HASTINGS of Florida, Mr. KIRK, Mr. SPRATT, Mr. BERMAN, Ms. SUTTON, Mr. HOEKSTRA, and Mr. WALDEN of Oregon.
H. Res. 1230: Ms. ROS-LEHTINEN.
H. Res. 1242: Mr. SERRANO.
H. Res. 1245: Mr. GRIJALVA, Mr. HINCHEY, Ms. LEE, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. SMITH of New Jersey, Mr. VAN HOLLEN, and Ms. WATSON.
H. Res. 1246: Mr. BUTTERFIELD and Mr. CLAY.
H. Res. 1249: Mr. MCNULTY and Mr. KIRK.
H. Res. 1254: Mr. WEXLER, Mr. TOWNS, Mr. SCOTT of Georgia, and Mr. MORAN of Virginia.
H. Res. 1266: Mr. FORTUÑO AND MR. TANNER.

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:

The amendment to be offered by Representative DANNY K. DAVIS of Illinois or a designee to H.R. 5781, the Federal Employee Paid Parental Leave Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

269. The SPEAKER presented a petition of Ms. Josette Lee, a citizen of Rhinebeck, New York, relative to petitioning the Congress of the United States for action regarding proposed cuts in Medicare payments for physicians and other health care professionals; jointly to the Committees on Ways and Means and Energy and Commerce.

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Vol. 154 WASHINGTON, THURSDAY, JUNE 12, 2008 *No. 97*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sustainer of humanity, we thank You for commanding light to shine out of darkness, for stretching out the heavens, and laying the foundation of the Earth. We praise You for calling us to be Your people, for revealing Your purposes and Your sacred word, and for dealing patiently with our pride and disobedience.

Bless the Members of this body and all who support them. Give them such trust in You that, holding onto Your word, they may be strong in this and every time of need. Impart to them, Lord, grace to permit You to order their steps. Give them the gift of Your Holy Spirit that they may be faithful servants and stewards of Your will.

We pray in the Name of our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of myself and Senator MCCONNELL, the Senate will resume consideration of the motion to proceed to S. 3101, the Medicare Improvements for Patients and Providers Act, with the time until 3 p.m. equally divided and controlled between the two leaders or their designees. Senators GRASSLEY, BAUCUS, MCCONNELL, and REID of Nevada will control the final 40 minutes, with 10 minutes each under their control. The order of speakers will be as I have mentioned. At 3 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the bill.

MEASURE PLACED ON CALENDAR—S. 3118

Mr. REID. Mr. President, S. 3118 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will state the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3118) to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time regarding this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GRADUAL ADJUSTMENT DAY TWO

Mr. MCCONNELL. Mr. President, today the national average for a gallon of regular unleaded gasoline hit another all-time high of $4.06. For truckers it's even worse, with the average cost of diesel now at $4.79 a gallon.

Every American is suffering the effects of high gas prices. But low- and middle-income families are hurting the most. Many now spend a significant portion of their income just getting to and from work. A good number of people in eastern Kentucky are spending 15 percent of their income just on gas.

Some people are taking second jobs just to cover the cost of getting to and from their primary jobs.

Prices are so high Democrats are starting to talk about gas prices being a serious problem. A number of them spoke yesterday about the effect that gas prices have on the wider economy.

The junior Senator from Colorado told us about a farmer in Kit Carson County who is worried he won't be able to afford the diesel fuel he needs to harvest his wheat crop at the end of the summer.

The junior Senator from Montana said manufacturers in his State are at risk of shutting down, that truckers are struggling to make ends meet, and farmers are struggling to pay for fertilizer. The junior Senator from Minnesota said the people of her State are lining up around the block at the

Printed on recycled paper.

Costco in Minneapolis just to save some money.

Even the senior Senator from New York got in on the act, though mostly as an excuse to go after the 2001 and 2003 tax cuts. I am not sure how this was relevant to gas prices. Maybe he thought people would feel better if they realized they'd be even worse off if we hadn't cut their taxes.

But to all our friends on the other side who have spoken about the crushing effects of high gas prices, I would simply add that they are right on target. High gas prices do affect everything. High gas prices do hurt. And I would also add this: Democrats in Congress have no plan to lower them.

In a month when gas prices have hit record highs, Democrats have proposed three things: a massive carbon tax, a tax on energy companies, and allowing trial lawyers to sue our trading partners. This isn't an energy plan. It is a caricature. It is a caricature of a party that seems incapable of conceiving any solution to any problem that doesn't involve taxation or litigation.

With gas prices causing unprecedented pain at the pump for working Americans, Democrats have responded by trying to raise taxes that we know will be passed onto consumers. Ignoring the iron laws of supply and demand, they insist that high gas prices must be the result of some corporate plot instead. But the current crisis is a supply and demand problem—not a supply and demand and litigation problem, not a supply and demand and taxation problem, a supply and demand problem.

It is fairly straightforward: at the moment, there's greater demand than supply. And last year, Republicans joined Democrats in addressing demand by passing the first increase in national fuel efficiency standards in more than 30 years. We have also tried to address the supply problem by increasing production of American energy. At every turn, we have been blocked.

Since 1991, the Senate has voted a dozen times on allowing limited exploration in a small portion of the Arctic National Wildlife Refuge. A Democrat President has vetoed it or Democrats have blocked it every single time. When he did it, incidentally, gas at the pump was $1.06 a gallon.

Last year, the Senate voted on proposals to expand refinery capacity, invest in coal-to-liquid technology, and open up more domestic reserves. Democrats blocked each one.

Last year, Republicans proposed allowing Virginia to go forward with deep sea exploration off its coast—something that Virginia, under a Democratic Governor, wants. Democrats in Congress said no.

Republicans have tried to allow the use of oil shale from Western States as an alternative to foreign oil. Democrats imposed an oil-shale ban in last year's Omnibus Appropriations bill.

Last month, Republicans tried to increase production of American energy again, along with an increase in support for clean energy technology and plug-in hybrid vehicles. Democrats said no.

And just last week, I offered an amendment to ensure that if the Boxer climate tax bill caused gas prices to go up, we would suspend its provisions. Democrats blocked that too.

For years, Democrats have blocked every effort to increase the production of American energy and help bring gas prices down. They have said no to States that want to allow for deep sea exploration off their shores. They have blocked the use of oil shale. They have blocked a dozen efforts to open a small portion of ANWR for environmentally sensitive exploration, which—if it had not been vetoed 13 years ago—would be providing a million barrels of oil a day to American consumers right now.

That's twice as much as the senior Senator from New York wants us to beg from the Saudis. And now, they want to raise gas prices even more through higher taxes.

It should be abundantly clear by now to anyone who is paying attention that our friends on the other side have no serious plan for lowering gas prices. As the record suggests, their primary concern is blocking increased production, which has inexorably led to record gas prices.

If people are being forced to change their lifestyles, if the price of goods is skyrocketing, that is apparently all right, according to our friends on the other side. Their Presidential nominee even admits it. He says the high price of gas isn't the problem. The problem, he says, is that prices went up too quickly. If he had his way, he would have raised prices much more slowly.

He would have preferred that gas prices go up more slowly than the $1 increase we have seen under the new Democrat Congress over the last year.

He would have preferred they go up more slowly than the astonishing $1.73 increase per gallon of gasoline we have seen just in the 17 months since Democrats took over Congress in January 2007.

As the Democrat nominee put it in an interview earlier this week, he would have preferred a ''gradual readjustment'' in gas prices, presumably so Americans wouldn't notice the shock of it.

We used to think $4 a gallon gasoline was unthinkable. Our friends on the other side were apparently thinking about it all along. ''I think I would have preferred a gradual readjustment.''

Those are the words of their nominee.

While Americans are reeling over high gas prices, increasingly demanding that we increase our production of American energy, Democrats haven't let us turn over a single shovel for exploration here at home. And now they have got what they wanted.

We all agree that the key to our energy future is clean energy technologies and alternative fuels that move us away from oil. What the other side refuses to acknowledge is that it will take some time to get there. We are moving in that direction as quickly as we can. We have worked in a bipartisan fashion in both the 2005 and 2007 energy bills to accelerate the process of moving to clean energy technologies and alternative sources of fuel.

But the facts are clear: in the short term, America will depend on fossil fuels to drive our economy. For the foreseeable future, our choice is the same as it's always been: either import our energy from people like Hugo Chavez and from Saudi Arabia or use more of our own. But our friends on the other side have removed the option of increased American energy created by increasing American jobs. They have made sure we have only one option. They have put domestic energy off limits. And now we're paying the price.

Republicans have been willing to work with Democrats to address both sides of this problem. Republicans enthusiastically support conservation.

Last year, we supported the first increase in automobile efficiency standards in more than three decades. We have supported investments in alternative energy. We know this problem requires action on both the supply and the demand side. And we have shown it. But we're still waiting for our friends on the other side to show the same commitment to actually address the problem.

For the sake of all the American people, who will today make hard choices at the gas pump, we need to work together to lower prices now, and that means that as the third largest oil producer in the world, America needs to increase its own domestic supplies in an environmentally responsible way so we are less reliant on Middle East oil and so our people finally get some relief.

21ST ANNIVERSARY OF ''TEAR DOWN THIS WALL''

Mr. MCCONNELL. Mr. President, today is the anniversary of an important event in recent world history that demonstrates the impact that words—well-chosen words—can have.

June 12, 1987, marks the day that President Ronald Reagan issued a challenge to Soviet Premier Mikhail Gorbachev to make unmistakably clear his commitment to lessening Cold War tensions and increasing freedom in Soviet-dominated Eastern Europe.

Speaking before the Brandenburg Gate in what was then West Berlin, President Reagan stood only 100 yards away from the Berlin Wall, which had divided the free people of West Berlin from the captive Germans in Soviet-controlled East Berlin for decades. An estimated 20,000 people gathered to hear him, including West German Chancellor Helmut Kohl.

''There is one sign the Soviets could make that would be unmistakable,

that would advance the cause of freedom and peace,'' President Reagan said.

Addressing the Soviet Premier directly, he then continued:

If you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberation: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!

Two years later, Germans East and West did raze that wall, presaging German reunification and the fall of the Soviet Union. A piece of the Berlin Wall is preserved today in the Ronald Reagan Presidential Library in Simi Valley, CA.

At the time, the Soviet state-run press agency called this historic speech ''openly provocative'' and ''warmongering.'' But Chancellor Kohl, who was there, knew the truth. ''Ronald Reagan was a man who achieved great things for his country,'' Chancellor Kohl said in 2004. ''He was a stroke of luck for the world, especially for Europe.''

There we have an example of the power to make walls crumble, by the sound of freedom—all because of the right words, well chosen and linked to the right policy.

We cannot say what national security crisis will confront us in the future, but we can say that confront us they will, no question about it. When that happens, the world must know that America will fight on the side of justice and freedom.

One great leader made that clear 21 years ago today when he said four simple words: ''Tear down this wall.''

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

REPUBLICAN FILIBUSTERS

Mr. REID. Mr. President, the remarks my friend, the distinguished Republican leader, made regarding the energy crisis facing us are, as has been this past week, Orwellian. Everyone listening to what he said understands the direct opposite has happened. Everyone knows we are not doing legislation because the Republicans will not let us.

There are 51 Democrats and 49 Republicans, a closely divided Senate. The Republicans have decided they are going to let us do nothing, and that is what they are doing, letting us do nothing. We want to legislate; they want to obstruct.

Let's take the three bills we dealt with this past week. Global warming: No, they would not let us legislate on that bill. We offered two amendments, three amendments, five amendments, eight amendments, relevant, germane—nothing. They did not want to legislate, and we knew that was the case because as we read into the RECORD several times, there was a piece of work that came on e-mail from the Republicans who are devising the strategy for the Republicans in the Senate, and they said in that memo that there is no legislation going to take place here; we are going to play political games. ''Political games'' were their words, and that is what they did.

As we have been here—the Senate opened 20 minutes ago—global warming has gotten worse, not better. It is time we decided to take some hard decisions and realize we cannot continue to take all this carbon out of the Earth and put it into the sky. That is what global warming is all about. We have to stop this.

We wanted to do something about gas prices. Of course gas prices have gone up. Since President Bush took office, the price of gas has gone from less than $1.50 a gallon now to $4.06 a gallon. As the Republican leader said, diesel fuel is approaching $5 a gallon. But during this period of time, we have been following the Cheney energy policy. The Cheney energy policy was one devised in the White House in secret. The press, groups around the country have tried to find out what went on, who came, what were the promises made. Obstruct—they would not allow us to find out what went on. The American people to this day do not know what went on. But we do know the Bush-Cheney administration is the most oil-friendly administration in the country. They made their fortunes in oil and they have treated the oil companies accordingly this past 7½ years.

We tried to do something about gas prices. We think it is important that we take a look at OPEC. It is not just Democrats talking about it. Arlen Specter, the ranking member and former chairman of the Judiciary Committee, believes that is an extremely important issue. OPEC is violating the Sherman Antitrust Act. Why shouldn't they be subject to it? That is what we wanted to legislate, and they would not let us.

We wanted to take away the huge amounts of free money the oil companies get. Why should they get all the free money from American taxpayers when they made during the past year $250 billion in profit—not million, billion. We tried to legislate on that issue saying these subsidies to big oil should be terminated.

We thought it was important to do something about these windfall profits these companies are making. We were stopped from doing that.

The Presiding Officer knows about legislating. He understands that legislating is the art of compromise. Is any one of the pieces of legislation we introduced perfect? Of course not. But it is an opportunity for us to try to do something about these gas prices. In the short term—these are short-term fixes for the gas prices I talked about—they would not allow us to legislate. And yesterday we tried to legislate on doing something about alternative energy, renewable energy. The Sun shines, the wind blows, steam comes out of the Earth. Shouldn't we harness that for our own benefit? Shouldn't we use that so we do not have to use 21 million barrels of dirty oil every day that is making our lives miserable with global warming, ruining the health of people all over the world? Shouldn't we do that? The Republicans say no. They would not let us legislate on that issue yesterday.

We want to give the American entrepreneurs the ability to invest in renewables. People are waiting to invest billions of dollars if they have the opportunity for these tax credits, but the Republicans say no.

My friend said that Democrats think this is some kind of a corporate plot. We don't think it is a corporate plot. We do think the oil companies are making far too much money. And the sad part about it—my brother for many years was a service station operator. My brother worked for Standard stations. I worked for Standard stations. He became a manager for Standard stations. The Chevron oil company had Standard stations and Chevron stations. Chevron stations were dealers, individuals such as my brother Dale—may my brother Dale rest in peace. He died at the age of 47. He was a Chevron oil dealer. He worked very hard. He didn't make much money with the gas that was pumped. He made money selling water bags, which was a canvas bag people needed to go across the desert if their car broke down, batteries, fan belts, tires. That is where he made his money; not very much, but that is where he made his money, not at the gas pump. And it is still that way. The modern Dale Reids with stations around America are not making much money. The money is going to these massive oil companies.

I don't think it is a corporate plot. I think it is a Bush-Cheney plot. I think these people have done nothing. These two men have done nothing to address the energy crisis facing America. It took 7 years of this man's Presidency before he could say the words ''global warming.''

My friend has used the name of the senior Senator from New York, Mr. SCHUMER. I am going to defend Senator SCHUMER. Senator SCHUMER is my friend. He does an outstanding job representing the people of New York, and he has done an outstanding job representing all Democrats as chairman of the Democratic Senatorial Campaign Committee. This is a difficult job, not one people seek. Senator SCHUMER took that job when he could have been Governor of the State of New York. All the editorials said he would be the next Governor of New York. I knew that when I became Democratic leader. I asked Senator SCHUMER, recognizing he could be the next Governor of New York: Will you take the Democratic Senatorial Campaign Committee? It is important for the country. And he gave up literally the governorship of New York, in my opinion, to take this job. He has done a tremendous job: nine new Democratic Senators last year.

He said yesterday in his speech before the Senate, among other things, that the 75 filibusters the Democrats have had to face with this Republican minority, which is so upset that we are in the majority, is creating problems for Republican Senators. It is the truth. Senator SCHUMER said:

It is unconscionable that the American public is being forced to use their stimulus checks just to pay for gas.

Senator SCHUMER came and spoke for the American people. He spoke for the people of New York, he spoke for the people of America, saying: Why not let us legislate? And the fact that the Republicans are not letting us legislate on anything is going to work in November to the advantage of the Democrats. I think that is clear.

Look around the country. I am not going to predict what is going to happen in November, but the majority is going to be bigger than 51 come November. Why? Because the American people see what is going on with this Republican minority. It is the same in the House. Republicans have the same philosophy: status quo, keep things the way they are, tread water a while.

As a result, when Dennis Hastert—he broke the record for the longest Republican Speaker in the history of the country—retired, a heavily Republican House district in Illinois goes Democratic. That was only a quirk, they said.

Then we have a race in Louisiana, a heavily Republican district, been Republican for a long time, and it goes Democratic. Why? Because the American people see what is going on.

Illinois, a Republican district, sees what is going on; a Republican district in Louisiana sees what is going on. In Mississippi, they appointed Congressman Wicker to be a Senator after Senator Lott retired. That district—we don't have to worry much about that, that is a Republican district, always has been, always will be, except the people of Mississippi see what is going on and they elected a Democrat. Now we have a Democratic House Member representing that so-called Republican district.

We want to legislate. We want to legislate for the American people. All we want is an opportunity to go forward and not have to face 75 filibusters and legislate as the Senate has been doing for many decades.

These Orwellian speeches given by my friend when he says ''It's the Democrats' fault, they have been in power a year and a half; that is why gas prices are so high,'' think about that, everybody, think about that, how unreasonable that is.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, the speech of my good friend, the majority leader, sounds eerily similar to the one he made yesterday morning at exactly the same time, so I won't prolong this back and forth other than to say it is an interesting campaign speech, but the issue before us is, if we do want to legislate, we know how we have to legislate in the Senate. We had the same discussion yesterday morning. The way you don't legislate in the Senate is refuse to let the minority offer amendments.

I know this is inside baseball to most observers who don't follow every nuance of what we do in the Senate, but the way you legislate in the Senate is you call up a bill and you have a free amendment process and then you pass it. Prematurely filing cloture, filling up the tree, preventing the minority from having any serious impact on legislation doesn't work. You can call that obstructionism if you want, but another way of looking at it would be to say the majority leader would like to turn the Senate into the House, and that is not the way we operate here. The Republican minority is pretty unified over the notion that they do not intend to be irrelevant.

With regard to the issue that is of most importance to the country—global warming—in fact, it is still the pending business. My Members are anxious to offer amendments on that debate. We have been on that measure. We discussed it all day yesterday and have been discussing it in previous days. We actually voted to continue the debate and would like to have a chance to offer amendments to it.

But I think my good friend, the majority leader, would like, rather than giving us a chance to truly amend the bill, to just simply check the box and say: That is another filibuster, and move on.

It is a fact—it is not any kind of Orwellian spin—that gas prices are up $1.70 since the Democratic majority took over. It is also a fact that Republicans, as I indicated in my comments earlier, are open to any of the conservation measures that have been suggested. But the fundamental problem is that our good friends on the other side are not willing to do anything whatsoever on the production side.

Even though I think, for example, that suing OPEC is somewhat ludicrous, I would be open to it if someone on the other side would say: OK, we will sue OPEC and we will add to that a measure allowing the opening of the Outer Continental Shelf, where States want to. I mean, why should the Federal Government prevent a State that actually wants to open the Outer Continental Shelf from doing so?

That is the way you go forward around here, with each side getting something. But, unfortunately, in these debates, they want it their way or not at all, and they do not even want to give us a chance to consider or approve these efforts to increase our production.

So the way to legislate in the Senate is pretty clear. The majority leader and I have been around here a while. We remember when we used to pass legislation, and we also remember how we did it. As I indicated yesterday morning, a good model for big, complicated bills, as the Clean Air Act of 1990 was—it was on the Senate floor for 5 weeks with 180 amendments and everybody participating, everybody offering amendments. We worked our way through the process, and we passed a major piece of legislation. You can't bring up something like a climate bill, fill up the tree and file cloture, and call that a serious effort to legislate.

I am sure it is somewhat confusing to casual observers, all this spin back and forth, but the fact is, the Senate is a place full of serious legislators on both sides of the aisle, and the only way we will actually be able to accomplish anything for the American people is for everybody's rights to be respected, for everybody to have a chance to participate, and at the end of the day to make some kind of bipartisan accommodation that would include some things the other side would like to accomplish, which I might not think is a great idea, but would also include some things that most of my Members believe would make a difference. That is the way to pass major legislation.

So, Mr. President, I enjoy these morning discussions with the majority leader. He is a good friend of mine. I like him a lot, I enjoy working with him, and I hope we can get past making a campaign speech every morning and actually see if there isn't some way to move forward on important legislation for the American people.

I yield the floor.

Mr. REID. Mr. President, my friend would like everyone to be confused. No one is confused. No one is confused as to what is taking place here. All records in the history of this country have been broken on the number of filibusters. No one is confused about what is going on here.

We know we have worked with the Republicans to do something about production. Of course we have. But we want to do something long term; we want to do something short term. The American people are being drowned with the smoke in the air, and too much carbon is coming out of the ground into the sky. We want to do something with the Sun and the wind, the geothermal.

The OPEC measure is ludicrous? Mr. President, tell my friend, the ranking member of the Judiciary Committee, the former chairman of the Judiciary Committee, who is the biggest proponent in Congress of OPEC being subject to antitrust laws, that is ludicrous. I say to the Republican leader, tell ARLEN SPECTER it is ludicrous to go after OPEC. Those are the words of the Republican leader.

Finally, Mr. President, here is what they want to do on global warming. This Orwellian verbiage we have heard this morning, that they want to do something on global warming, well, here is what they want to do about global warming. The e-mail on the Republican strategy that we obtained says this:

The focus is more on making political points than in amending the bill.

That is what they said. And it continues:

GOP anticipates a struggle over which amendments are debated and eventually fingerpointing over blame for demise of the bill. The bottom line is that the GOP very much wants to engage in it for a prolonged period, and then make it as difficult as possible to move off the bill.

The focus is much more on making political points than on amending the bill.

The American people aren't confused, Mr. President.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3101, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3101, a bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I have come to speak on the Medicare bill, but I must make a few remarks in relation to the debate between the majority and the minority leaders. The bottom line is very simple, and that is they haven't said let's fight over what amendments nor have they offered amendments. They have said that we will not even proceed to the bill.

So when the majority leader, Senator REID, says it is Orwellian, of course it is. In every instance when the minority has come and said they will do amendments related to the specifics of the issue at hand, the majority leader has been more than accommodating, rankling even some on our side. But they don't want to do that.

Senator REID read the memo. They want to slow the bill down with extraneous amendments that have nothing to do with energy because they do not want to allow a vote, even on ANWR.

Now, my friend from Kentucky talks about ANWR as the answer. Even the most optimistic experts say it will be 7 years before we get a drop of that oil. So the minority leader and the minority are saying wait 7 years and maybe we will get oil prices down. We don't want to wait that long. In 7 years, we could have an energy policy that weans us away in part from fossil fuels in a serious and significant way, like what is being done in Europe and other places. They do not want to do that because big oil dominates. They do not want to do that because their base says drill in ANWR, and the people say no.

This idea that we don't want any production, the minority leader is just patently incorrect. Democrats, including myself, helped lead the charge and voted to increase production in the east gulf. That is the place where there is the most available oil and gas near refineries. And it wouldn't take 7 years the way starting a whole new venture in Alaska would. We voted for it under Republican leadership, when the Republicans led. So we are willing to increase production, but we do believe we are not going to drill our way out of this problem.

The majority leader is exactly right. The actions of the minority leader say: Don't even debate it. Then he says they want to debate it. Well, if you want to debate it, don't block the motion to proceed. And I am certain—though I haven't talked to the majority leader about this, but I will, and I know from his past actions—if they have a series of amendments that are related to energy, they will be entertained. But if they want to debate George Bush's tax cuts or the estate tax, well, the majority leader has a perfect right to say, don't do it.

So, Mr. President, again, this week in the Senate, Republicans are blocking lower energy costs. They are the party of no—no, no, no. They are the party of no on global warming, they are the party of no on lower energy costs, they are the party of no on tax help for solar and wind, and they are the party of no on preventing the oil companies from just doing everything they want. And as the majority leader said, the status quo is not what America wants, but the status quo is exactly what the minority, the Republicans, are standing for.

I said it yesterday, and I will say it again—I said in the DSCC that I care more about the substance. I would much rather we move forward. But as head of the DSCC, the minority is filibustering themselves right out of their seats. When three-quarters of Americans demand dramatic change, and the minority says no change, that is not a formula for political success. You don't have to be a political genius to know it.

So I would say to the rank-and-file members on the other side, I don't understand the logic, I don't understand the thinking, but you are sure not helping yourself or helping your country.

Now, Mr. President, I would like to talk about Medicare for a minute—that is the bill we are on—and I rise to speak in strong support of the Medicare Improvement for Patients and Providers Act of 2008. I want to congratulate our leader on the Finance Committee, Chairman Max Baucus, for introducing this much needed legislation.

When Lyndon Johnson signed Medicare into law in 1965, he promised it would transform the lives of America's senior citizens, and he said this:

No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years.

No one could have said it better, and yet 40 years later we are at a critical moment. Do we make much needed improvements to the program to allow it to fulfill its promise to America's seniors or do we ignore this challenge?

We have worked hard in the Finance Committee to put together fair and reasonable legislation that is supported by all physicians groups and millions of beneficiaries. We have compromised. I don't believe Medicare Advantage should come out of medical education. It affects my State, the majority of it will, and I am still willing to sort of suck it in and say, OK. But some on the other side are saying no, it has to be all their way. We know that fee for service in Medicare Advantage is far more lucrative and far more spread around the country. Yet we don't have very much of that in here to help pay for the other necessary increases. But it is a compromise bill. It is a bipartisan bill with broad support on the Finance Committee, and I urge all Members to vote for cloture today so we can provide help to millions of America's seniors and the hard-working health care providers who treat them.

We have to pass this bill to avoid catastrophic cuts to doctors. We know these physicians face a 10-percent cut. To those who say, well, they are doctors, they can afford it, the trouble is, if we do this cut, lots of doctors don't take Medicare, and our poor senior citizens are left in the lurch. When we cut resources to doctors, patients lose, in this instance. So we need to put aside politics and do the right thing for our seniors and pass this bill.

Some Members seem to think that doing more for low-income seniors—those Americans who are trying to make ends meet and are deciding between filling their car's tank with $4 gas and paying for a doctor's visit—is wrong. Opponents of this measure say now is not the time to improve Medicare. Well, I say now is exactly the time. We need to cut costs where we can and enhance the program where it is needed.

Our constituents are waiting for action. In my State of New York, the AARP dropped off 20,000 petitions in three wheelbarrows at my office in Albany. These 20,000 petitions were from New Yorkers asking Congress to pass this bill, to pass S. 3101, because it helps seniors on fixed incomes, establishes an e-prescribing requirement, and helps limit premium increases.

We are particularly pleased the bill emphasizes preventive health care and expands coverage for key screenings, which can catch problems before they become more serious, and many other important measures.

In addition, the bill stops the cuts to physicians for 18 months and provides a 1.1-percent update for 2009.

The Medical Society of New York and medical societies throughout America are in favor. I have spoken to the head of the AMA, who is Dr. Nancy Nielsen from Buffalo, NY. She is the incoming President of the AMA. She has been tirelessly working, and I want to give her a shout-out of thanks here on the floor of the Senate.

I am particularly pleased that this bill provides increased payments for our ambulance providers. We put in a bill to do this; it got 25 bipartisan cosponsors. GAO found that ambulance providers are reimbursed on average 6 percent below their costs for providing services to Medicare patients. This is unacceptable. It means they cut back on the lifesaving equipment needed in the ambulance. We all know, for things like stroke and heart attack, having an up-to-date, modern ambulance with the most lifesaving equipment is often the difference between life and death, so this increase will actually save lives.

It also, unlike the other alternative, ensures that pharmacists dispensing prescriptions are receiving payments on time. Two thousand independent pharmacies in New York—and many more thousands around the country—are counting on this important change to keep them in the black. That is in the bill. You cannot ask pharmacies, small businesspeople, to just give a line of credit to the Federal Government. That doesn't make much sense.

This is a good bill. I urge we move forward and get the 60 votes. I hope we will not have another filibuster, No. 76. Let's hope and pray that doesn't happen so we can help America's seniors and continue to modernize Medicare and move this bill forward.

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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent that during the times when we are in a quorum call, the time be equally divided between the minority and the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Now I again 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.

Ms. COLLINS. 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.

Ms. COLLINS. Mr. President, I ask unanimous consent that following my remarks, the remaining Republican time be allocated to the following list for up to 15 minutes each, with Senator GRASSLEY controlling the remaining time: Senators ENZI, CHAMBLISS, STEVENS, HATCH, CORNYN, and COLEMAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 3119 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

FUEL PRICES

Mr. ENZI. Mr. President, over the past few weeks I have had the opportunity to come to the Senate floor to speak on a No. 1 issue I am hearing about as I travel around Wyoming, and that is the high price of gasoline and diesel fuel. I want to continue to address that issue today. I listened to the debate on S. 3044, the so-called Consumer-First Energy Act. It might as well be called the No Energy Act because the bill does nothing to improve our Nation's energy situation and will actually do damage to it. One of the targets of S. 3044 is energy speculators. Their role in the high price of energy has been brought up time and time again, and my colleagues in the majority have been especially vigilant in their desire to rein in this group as if they were the big bad wolf.

If you listen to their arguments, they are persuasive. Unfortunately, they don't tell the whole truth. An editorial I recently read from the Wall Street Journal pointed out the flaws in their argument.

The article stated:

The first refuge of a politician panicked by rising prices is always to blame ''speculators.'' So right on time for this election season Congress has decided to do something about rising oil prices by shooting the messenger known as the energy futures market. Apparently this is easier than offending the Sierra Club by voting for more domestic energy supply. Futures markets are not some shadowy, dangerous force but are essentially a price discovery mechanism. They allow commodity producers and consumers to lock in the future price of goods, helping to hedge against future price movements. In the case of oil prices, they are about supply and demand and the future rate of inflation. Democrats now argue that these futures markets are generating the wrong prices for oil and other commodities.

And who are these ''speculators'' driving up the prices? The futures market operator Intercontinental Exchange says that an increasing share of customers are not financial houses but are commercial firms that need to manage oil-price risks—[that means] the refiners, the airlines, and other major energy consumers. Another term for these [energy] ''speculators'' would be ''American business.''

The article continues:

If Democrats won't believe futures traders, maybe they'll heed their biggest political funder. When . . . hedge fund billionaire George Soros testified before Congress on this issue, he noted, ''Regulations may have unintended adverse consequences. For instance, they may push investors further into unregulated markets which are less transparent and offer less protection.''

The article concludes:

Democrats will find that moving jobs to Dubai from New York and Chicago will not end commodity inflation that they themselves have helped to create.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 10, 2008]

DUBAI'S FAVORITE SENATORS

The first refuge of a politician panicked by rising prices is always to blame ''speculators.'' So right on time for this election season, Congress has decided to do something about rising oil prices by shooting the messenger known as the energy futures market. Apparently this is easier than offending the Sierra Club by voting for more domestic energy supply.

Futures markets aren't some shadowy dangerous force, but are essentially a price discovery mechanism. They allow commodity producers and consumers to lock in the future price of goods, helping to hedge against future price movements. In the case of oil prices, they are a bet about supply and demand and the future rate of inflation. Democrats nonetheless now argue that these futures markets are generating the wrong prices for oil and other commodities.

And who are these ''speculators'' driving up prices? The futures market operator Intercontinental Exchange says that an increasing share of its customers are not financial houses but commercial firms that need to manage oil-price risks—refiners, airlines, and other major energy consumers. Another term for these ''speculators'' would be ''American business.''

Not ironically, the leaders of Capitol Hill's shoot-the-messenger caucus are among those most culpable for the lack of domestic oil supplies. Senator Maria Cantwell (D., Wash.) has been threatening to hold up appointments to the Commodity Futures Trading Commission until the CFTC increases regulation of oil trading. In the best tradition of bureaucratic self-protection, the CFTC's acting chief Walter Lukken has agreed to investigate.

Ms. Cantwell's recent press release on ''outrageous energy prices'' didn't mention her own contributions to the problem. According to the Almanac of American Politics, she ''successfully worked the phones'' in 2005 to round up enough colleagues to block drilling in the Alaskan wilderness. Ms. Cantwell has also backed a slew of mandates and subsidies that have helped to raise food prices by diverting corn and other crops to a fuel. She even claims to have helped create the biofuels industry in her state.

Her counterpart in the House is Michigan's Bart Stupak, who claims special credit for a permanent ban on drilling in the Great Lakes and has also cast votes against exploration in Alaska and off the California coast. With $4 gasoline, this is a man in need of political cover as Michiganders head into the summer driving season. A spokesman says Mr. Stupak is hoping to roll out a new bill by the end of this week to require ''additional reporting and oversight' in the oil futures markets.

Then there's New York Senator Chuck Schumer, another staunch opponent of new domestic oil supplies. Mr. Schumer has

egged on the Federal Reserve's rate-cutting binge that has contributed so much to the oil price spike. But, with impeccable political timing, he now suspects ''price manipulation by speculators'' is the real cause of rising gas prices.

Mr. Schumer's answer is the ''Consumer-First Energy Act,'' due for a cloture vote in the Senate today. Bundled with a windfall profits tax on oil companies, the plan also includes an increase in margin requirements for those who wish to trade oil futures. This would of course make it more expensive to trade in U.S. futures markets, which in a world of computerized, instantaneous trading means that those trades would merely move to markets overseas. As luck would have it, the Dubai Mercantile Exchange celebrated its first birthday last week with the launch of two new oil futures contracts that compete with those offered by American exchanges.

Leave aside the question of whether Mr. Schumer believes that the Dubai exchange, which is majority-owned by Middle Eastern governments, will offer more consumer protection than America's shareholder-owned exchanges. This is the same Chuck Schumer who warned in 2007 that heavy regulation threatens New York's preeminence in global finance. Along with Mayor Michael Bloomberg and former Governor Eliot Spitzer, Mr. Schumer introduced a long report on the threats facing New York with a short note that specifically mentioned Dubai as an increasingly formidable competitor. That of course was not an election year.

If Democrats won't believe futures traders, maybe they'll heed their biggest political funder. When Senator Cantwell invited hedge-fund billionaire George Soros to testify last week, she probably didn't expect the backer of left-wing causes to deviate from her market-manipulation narrative. But among other things, Mr. Soros noted that ''Regulations may have unintended, adverse consequences. For instance, they may push investors further into unregulated markets which are less transparent and offer less protection.''

Democrats will find that moving jobs to Dubai from New York and Chicago will not end the commodity inflation that they themselves have helped to create.

Mr. ENZI. Do we need an open and transparent market? Yes. Is there more that could be done? Probably. Which is why the Commodity Futures Trading Commission announced, on June 10, that it was forming an interagency task force to evaluate developments in the commodity markets. Rather than sitting here in the Senate Chamber spending our time criticizing commodities traders, we should be working together to pass legislation that we can agree on to improve our Nation's energy situation. The problem we face is a problem of supply and demand, less American-made energy and more demand for that energy. That is the problem that Congress should be addressing. That is what those in control of both Houses of Congress don't seem to understand at this stage, even though 2 years ago they complained about the price of gasoline and promised they would bring the price down.

The continued rise of gas prices is going to put an end to this dog-and-pony show eventually. Unfortunately, we are not at that point yet where the majority will seriously deal with this issue. The bills we are debating will do nothing to improve our Nation's energy situation. The substitute to the Lieberman-Warner Climate Security Act would have cost us money, at a time when we are paying record energy prices. The so-called Consumer-First Energy Act would lead to less investment in energy; therefore, less supply and, therefore, higher prices for consumers. As bad as these bills are, the process by which they get here is even worse. They don't go through committee. They won't be signed by President Bush, and yet we still waste the time of the Senate talking about them, as if they will be made law and they will improve the Nation's energy situation. That is not the case. It is also not how we do things around here.

I have heard complaints that Republicans are stopping progress on important legislation. I have heard complaints that the majority is unable to legislate. ''Unwilling'' would be a better term. We are paying record prices at the pump. Those record prices are connected to specific actions or inactions by those in control of Congress in the recent past and years ago.

Recently, on May 13, the Democratic majority defeated the American Energy Production Act by a vote of 56 to 42. The measure would have expanded domestic oil production as well as opening the potential of oil shale and coal-to-fuel technology. In 1996, President Clinton vetoed a bill that would have enabled us to get 1 million barrels of American oil a day. That is what we are demanding that Saudi Arabia give us. I remember in 1973, when we made some demands on Saudi Arabia, and they cut us off entirely. Some of us are old enough to remember the gas lines and the shortages we had then. But he vetoed a bill that would have enabled us to get a million barrels of American oil a day from the Arctic National Wildlife Refuge, an area about a sixth the size of Dulles Airport. The entire refuge is considerably bigger, but we are talking about drilling on a very small portion of it.

On May 22, House Democrats voted down a measure sponsored by Congressman MIKE CONAWAY that would have expanded the use of coal to fuel, oil shale, and tar sands, as well as expediting the permitting process for new refineries on three closed military bases. In December, Democratic members of the Senate Environment and Public Works Committee debated a proposal to ensure development of nuclear energy to meet emission goals. That is this year.

The list goes on and on, as does the majority's theatrics of inaction. When they got the majority a year and a half ago, the Speaker promised lower gasoline prices. How have they delivered? Their answer for our need to produce more American energy is to always say no, and their solution is always, let's tax the oil industry, a plan we know won't work because, under President Carter, we tried that, and we drove a lot of business overseas, which is where we have to ship our money unless we can get oil production in the United States. A lot of people don't realize—maybe they do—that Saudi Arabia is the biggest producer and that the Soviet Union is the second largest producer. What they don't realize is that the United States is the third largest producer, and we could solve a lot of our own problems if we were to do some of the things suggested here.

Like most of my colleagues, I support developing more alternative energy. I support the use of wind energy and the development of better solar energy technologies. Wyoming is the perfect place for a lot of that development to happen. We have, most days, the sunshine, and we do get some wind. While we need to develop those technologies for the long term, we need all the energy we can get today. We need more American oil from American soil, we need more domestic natural gas, we need more nuclear energy, and we definitely need more clean coal. More taxes and lawsuits are not going to get us there.

I emphasize again that I have a lot of faith in American ingenuity. For the long term, there is some research that could be done that would work with coal to make it cleaner, greener, and meet the needs, because that is the biggest resource we have. We have more Btus in coal than Saudi Arabia has in oil, and we have that in one county in Wyoming. But for the shorter term, yes, we do need to conserve, and, yes, we need alternative energy sources. We cannot abandon the sources of energy we have right now.

I am going to end with a story. A while ago, I had to go out to California for a meeting. I was supposed to speak in the evening, and my plane got into California at rush hour. I thought: I am probably not going to be able to make this speech. I rented a car. My wife was with me. I found out they have these high-occupancy vehicle lanes. Well, there was one lane for high-occupancy vehicles. I have never seen so many lanes. I am pretty sure there were six more lanes besides the one lane for high-occupancy vehicles. I made that speech on time. I zinged right through that high-occupancy-vehicle lane because it only required two people in the car—only two. Out here, there are a lot that require three, but in California it was only two. Now, what about the other six lanes of traffic? Stalled out. Six lanes—cars stopped dead, idling their motors, putting carbon in the air, one person to a car. Now, that is a State with 34 million people and huge concentrations of people. So I would like to encourage California to carpool a little bit.

Now, I would encourage the people in Wyoming to carpool too, but I spend a lot of time trying to teach the East and the far West about the Midwest, and most of the people we have are driving because they have to and because they are going to a single site where they are the only worker. And

we only have half a million people, to begin with. But a lot of trucks come through our State that are delivering produce and other things to the rest of the Nation, and that is important to have happen.

But when people talk about gasoline and trying to reduce its use, they have to remember that a lot of that is to provide services and products that we in the United States have grown very accustomed to. We do not rely on everything coming from our own county; we rely on it coming from not only the rest of the United States but the rest of the word.

The only way we are going to get out of this dilemma is to work on the short term, which is to get people to conserve; work on the medium term, which is to do some things with alternative energy but to put some research into the future so we can handle the kinds of things we need to provide for the energy we need for this country. Increasing the supply is the only thing that is going to bring down the price.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, I rise today to talk about how Congress can take action to provide relief to American families who are really feeling the pain at the pump due to high gas prices.

Obviously, this is a very complex issue and requires a multipronged strategy to respond. But the base price of gasoline reflects the principles of supply and demand. Asian economies continue to boom, creating soaring demand for oil. At the same time, many oil-producing regions are curbing output. These factors can create a perfect storm that leads to historic high prices for the price of crude oil and the resulting prices at the pump we see today.

I believe we must find both short-term and long-term solutions to provide energy security for our Nation and give relief to the unprecedented gas prices we are experiencing today.

Republicans and Democrats recently came together and passed a piece of legislation, with my vote, to suspend the filling of the Strategic Petroleum Reserve until the end of the year. This was an attempt to provide a short-term solution to high gas prices at the pump by dealing with the supply side of the issue. It is a bill that passed with strong bipartisan support.

The Strategic Petroleum Reserve has the capacity of 727 million barrels of oil and currently holds just over 700 million barrels. The United States had been filling this Reserve to the tune of about 70,000 barrels per day.

This was the right thing to do for several reasons: first, because we should not be buying the most expensive oil ever and simply putting it in the ground; secondly, because it will leave a little more oil on the market, which will hopefully alleviate prices somewhat; and third, because it shows that Congress recognizes that increasing the supply of oil in the market can have an impact on the price of oil. Finally, it sends a message to energy markets that Congress can take action and thereby reduce speculation, which certainly has been a participant in the rising price of oil.

Congress also acted in a bipartisan manner to address a component of the long-term solution to energy security by enacting the Energy Independence and Security Act in December of last year. This legislation, again with my support, was an attempt to provide a long-term solution to high gas prices by dealing with the demand side of the issue.

This legislation contains an aggressive new renewable fuels standard that requires fuel producers to include a certain amount of alternative fuel in their product. I am excited about the significant opportunity this provides for Georgia, which has not been a large producer of biofuels in the past, to participate in the development of renewable fuel sources. The renewable fuel standard requires 36 billion gallons of renewable fuels in American motor fuels by 2022. I think it was the right thing to do to require 21 billion of the 36 billion gallons of renewable fuels to come from advanced biofuels. This means instead of corn-based ethanol, we will be making fuels from cellulose such as wood chips, peanut hulls, and switchgrass.

This emphasis on biofuels is consistent with legislation I introduced last year to increase the amount of advanced biofuels and gasoline. This is also very consistent with the farm bill that passed this body. In the energy title in that farm bill, of which I was particularly excited about and remain excited, what we did was to induce the manufacture of additional amounts of ethanol in this country. But the production of ethanol from corn has had unintended consequences—we have seen the price of food products increase. It hasn't just been corn-based food products as a result of the high demand for corn. We have seen more corn planted, which means the demand for wheat, soybeans, peanuts, as well as other commodities, has increased and driven up the price because farmers are simply planting more corn due to the high price. It looks as if the demand is going to be there for a long time to come.

So in this farm bill, what we did was to incentivize the production of ethanol not from corn but from cellulosic-based products, whether it is peanut hulls, switchgrass, pine trees, or who knows. In my part of the world, we have a vine culled kudzu that grows rampant across Georgia, and there is not much use for it. One of these days we may even see a biodegradable product, such as kudzu, become available for the manufacture of ethanol. It is a serious problem, and in the farm bill we sought to address the additional production of ethanol through cellulosic-based products.

I wish to read a couple pieces of correspondence I have received from constituents of mine which further emphasizes the intensity of this problem, the seriousness of this problem, and the fact that all of a sudden families are simply not able to incorporate into their budget this huge increase in gasoline prices in such a short period of time.

Deanna Payne of Winder, GA, writes as follows:

Senator CHAMBLISS: Due to the high cost of gas, I am having to cut down on groceries and visit local food banks. My husband makes the same amount of money he did in 2007, but we just can't make ends meet. Gas prices have doubled the cost of some of the grocery items I used to purchase. I just can't do it. Please give us some relief! This is ridiculous! Americans are going hungry and losing everything!

Another constituent from Augusta writes:

I am very concerned about rising gas prices and what if anything Congress plans to do to help Americans. I cannot afford to fill up my vehicle at these rates which today are approaching $4. My husband is a platoon sergeant training troops at Fort Gordon. I work at the Medical College of Georgia. We have a combined income of over $70,000. It is becoming harder and harder to put any money aside. Not only is the cost of gas rising, but the cost to heat and cool our home and the cost of groceries are all making it difficult to make ends meet. My husband re-enlisted in September 2007. We as a family came to the decision that even during this time of war, the Army was the only guarantee of a paycheck and health care coverage for the next few years. I hope that Congress is putting aside its partisan issues and working together to help all Americans, as I feel our Nation will soon fall apart at the rate it is going now.

A constituent from Montrose, GA, writes:

Please work to help us with the prices of gas and its effects on every household's budget. We should be drilling anywhere and everywhere to alleviate this current situation. The brightest in this country need to be assembled and given the resources to come up with alternative energy sources. We need to have the Nation go to a 4-day work week starting with government agencies leading the way by example. These problems have been gradually getting worse all along with nothing getting done. Steps better be taken soon before this country gets into a position that it can't recover from. Thank you.

From Douglasville, GA:

I am a single mother of 3. I had to take $20 out of my grocery money to pay for gas just to get to work. That is the only place I drive. The kids and I walk to our local stores if needed. This is not the American Dream, or the way we are supposed to live in the great United States! I can't afford a new car that is better on gas. I already drive a 4 cylinder. SOMETHING'S GOT TO GIVE!

I am sure the Presiding Officer has dozens and dozens of these same types of letters in his office, and it is a further indication of the fact that Americans truly are hurting at the gas pump.

It is imperative we provide the leadership in Washington that reacts from a short-term standpoint but, more importantly, looks to the long-term solution to this problem. It is going to be very difficult to reduce gas prices in this short term, but I think, without question, if we implement today long-term policies, we will see an immediate reaction by oil-producing countries and we will see an immediate effect on gas prices and I think, without question, we will see a lowering of those gas prices, to a certain extent.

But the important matter is we have to address the issue. As I look around this body and see the rhetoric going back and forth on both sides of the aisle, I don't see solutions coming out. I see blame being placed. I see political statements being made. I think it is time we put those political statements aside, we put partisan politics aside, and we, sure enough, try to reach an accord for some commonsense solutions to a problem that is having a direct effect on constituents of Republicans and constituents of Democrats alike. It is time we make sure we address this problem for the long term, incorporate the multifaceted issues that are involved, and that we come together and make sure we are doing the work the people sent us to do. I don't see that happening today, and that is what I am hearing from my constituents back home.

So I hope, as we move forward over the next several days before we adjourn for the Fourth of July week break, when we are all going to be back home and we are going to continue to hear these issues raised, we can say: Here is what we are prepared to do in a bipartisan way to solve this problem and to make sure we don't continue to be dependent on foreign petroleum imports, to the tune of 62 percent of our needs; that we are taking action to address that imbalance, and we are taking action to implement measures to ensure that alternative fuels are developed, that the research is put in place to provide those alternative fuels at the gas pump, which will help drive the price down, and that we are prepared to implement conservation measures and implore the American people to also think about that from the standpoint of the implementation of conservation measures. If we don't do it ourselves, it is difficult for us to ask the American people to do it.

So I do hope the leadership in this body, on both sides of the aisle, is listening to the American people and is cognizant of the fact that people across America simply don't think we are doing anything and that partisan politics is not allowing us to do anything; that we address that issue; that we find long-term solutions which will help in the short term as well as the long term; and that we seek positive legislation coming forward from both sides of the aisle to address this problem immediately.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, what is the situation regarding time?

The PRESIDING OFFICER. The Senator from Alaska has 15 minutes.

DEVELOPMENT IN ANWR

Mr. STEVENS. Mr. President, Americans are forced to pay more for gas every day, every week. The price is going up and up. There have been many ideas presented on the floor of the Senate, but I do think some of the comments made by the Senator from New York, Mr. SCHUMER, need a response. He has made some comments about the developing of the Arctic Plain, known as ANWR. Actually, it is not part of the Arctic Wildlife Refuge. It is 1½ million acres that were set aside in 1980 for oil and gas exploration and development. That land has been waiting for approval of Congress and the President. The 1980 act required that there be an environmental impact statement finding that there would be no irreparable harm to the flora and fauna of the Arctic, and that finding would have to be approved by the President and Congress; namely, it would have to be approved by an act of Congress, signed by the President.

Since 1981, we have tried to proceed as was planned at that time. At the time that President Carter had withdrawn over 100 million acres of Alaska land, the one success we had in that bill—the 1980 bill—was the provision that permitted the exploration and development of the oil and gas resources of this area of the Arctic Plain.

Now, the Senator from New York said opening ANWR's 1 million barrels a day of production would reduce the price of gas at the pump by only a penny. We found that rather strange because he later said he wanted the President to ask the Saudi Arabian people to increase their production of oil from 700,000 to 800,000 barrels a day, and if they did, it would reduce the price of gas at the pump—at first, he said by 35 to 50 cents, and then he said it would reduce it by 62 cents a gallon. I find it strange that 1 million barrels of oil from Alaska would reduce the price at the pump by only one penny but 800,000 barrels a day from Saudi Arabia would reduce the price at the pump by 62 cents. Somehow or other, that kind of calculation is not the way we add up things in Alaska.

Let me repeat that. He said: One million barrels a day from Alaska would reduce the price at the pump by one penny, but 800,000 barrels a day from Saudi Arabia would reduce the price up to 62 cents. It is not really understandable when a Senator presents arguments that contradict each other. I think it is time now for the Senator from New York to come back to the Senate floor and restate his position on ANWR. Is it an economic position or is it just a philosophical position, where he is agreeing with those people who are against exploration and development of the Arctic Slope? If it is, I understand it.

At first, the Senator from New York said he favored drilling in the eastern Gulf of Mexico because the oil could come to market more quickly than Alaskan oil. That, too, is too much to pass up. Congress authorized the eastern gulf development a year and a half ago, in December 2006. The lease sale occurred this past March, and it will be 7 to 10 years before that oil comes to shore. As a matter of fact, it is probably going to take longer to develop the gulf oil than it would take to develop the Alaskan oil on the Arctic Slope because the 3–D seismic has been done in our State. We know where the oil is located. We just have to finish exploration and develop that field. And it would take less time because there is a pipeline already in place.

Perhaps the Senator from New York has forgotten that we have a pipeline. At the time of the Persian Gulf war, that line carried 2.1 million barrels a day to American markets. Now it is carrying about 700,000. It is about two-thirds empty, Mr. President. That is a very difficult thing for Alaskans to understand, when we know there is oil in the Arctic Plain waiting to be developed. As a matter of fact, if President Clinton had not vetoed the ANWR bill in 1995, we would have up to 1½ million barrels a day being delivered today through that pipeline. That argument has been the same every year since 1980.

I have been here every year trying to get approval of the finding that there would be no irreparable harm to the Arctic if developed. It is supported by the people of Alaska and other people of the United States and there is an overwhelming approval now to proceed with development of the Arctic Slope. It has to be done.

We have had development of our Arctic at Prudhoe Bay. At the time we argued on the floor of the Senate for approval of the amendment to permit the oil pipeline to be built back in the 1970s, there were cries on the Senate floor, in the press, and throughout the country that it would harm the caribou, that the caribou would be put into jeopardy.

Mr. President, there are three to four times as many caribou in that area now than before the pipeline was built. As the pipeline was built, in the area where it was restored, we planted grasses there that were even better than the natural grasses. If you want to see caribou in Alaska now, the place to go is by the pipeline. We have not had any spill on shore of any nature. There was some last winter—in terms of a gathering pipeline, that leaked a little. But it was during the wintertime, and it was totally cleaned up and there has been no irreparable harm.

We have literally billions of barrels of oil available to us. At the time we proceeded with the oil pipeline, the estimate was made that Prudhoe Bay would develop 1 billion barrels. Well, we have sent over 14 billion barrels of oil to the south 48, by virtue of the Mondale amendment to the Oil Pipeline Act, that all the oil transmitted in the Alaska pipeline must go to American markets. I voted for that amendment. I think this is American oil, and it should fill American needs. As a matter of fact, we are tired of seeing the increase in the importation of oil from foreign sources.

At the time of the 1970s embargo on oil by the Arab nations, we were importing about 33 percent of our oil. Today we are importing over 60 percent of our oil. In about 5 years we will be importing about 40 percent of our natural gas, LNG. Think about that. This Nation, which has been a leader in the world in industrial development and in technology, is going to be at the place where almost two-thirds of our need for oil or gas is going to be dependent upon foreign sources, when we have known areas in this country that can boost out oil and gas.

It is primarily a situation where this is an opposition that has arisen on a political basis. After President Clinton vetoed the ANWR bill in 1995, many of my friends on the other side of the aisle decided they would not support ANWR anymore, and they have voted that way.

I think it is unfortunate because we should have access to develop American sources of oil to meet American needs. This area of our North Slope meets those conditions fairly well. I do think the concept of the Senator from New York, in demanding that the President go to Saudi Arabia to increase their production when he opposes doing so in this country, is unacceptable.

It is the duty of Congress to keep American dollars in America when we can. By developing a very small portion—less than 2,000 acres of that million and a half acres, which is all we need to develop for the oil and gas resources of the Arctic Plain—we could offset the entire oil imports we bring in from Venezuela or Saudi Arabia. I was surprised at my friend from New York, when he said the idea of developing the ANWR oil is a poorly executed ''magic trick.'' I don't know what is magic about it. It is just a matter of simple engineering. We can and have developed oil and gas in the Arctic, and we have not seen the harm that other people have indicated would come to either our area or to the wildlife of our area.

We need to have Americans realize it is the very fact of starting to develop this oil that will bring down the prices from foreign sources. Once the foreign sources see we are getting ready to increase our own supply, they will start reducing their price in order to take away the incentive we have, based on the current prices, to open these areas in the United States. So if you want an immediate reaction from anything, in terms of this current gas price problem, then have the Congress act and have the President sign a bill to start the development of the Arctic Plain, known as ANWR. If we do that, that signal to the foreign producers of oil will say America is just getting ready to restore its own supply. If it restores its own supply, prices will come down in foreign oil. They don't want our competition; they want our markets. So far they are convinced that we will not provide our own oil, and since we will not, there is no limit to what they will charge us for oil.

We have seen such a dramatic change that I cannot believe it. At the time the oil pipeline was approved, oil was $7 and $8 a barrel. It is now approaching $150 a barrel. Why? Because of the law of supply and demand. We have refused to increase our domestic supply of oil, and having done so the price is set at a world price.

I remember there used to be a posted price in San Diego or Los Angeles or Philadelphia or Seattle or even in Alaska—a posted price by the refineries on how much they paid for oil. That is no longer the case. The case is now that we look to the foreign suppliers to see what they are going to charge. We have to pay whatever they charge. With an increasing demand all over the world from the developing countries, such as China, there is no reason for us not to understand what is happening.

Just a week ago, on the front page of the Wall Street Journal, there was a chart that showed the future situation with oil and gas. It showed the supply almost steady at the same level for coming years. It showed the demand on an ever-increasing curve going up, up, and up. When the price of oil started going up, I predicted on the floor of the Senate, when we debated the ANWR situation in 2006, that the price of oil could reach $100 a barrel. Actually, there was laughter from the other side of the aisle. Some of my Democratic colleagues laughed and said it was another exaggeration by the Senator from Alaska.

Mr. President, it reached not only $100 a barrel, it is over that. It is going to stay over $100 a barrel, until we wake up and start developing our own supply of oil. Once we start developing that supply, the foreigners will know we are going to be able to bring that price down by our supply, and they will start bringing it down so we will not increase it to the point where we present a dangerous challenge to their domination of the world market, as far as oil is concerned.

I think the concept of these imports has just been totally missed. My friends talk about exporting jobs. Nothing has exported more jobs than purchasing our oil abroad. Every 1 million barrels of oil a day coming in has eliminated 20,000 jobs in the United States. That is 20,000 jobs for every million, and we are importing over 12 million barrels of oil a day. Mr. President, 12 million barrels of oil is the same as 240,000 jobs.

When we look at this, I think it is time for the Senate to settle down. I do hope my friend from New York will settle down a little bit because there is no trickery in ANWR, there is no trickery in exploring and developing American sources of oil. The trickery is in terms of the prices we are paying, the exaggerated prices caused by those who are buying futures and speculating futures on our oil. We are no longer buying oil from foreign sources, we are buying them from some of our own people who invested in futures, and they are speculating on that price and driving up the price.

It is time for us to get down to the fact that we must find a way to authorize exploration and development of the Arctic Plain, known as ANWR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on Senator CORNYN's time for up to 5 minutes, and I further ask unanimous consent that after I speak, the Senator from Illinois be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I appreciate my colleague from Alaska raising some of these points. I was thinking particularly about the point that the markets react to what actions are taken, and that is a key point on driving prices down.

I used to report on commodity markets a number of years ago when I was a broadcaster. The idea of buy on the rumor and sell on the fact is something to which markets react. So we could help on a near-term basis driving these prices down if we would act. Plus, I like the idea of pegging a price of a gallon of gasoline. When the average prices across the country hit $4.50 a gallon, let's give Governors the option of opening some of these closed-off lands. These are ideas we ought to be talking about on getting energy prices down.

TORNADO DAMAGE IN KANSAS

Mr. President, the reason I have come to the floor is not to talk about energy prices but to talk about what happened in my State last night. We had devastating tornadoes. A series of tornadoes struck parts of our State and caused at least two deaths and a huge amount of damage in a swath 150 miles long. The counties of Ellsworth, Saline, Dickinson, Riley, Clay, Geary, Pottawatomie, and Jackson all suffered severe damage last night.

The town of Chapman in Dickinson County, with a population of 1,400, appears to be the hardest hit. Initial estimates are 85 percent of the homes and businesses have received some damage, and up to 70 percent of the town may be destroyed.

One person is reported dead in Chapman. Also one person is reported dead in Soldier, KS. That is in Jackson County. Certainly, my prayers and the prayers of many go to the victims and their families who are struggling and suffering.

Damage was also reported in Salina, KS, and Manhattan, KS. The northern part of Kansas State University apparently received extensive damage.

I am hopeful my colleague PAT ROBERTS and I will be able to travel with others this afternoon to look at some of that damage.

Evidently, the tornado touched down near the old field house on Kansas State University campus, the Ahearn Field House, and traveled across campus. There was damage sustained on Cardwell Hall, Ward Hall, Burt Hall, and the engineering complex. Ward Hall houses a nuclear reactor, a teaching facility nuclear reactor, and the building received some damage. The reactor is safe.

The Wind Erosion Laboratory, a federal laboratory on the K State campus, apparently was destroyed.

Damage was also reported in several of the parking lots with cars being tossed around. The Sigma Alpha Epsilon house received extensive damage. Thankfully all the residents there are safe.

While it is early, the damage will be well into the millions of dollars. My office and the office of my colleague PAT ROBERTS contacted FEMA and State officials this morning, and we continue to work closely with both State and Federal officials to help the citizens of Kansas rebuild.

This has been a very difficult, extraordinary tornado season. I was in north central Kansas on Monday of this week looking at damage to another of our towns, Jewell, KS, and the extensive damage there by a tornado within the past 2 weeks. We have had these on a periodic basis. We are getting a lot of hail damage and a lot of wind and rain damage throughout the State. It seems as if every other night there is some system developing and passing through the region.

Certainly, as well, everybody's thoughts and prayers are with the scout troop in Iowa that suffered four deaths, apparently perhaps more, due to the tornado that was in much of that same line of thunderstorms and tornadoes that swept throughout much of the Midwest last night.

I say that to this body as a way of recognizing and stating to people what is taking place as far as damage, and also the support and help we are going to need throughout the Midwest for some of the tornado damage that has occurred. It is extensive.

We are in a very difficult tornado season. It does not appear to be abating. We are getting a lot of flood damage, hail damage, and tornado damage. We will be reporting back to the body on some of the work that is going to need to be done to rebuild, whether it is Kansas State University, Chapman, or other places that have been damaged. We can only hope we can last the rest of the season with no more loss of life and hope there is no more damage to communities. But it has been a very difficult season.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

PRICE OF GASOLINE

Mr. DURBIN. Mr. President, in my brief period of time, I wish to address two issues. One relates to a topic that is important across America. Another relates to the pending legislation.

The first topic is the issue of the price of gasoline. I don't need to show this chart to people to remind them what is happening. Beginning with the Bush administration when the President was sworn into office, the average price for a gallon of gasoline was $1.47. As of June 9, the average price across America was $4.04, the most dramatic increase in the price of gasoline in our history. It is a situation which has called for analysis and attention because no matter where we go—in Illinois, Ohio, in any State—people say: Senator, what are you going to do about these gas prices? They are killing us.

They go to the gasoline stations, the service stations, pull out their credit cards and cash, and cannot believe how much it costs. It is not just an inconvenience for many people, it is a hardship. For some, they have had to make family budget decisions because they cannot afford to keep the tank full, and many do not have an option. If they are from my part of the world in downstate Illinois, there are not that many buses outside the cities. There is no mass transit. What are you going to do? You moved out into the country to get a home you can afford. You commute to a job spending an hour each way to work. And now filling that gas tank takes so much of your paycheck, so you have to cut back in other areas or borrow more deeply, finding your credit card balance growing and your ability to reckon with it diminishing. That is the reality of where we are today.

Obviously, people across America say: Well, Senators, what are you going to do about it? You were elected, weren't you, to do something about the issues and challenges facing our country?

So this week we came to the floor and said: Let's debate it. Let's put our best efforts to work. Let's debate a bill that may help and amend it and try to come up with some way to deal with the energy crisis facing America.

On Tuesday, we took this vote. We needed 60 out of 100 Senators to vote to start the debate—60 out of 100. When the final count was in, all the Democrats voted for it, six or seven Republicans joined us, and we were still about nine votes short of what we needed. The motion to proceed failed.

At that point, we couldn't even debate the most serious issue facing families and businesses across America. That is unfortunate. All we needed were nine more Republicans to join us to start the debate. That is all we wanted to do—start the debate. Maybe we would have agreed on something. Wouldn't that be newsworthy.

But as it stands, we had two votes on Tuesday, we tried to proceed to bills, and in both instances, the Republican minority said: No, we don't want to debate anything on the floor of the Senate this week. And that is exactly what we have done. We have debated nothing.

If Members of the Senate were paid for the votes they cast, this Senate this week has not earned a minimum wage. I don't know how we can continue to do this in what is euphemistically called the world's greatest deliberative body. Mr. President, do you know what the problem was? One of the provisions in our bill angered the Republicans. We suggested that the oil companies, if they are going to charge these outrageous amounts for their products, should be subject to a higher tax for windfall profits. I support that. I think it is the right thing to do, to discourage the profit taking that is going on. Many Republicans oppose it, and I don't question their motives on it. Isn't it worth debating? Isn't it worth a vote? At the end of the day somebody wins and somebody loses. That is what happens on the floor of the Senate. But on the Republican side, they stopped us from even going to that debate over the oil companies.

Surely, they must hear from their voters at home how bad the situation is. I know they hear from the oil company lobbyists who are roaming these hallways that they need to be protected.

Let's take a look and see how the oil companies have been doing. Not bad. Starting in 2001 when President Bush arrived on the scene, this is an indication of the profits of the oil companies. Profits of the oil companies under this administration have gone up 400 percent.

Some of the numbers are startling. In 2006, profits reported by ExxonMobil were $39.5 billion, the largest recorded profit in U.S. history. Listen to that. Not the largest recorded profit by an oil company; the largest reported profit by any business in the history of the United States of America.

Come 2007, ExxonMobil broke its own record. Profits went up to $40.6 billion; the annual salary for their CEO, $21.7 million. A retirement package for ExxonMobil's previous CEO—job well done—no gold watch for this man, a gold mine, $400 million as his farewell gift. What a great party that must have been to say thanks for all the good work you have done for ExxonMobil. Here is $400 million. Have a nice day.

People across America are not having a nice day. When they pull into an Exxon station, when they fill up their

gas tank, it is a bad day, it is a tough day for a lot of American families.

The total combined net profits of the big five oil companies under this administration are $556 billion. How much money did they invest back into more oil wells, more production? About an 80-percent increase in their capital investment, a 300-percent increase in the cash they held back to buy back stock and improve their profitability—not improve their productivity, their profitability.

Investments in alternative fuels by these big five oil companies? Negligible. That is the reality.

I think that is worth a debate, don't you? Isn't that what the Senate is supposed to be about? We come in and say it is time for this to end, it is time for Americans to stop being taken to the cleaners by the oil companies, and it is time for them to pay higher taxes to discourage them from profit taking. I support that position. Others oppose it.

On Tuesday, the Republicans said: No, there will be no debate. And that is the end of the story, at least for this week. We will go home and the voters will ask the same question: What did the Senate do about oil prices, gas prices this week? And the honest answer is nothing.

This is not the first time we faced this filibuster. The Republican filibusters so far in this 2-year session, 75 Republican filibusters and still counting—75. To put it in perspective, a filibuster is when you delay or stop debate on an issue, delay or stop a bill, an amendment, a nomination. It is your right in the Senate to do that. But people were careful not to abuse it in the past.

In the history of the Senate, the largest number of filibusters in any 2-year period of time was 57. So far in this session, with another 6 or 7 months to go, the Republicans have initiated 75 filibusters, 75 attempts to stop progress in the Senate, to stop debate in the Senate, to stop us from moving forward on bills related to everything under the Sun. They even went so far as to filibuster a technical corrections bill. These are the bills that go in and take a hard look and see, oh, we forgot the punctuation or there is a reference that needs to be changed slightly. It is the kind of housekeeping you do when you have huge pieces of legislation, where even though staff works hard and the Members work hard, they miss something. So the technical corrections bill came up, we thought this would be easy, so let's get this over with, but it took a week because we faced a filibuster on it. They wanted to filibuster a technical corrections bill. That doesn't take us to where we need to go as a nation.

We at least owe the American people a healthy, spirited, fair, and open debate on the issue when it comes to this energy crisis. We can't get it in this Senate. We have been stopped. A 51-to-49 Senate does not allow us to come up with the 60 votes we need to move the debate forward. Well, the final vote will be in the hands of the voters of America on November 4. They will decide whether they want change in this town and change in this Chamber; whether they want to elect some people who will come, roll up their sleeves, and get down to work.

We have a lot of things to do in this country—an energy crisis, global warming, carbon pollution, a health care crisis, two wars, a looming recession, and the bankruptcy of Medicare and Social Security. We don't need more filibusters. We need more work right here in the Senate. I hope we can return to that after the next election, or maybe, if there is a miracle, even next week, if the minority party decides that is what will happen.

MEDICARE

Mr. President, we are debating a motion to proceed, once again, to a bipartisan bill to help Medicare. It has the support of AARP, the American Medical Association, and lots of others. It picks up where we left off in December, when we passed a bill that was a short-term fix. We bought 6 months then, and we are back again.

The bill we are considering prevents physicians from facing a 10.6-percent cut in Medicare payments on July 1, and gives them a 1.1-percent payment increase for 2009. The physicians who work under Medicare will also receive a 2-percent bonus, if they participate in a program to reduce the number of errors and improve the quality of their service, called the Physician Quality Reporting Initiative. It is a responsible way to avoid a severe cut in payments to physicians and to ensure payments are adequate for the next 18 months.

As important as it is to ensure that our physicians are paid adequately for the good work they do for millions of Americans—some 40 million Americans covered by Medicare—we didn't want this bill to just be a doctor fix. The bill contains a lot of changes in Medicare that will help beneficiaries.

The Medicare Savings Programs provide financial assistance to low-income Medicare beneficiaries who can't afford Medicare's premiums, copayments, and deductibles. Many low-income beneficiaries are excluded from this assistance because they have accumulated modest savings. These are retired people, by and large.

Today, if you have assets of more than $4,000, $6,000 for couples, you can't qualify for Medicare Savings Programs. We haven't changed that number for almost 20 years—$4,000. Under the bill before us, the asset limit will roughly double, providing real assistance to those who don't have much money and still need Medicare.

This bill, which the chairman of the Finance Committee, Chairman BAUCUS, brings to us, also makes an important move toward mental health parity. It is hard to imagine it has been more than 5 years, almost 6 years since Senator Paul Wellstone died in a plane crash. What a great guy. What a great Senator. His heart was there for so many issues but especially when it came to mental health issues because his family was touched by this challenge. Paul Wellstone used to ask: Why don't we treat mental illness like an illness, instead of a curse? Why don't we treat mental illness like a physical illness when it comes to health insurance? He worked on us and worked on the issue and Senator DOMENICI, a Republican from New Mexico, joined him to make it a bipartisan effort.

I am sorry to say that some 6 years later, we haven't passed that Wellstone-Domenici bill. Senator KENNEDY was working on it before he had his problems. I hope we can return to it. This bill takes a modest step forward in that debate.

Over the years, our understanding of mental health and the ways to treat it have grown, but Medicare continues to discriminate against services for those who are mentally ill by imposing a 50-percent cost-sharing requirement compared to 20 percent for most other services. This bill phases out that higher copayment over 6 years. It is a step in the right direction.

We have made some progress in recent years, adding preventive health services to Medicare, such as screenings for heart disease, diabetes, and cancer, but it literally requires an act of Congress to add a new preventive benefit. The Baucus bill will make it easier to add preventive services to Medicare. It would create a process for the Secretary of Health and Human Services to add them, if recommended by the U.S. Preventive Services Task Force.

We also address market abuses in this bill. There is a program called Medicare Advantage. Private health insurance companies love it. You know why. They make a bundle off these programs. They sell them to seniors, and they charge more than 12 percent over basic Medicare premiums. Frankly, I happen to believe they do not show the results for their effort, and they are involved in some marketing practices which we have to try our best to curb.

Seniors are vulnerable. You know as well as I do that many people who reach their elderly years don't have someone at hand to give them good advice, and many times, frankly, they sign up for things they shouldn't. This bill addresses disturbing reports of abusive and fraudulent sales-and-marketing practices by Medicare Advantage plans and Medicare drug plans. Medicare beneficiaries have been enrolling in private plans they didn't understand, and many of them have faced outright fraud and exploitation by these Medicare Advantage companies. This bill will rein that in.

Senator CHUCK GRASSLEY of Iowa, a man I respect and like, is going to offer an alternative to our bill, which I have described, but it doesn't provide assistance to low-income Medicare beneficiaries. It doesn't deal with mental health parity, and it doesn't ease the process of adding preventive services.

There are many other provisions in this bill. It has been long overdue, and a lot of people have asked us to take up this bill because Medicare is so important at a time when people are losing their health insurance coverage. For the seniors and disabled who count on Medicare, this bill is important. But we need 60 votes. I hope we will get 60 votes. I hope we don't face another filibuster on this critically important bill.

This is something that should pass. This bill is balanced, it provides needed improvements to Medicare, but it is responsible. We fully offset any cost to the Treasury, primarily by reducing overpayments in the private Medicare Advantage plans, which are paid 13 percent—I said 12 percent earlier, but it is 13 percent—more than it would cost to cover someone in traditional Medicare.

I think it is responsible. Rather than adding new costs to Medicare and to the deficit, we pay for it. Pay as you go. In the old days, that used to be called being a fiscal conservative. The other side of the aisle used to be very proud to say they were fiscally conservative. Now, ironically, the table is turned. In fact, it is turned upside down. The Democrats are calling for fiscal conservatism—pay as you go, don't add to the deficit, be responsible—and the Republicans—some—are saying no. I hope they do not prevail. I hope we can prevail with a paid-for bill.

It is a bipartisan bill. Senators SNOWE, ROCKEFELLER, and SMITH have joined Senator BAUCUS. I am going to support it, and I hope all my colleagues do when it comes up for a vote later this afternoon.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise to oppose cloture on the motion to proceed to the Baucus Medicare bill, and there is reason to oppose at this time.

I will keep my comments brief, but I wish to make one point perfectly clear. I have said, time and time again, I am willing to work with my colleagues on the other side of the aisle to get a bipartisan Medicare bill through the Senate. I have always prided myself on being someone who is fair, honest, and who wants to get the job done. Unfortunately, others in this body don't seem to want to get the job done, and that disappoints me more than most of you will ever know.

My biggest frustration is we are not that far apart. Both sides wish to restore physician Medicare payments so doctors are not cut by 10 percent on July 1. We also agree we need to implement the provisions on e-prescribing, electronic health records—where my home State of Utah is the leader—and value-based purchasing for Medicare providers and beneficiaries. We both believe a strong, robust rural health care package is necessary and, therefore, should be included in the Medicare package. Both the Democratic and Republican Medicare bills include marketing reforms for Medicare Advantage plans in order to ensure beneficiaries are treated with respect and are given truthful and helpful information so they may choose the Medicare Advantage plan that best suits their personal needs. Medicare Advantage has worked amazingly well. Democrats want to take the ''pay for'' out of the Medicare Advantage plans, and 90 percent of the people in this country who are on Medicare Advantage want to continue on it because they believe they are better treated. They are, as a matter of fact. It is a system that works. Why change it?

We include provisions that would allow both hospital-based renal dialysis centers and skilled nursing facilities to be sites for telehealth services. As a strong supporter of telehealth services, I am very supportive of this provision, and both bills have it in.

Finally, both bills extend the Special Diabetes Program for 2 more years. This program is very important to me. So as you can see, we agree on a lot. Unfortunately, the two outstanding issues, in my opinion, are Medicare beneficiary protections and offsets.

The Baucus Medicare provisions include provisions that would increase Medicare beneficiary protections in the Medicare Program. It would increase the low-income subsidies for beneficiaries, extend the availability of the ''Welcome to Medicare'' physical examination from 6 months to 1 year.

I wish to make it clear our side could support these beneficiary changes, but we are very concerned about the impact these changes would have on long-term entitlement spending. The prices are going to continue to ramp up all the time, and our friends on the other side don't ever seem to worry about that. With 76 million baby boomers retiring over the next three decades, the Medicare Program is already headed for serious fiscal disaster. So we need to be thoughtful about these provisions and not just do what our colleagues on the other side want to do.

Therefore, we believe it makes sense to means test the Medicare Part D beneficiary premiums for higher income beneficiaries. Although my friends on the other side are constantly arguing that the rich don't pay their fair share, unfortunately, when we suggested this, colleagues on the other side of the aisle—and, in fairness, some on our side as well—objected to means testing Part D premiums. I do not understand their objections.

We already means test Medicare Part B premiums, and that had bipartisan support. Making that change would not only have wealthier beneficiaries shouldering a greater share of their Part D premiums, it could also pay for some of the beneficiary protections included in the Baucus Medicare bill.

It is greatly disappointing to me that our friends on the other side of the aisle are not willing to accept this offset. In fact, we have been told point-blank that they cannot support increasing Part D premiums for rich Medicare beneficiaries in order to provide more assistance and benefits to lower income seniors. That is despite the fact that they have cut some very serious programs for the poor in order to find offsets for some of the things they want to do. I am going to say it again. I do not understand it. Especially since both sides supported means-tested Medicare Part B premiums.

Hopefully, we will be able to change their minds when we begin our work to improve the Medicare Program so it will be more efficient for both beneficiaries and providers. That is the reason why we should vote against cloture, so our friends on the other side have to come together with us to have a better bill, and I believe we can.

The second major issue concerns the offset used in the Baucus bill to pay for its provisions. The White House has told us, time and time again, the President will only be able to accept very minimal reductions to the Medicare Advantage Program. Time and time again he has said that. Otherwise, he is going to veto the bill.

That is why Senator GRASSLEY and I have insisted the White House be included in the Senate Medicare negotiations. We do not want to send a Medicare bill to the White House that is going to be vetoed and, therefore, put the physicians' Medicare payments in jeopardy. It is another reason to vote against cloture, so we don't go through the charade we will have to go through if we don't.

But that is exactly what is going to happen if the Baucus Medicare gets cloture today. It will probably pass the Senate and then be considered by the House of Representatives. The House will make changes to the bill, too, that will probably not be acceptable to the White House. Then the Senate will have to consider the Medicare bill with the House's changes before it is sent to the White House for a certain veto. It is ridiculous. Why do they have to do a partisan bill? Why not work with us, since we want to work with them?

We will not have the votes to override the President's veto of the Medicare bill, so we will be back to square one and we will have wasted a lot of time and maybe even have done some very bad damage.

I believe the Grassley Medicare legislation, which I strongly support, would not suffer the same fate as the Baucus legislation. That is why I believe this bill should be considered by the Senate instead of the Baucus Medicare bill. We are so close together on almost all these provisions, except for these few I have mentioned. The Grassley bill is a better bill. The President will sign it into law.

I would like to take a moment to highlight the major differences between the Grassley Medicare bill and the Baucus Medicare legislation.

On this chart, first, as you can see the Grassley Medicare bill encourages e-prescribing sooner rather than later.

The Grassley bill requires physicians to e-prescribe by 2010, while the Baucus bill delays mandatory e-prescribing until 2011.

In addition, the Grassley Medicare bill repeals the Deficit Reduction Act provision on the transfer of ownership of oxygen equipment to Medicare beneficiaries. The Baucus bill cuts Medicare payments for oxygen and oxygen equipment. It is somewhat shocking to me, but that is what they do.

On durable medical equipment for competitive bidding, the Grassley bill includes a sense of the Senate to delay competitive bidding for durable medical equipment for 18 months. The Baucus Medicare proposal as filed does not even address competitive bidding.

Let's go to chart No. 2.

The Grassley bill also has provisions on hospital value-based purchasing. The Baucus Medicare bill does not include a similar provision. You would think we would want to go to hospital value-based purchasing.

The Baucus Medicare bill reduces the Medicare reimbursement rates for power wheelchairs, of all things. The Grassley Medicare bill does not cut Medicare payments for power wheelchairs. You would think we could get together on that.

The Grassley Medicare bill provides continued relief for hospitals with high numbers of undocumented individuals. The Baucus bill does not include a similar provision. Again, as anybody can plainly see, the Grassley bill is a better option.

I am going to conclude with one very valid and important point. My colleagues need to vote against cloture today so we can begin work on a bipartisan bill that will be signed by the President. We do not need to be wasting our time going back and forth on a bill that does not have a chance of becoming law. In fact, we need to roll up our sleeves and get to work immediately so we can get this legislation to the White House before the July 1 deadline. Otherwise, our Medicare beneficiaries and doctors participating in the Medicare Program will lose. But you know who the biggest loser will be in this process. That is the Senate, because we have failed to do our job, therefore letting down both Medicare beneficiaries and Medicare providers.

I urge my colleagues to vote against cloture to avoid this terrible situation and to take the more appropriate, better designed, and more compassionate bill. Frankly, that is what our bill is. I just hope our colleagues will see this and vote against cloture.

Mr. President, 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. BINGAMAN. 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.

HABEAS CORPUS

Mr. BINGAMAN. Mr. President, I will speak very briefly here to call to the attention of all Senators the very important decision that was just handed down this morning by the Supreme Court regarding the prisoners who are detained in Guantanamo.

The Supreme Court has once again rejected the administration's approach in disregarding basic due process rights and our Nation's longstanding commitment to the rule of law. The Court, in a decision written by Justice Kennedy, held that individuals detained at Guantanamo have a constitutional right to challenge their prolonged detention in civilian courts.

Furthermore, the Supreme Court found that the Military Commissions Act of 2006 amounted to an unconstitutional suspension of the writ of habeas corpus. The Court today reiterated that the Great Writ, the writ of habeas corpus, remains as a fundamental protector of individual liberty and as a safeguard against arbitrary detention by the Government. This right, which is enshrined in our Constitution, simply allows for an independent and meaningful review of a person's confinement by the Government.

Nothing in today's decision requires that the Government release the prisoners held at Guantanamo. Many of those prisoners have been held there for over 6 years without access to meaningful judicial review. The decision simply allows these individuals to ask a court whether their continued confinement is in accordance with our Constitution.

The President has asserted extraordinary authority to indefinitely imprison anyone he designates as a so-called enemy combatant—that would include U.S. citizens, according to the administration's legal position—and that that detention could continue without any judicial review.

It is time that we change course and recognize that acting in a manner consistent with our Constitution and with our core American values is not a sign of weakness.

It is a sign of our strength and a sign of who we are as a people. I am very pleased that our highest Court has reaffirmed our Nation's respect for the rule of law and sent a clear message that the Constitution remains strong.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I was just visiting with my colleague from New Mexico. I was unaware of the Supreme Court decision this morning. But the decision by which they have overturned some legislation that retracted the right of habeas corpus for those who might be suspected of some sort of illegal activity and so on in this country, that decision by the Supreme Court is a very important decision.

I could not believe when the Senate passed a piece of legislation saying that someone who is apprehended or detained in this country would not have the right of habeas corpus. That is a different kind of country than I know. There are countries in this world where they can pick you up right off the streets and say: Do you have papers? Even if you have papers they can throw you in jail, and you have no right to anything, including filing a writ to say: A government cannot hold me. A government must prove there is reason to hold me.

That is unbelievable that this Congress it—not with my vote. But I commend the Supreme Court. I haven't had much opportunity to do that recently, I must say. But their ruling this morning gives me some hope.

Mr. President, we have a cloture vote at 3 o'clock this afternoon. I wanted to mention the important subject of the cloture vote is dealing with some Medicare changes.

Medicare is an unbelievably important program. Prior to Medicare, not many people look back and remember this because most of us have lived our lives with Medicare in existence. Before Medicare, one-half of the American senior citizens had no health insurance at all. Does anybody think that an insurance company says: You know what. We have a new business plan. Our plan is we want to find people who are old and provide health insurance for them. That is not the way a business plan works. If you are selling insurance, you like to find somebody young and healthy.

As a result, if you go back to the 1950s, early 1960s, you will find that one-half of senior citizens of this country had no health coverage. Now, it is a very small percentage that have no health coverage. The vast majority of American senior citizens are covered by Medicare. It is a good program.

I grew up in a little town of 300 people. We had a guy named Doc Hill, Dr. Simon W. Hill. He came into town and he stayed until he died. He practiced medicine. We did not have a Medicare Program, but he tried to give everybody whatever health care they needed. He tried the best he could. We had no lawyer in our town, so he was never sued. He pulled the tooth of my neighbor. He was not a dentist, but he was a doctor. The neighbor had a terrible toothache, we were 50 miles from the nearest dentist, so Doc Hill pulled his tooth. It turns out he pulled the wrong tooth. But, you know, the fact is, Doc Hill did the best he could. He practiced medicine in my hometown. I think he delivered close to 2,000 babies decade after decade after decade. He ran his own Medicare and Medicaid Program. If you did not have any money, you got health care to the best he could give it.

If you had money, he would charge you an arm and a leg. If you had 24 fryer chickens, he would take that; maybe a quarter beef, maybe half of a hog—whatever it was, he ran a program in a little town.

Well, that is all gone. That does not exist anymore. The fact is, we now have a Medicare Program that serves America's senior citizens with health care and says to them: If you get sick, here is a program that is to provide some help to you.

Now, my colleague, Senator BAUCUS, and the Finance Committee have brought a piece of legislation to the Senate floor, and we have to have a cloture vote on it this afternoon because the other side is objecting. My hope is that we will have sufficient votes this afternoon to advance this bill.

It makes some changes in Medicare that need to be made because we are bumping up against a deadline at the end of this month. Among other things, it reauthorizes the special diabetes program. That is something in which Senator DOMENICI from New Mexico and I have been involved. We have introduced some reauthorization legislation here.

The diabetes issue is a scourge in this country. I chair the Indian Affairs Committee in the Senate, and the fact is, we have some areas on Indian reservations in this country where 40 or 50 percent of the adult population are affected by diabetes. Go there and go to their dialysis units and see all of them sitting hooked up to dialysis units. Then see how many have lost their legs through amputation. See how many of them have early heart disease as a result of their diabetes. This piece of legislation by Senator BAUCUS and the Finance Committee begins to address some of those issues.

It also makes reforms to what is called the Medicare Advantage Program. Now, some of my colleagues have come to the floor and said, well, this bill cuts Medicare. That is total rubbish. This does not cut Medicare. It takes one portion of Medicare, called the Medicare Advantage Program, which pays more for healthcare as opposed traditional Medicare.

This is one of those little pilot programs that some in this Chamber wanted, so they seeded it with extra funding. Well, the extra funding has been a waste of money, a tragic waste of money. And this gets some of the waste and abuse out of it. If my colleagues are upset about getting rid of waste and abuse, I am sorry. Maybe they will not sleep very well if we pass this bill. But the fact is, when we see waste and abuse, we ought to go after that. That is what the Finance Committee and Senator BAUCUS have done.

They have used that funding they have achieved by getting rid of some waste and abuse in the Medicare Advantage Program. They have used that funding to address some other urgent issues.

If we do not do anything by the end of this month, we will see a 10-percent cut to physician payments. Well, physicians in my State are already at the bottom of the wage index on physician payments. And the fact is, a 10-percent cut would be devastating to senior citizens in my state who rely on Medicare. It seems to me we should not be doing things that will predict a degradation of health care. We should not be doing those things.

The Finance bill and Senator BAUCUS have brought a piece of legislation to the floor that avoids that 10-percent payment cut and establishes a 1.1-percent increase instead through fiscal year 2009.

It is the right thing to do. Now, if you decide you do not want to vote for cloture, to even allow this to proceed, then you are saying: You know what, just whack these programs. It does not matter what kind of health care exists in our States. It does not matter what happens to the senior citizens.

If that is your view, you know, God bless you. But it is sure a far cry from my view. I think we have responsibilities to make Medicare work, to provide decent funds for the providers so that our senior citizens have health care that all of us can be proud of.

There are many other features in this piece of legislation that are important. It talks about prompt payment to Main Street pharmacies. We have drugstores and pharmacists on the Main Streets across this country that are not getting the kind of prompt payment they should get. And some of them are threatened with the closure of their business because we have a system that is not reimbursing them as it should.

It improves access to telehealth, which is very important. This is a rather new form of delivery of health care, and Medicare is a part of it. It works. I have been in clinics, and I have seen the delivery of very sophisticated CAT scans and the delivery of x rays to a radiologist 150 miles away to get a reading and to be sent back to that rural clinic.

All of that makes a lot of sense. It gives us access to some of the best in the country through telemedicine. Then, in addition, the telemental health part of that is an opportunity for psychologists and psychiatrists to be engaged in telemental health, particularly on Indian reservations and elsewhere, where we have some of the highest rates of suicide any place in the country. Accessing telemental health services can be very important.

On the northern Great Plains—I know the Presiding Officer is from Montana. In Montana, North Dakota, on the northern Great Plains, the rate of suicide among Indian youth—I am talking about Indian teens—is not double, triple, or quadruple the rate across the country, it is 10 times the national rate. That is why telemental health is so important for all elements of our population, but also especially in Medicare for senior citizens. We are doing it in other areas. Extending it to Medicare makes a great deal of sense.

The improvement of the quality of health care in Medicare, the prevention of the 10 percent in payment cuts to physicians, the diabetes prevention program, the elimination of the wasteful payments to Medicare Advantage, are just a few of the examples of why we must expect our colleagues will vote for cloture at 3 o'clock this afternoon. This is the right vote. It is an important vote.

Now, we have been through—yesterday it was energy, with gas at $4 a gallon, and oil at somewhere around $130, $140 a barrel, the minority decided to embrace once again their just-say-no policy on everything. It does not matter what it is, just say no.

It reminds me of an old codger in his eighties who was once asked by a news reporter who said: Well, you have been around a long time. You must have seen a lot of changes in your life.

He said: Yeah, I have been against all of them.

We have people on the floor of the Senate who have decided they are against everything—just say no. My hope is after just saying no yesterday to energy issues at a time when gas is $4 a gallon, it is unbelievable to me they would just say no to begin addressing that, but they did.

My hope is that today, on behalf of health care for senior citizens, they would finally decide to just say yes. If they will do that at 3 o'clock, we will pass this cloture petition and we will take what the Finance Committee and Senator BAUCUS have offered in the spirit of improving Medicare and saying to senior citizens and saying to their health care providers: We are going to do the right thing.

There is a time urgency. By the end of June we have to solve this matter. And I hope my colleagues will be listening and understand that we need this cloture petition to prevail at 3 o'clock this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I so appreciate the Senator from North Dakota and his comments about the just-say-no philosophy around here. I have been in this institution only 15 months. I have seen his leadership on a whole host of issues, and I have also seen the disappointment that it is one filibuster after another—74, 75 filibusters, more than anytime in Senate history—on such commonsense legislation as the Energy bill yesterday and the Medicare bill today.

I am happy to see that Senator BAUCUS and Senator REID have brought the Medicare Improvements for Patients and Providers Act to the Senate floor today. It is crucial not just immediately for physicians and hospitals, not just immediately for patients, most importantly, but it is also crucial to the future of Medicare.

The bill not only prevents a 10.6-percent cut to payments for physicians

and other health care professionals, it gives these providers a small payment increase. The cost of providing health care has increased; payments to health care professionals should increase too.

Our history with Medicaid should teach us about the importance of preserving Medicare by keeping payment rates viable for providers. Inadequate Medicaid payment rates have compromised access to dentists and other health professionals. I visited with the dental unit at Children's Hospital in Columbus and talked to dentists all over the State, talked to hygienists and others. It is pretty clear that we do not have enough dental care, we do not have adequate dental care, especially for low-income young patients. The reason is we do not have adequate reimbursement for dentists to provide Medicaid dental care, particularly for those children. We need to fix that Medicaid problem, not recreate that same problem in Medicare.

This bill is about so much more than provider payment, as Senator DORGAN said. It contains important measures to improve Medicare for beneficiaries. It increases subsidies for low-income patients. It invests in preventative health care. It reduces out-of-pocket costs for mental health treatment.

Senator DURBIN spoke of Senator Wellstone's work and Senator DOMENICI's work on mental health treatment; to treat it like a disease not a stigma, and how important that is. This makes some downpayment on that solution.

This bill eliminates late enrollment penalties for Part D and modernizes Medigap policies. It bolsters rural health care, something I have discussed in my roundtables around Ohio. I have done some 90-plus roundtables in 65 counties and seen how inadequate rural health care is in rural areas of my State, as it is in the Presiding officer's State of Montana. The bill authorizes a special diabetes program.

This morning in my every-Thursday-morning coffee, which I have for Ohio residents in Washington, I met with Ohioans from Cincinnati, Columbus, Toledo, and Cleveland. Ohio's children are suffering from type 1 diabetes. They told devastating stories. One man told about his teenage daughter going blind. Another told me that by the time a young child with diabetes turns 18, she will have endured more than 30,000 shots.

Diabetes is one of the most prevalent and pressing health threats we face as a nation. The cost to the health care system is more than any other single disease. Reauthorizing the cost-effective Medicare diabetes program serves patients and taxpayers.

The bill has other crucial provisions. It exempts the value of life insurance from counting against seniors attempting to qualify for the low-income subsidy in Part D. Constituents have written to me telling me they are afraid of saving for the future, of all things, because they might lose their eligibility for subsidized drugs. What kind of system is that? This bill will help fix that.

One of the most common stories I have heard in my 90-plus roundtables, where I convene meetings of 15, 20, 25 people and ask them questions for an hour and a half, 2 hours, and we talk about their hopes, dreams, and problems, and where we, as a Senate, might be able to work with them and make their lives better, one of the most common stories I hear from Defiance and Gallipolis, from Middletown and Ashtabula, whether I am meeting with providers or patients, is about Medicare. My office receives thousands of constituent letters about Medicare. I recently heard from an infectious disease doctor in Lima, who explained how he is squeezed by current Medicare rates. He said:

> As health care costs have escalated and reimbursement has fallen, we have had to make some hard decisions.

He told me he has had to let go of employees, cut office hours, and that the financial stress is at the breaking point. He said:

> Last year, a doctor would call me [about a patient] with an infected abscess. Commonly, I had the patient sent to my office, lance the boil, pack the wound, and give IV antibiotics daily in my office until transitioned to pills. The patient was never admitted to the hospital.

Since his office is less and less able to provide outpatient services—remember, I said he had laid people off—similar patients are now admitted to the hospital. What happens?

''The admission day alone,'' he says, ''costs more than the entire course of therapy in my office.''

It is obvious how inefficient and expensive this is. We need to fix the current payment system, and we will. But we should not grossly underpay those professionals while we work on a better system. Until that day, we should pass this bill. Medicare is one of the great accomplishments of our Government and of our country. Senators DORGAN and DURBIN both talked about in 1965, half of America's seniors didn't have any health insurance. Today that number is less than 1 percent. Because Medicare is one of the great accomplishments of our Government and our country, we have to preserve it. This bill takes major strides to do so.

In addition to voting yes at 3 o'clock on cloture, there has been another piece of related legislation I want to speak on for a moment. It is the alternative bill offered by Senator GRASSLEY, who I think is one of the single best legislators in this body. The bill he wrote as an alternative to our bill, to the Baucus legislation, perpetuates a shameful politically motivated subsidy program that overpays private insurance health maintenance organizations to the tune of $10 billion a year. What this does is it overpays private insurance companies, undercutting fee-for-service traditional Medicare, causing taxpayers—requiring taxpayers—to give huge, frankly, unearned dollars to these insurance companies as they try to privatize Medicare. The Baucus bill redirects these taxpayer-funded windfall payments from HMOs to concrete improvements in the Medicare Program.

In the beginning of my speech, the first 6 or 7 minutes, I talked about improvements we are making in the Medicare Program. We are able to do so by taking money away from the private for-profit Medicare HMOs that have reaped a windfall in the last 10 years as this Congress, particularly the Republican House and Senate for most of the last decade, shoveled more and more public dollars into these private insurance programs, these private HMOs, and private HMO executives have had grossly inflated salaries and benefits and retirements, all of that. Ending those gratuitous overpayments to HMOs should not be an option for this Congress; it should be an imperative that we finally do that.

Taxpayers can't afford to coddle private, for-profit health maintenance organizations, and we can't continue to do it. I encourage my colleagues to vote for the very crucial Baucus Medicare legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, you don't have to be an expert in health care policy to know that our health care system is in need of reform. Today we spend $2 trillion on health care or almost $7,500 per person. In 10 years, national health care spending is expected to reach $4.3 trillion. That is more than double or $13,000 per person, which would comprise almost 20 percent of our gross domestic product. Clearly, this rate of growth is unsustainable. While we should be enacting legislation to address this health care crisis, Congress is once again bogged down in debate over how to prevent physician payment cuts from going into effect. Meanwhile, the sustainable growth rate, the SGR, which is the formula for these Medicare payments to physicians, has only increased costs, decreased beneficiary access and quality of care, and discouraged future generations of physicians, especially in primary care.

If Congress fails to act, Texas physicians will lose $860 million between July 2008 and December 2009. That is $860 million which is a cut of $18,000 per Texas physician. That figure balloons to $16.5 billion by 2016, due to nearly a decade of scheduled cuts. It is great that Members of Congress and outside coalitions are presenting health care reform plans, but they are ignoring the fundamental problem. You can have a great plan. You can have great coverage. But none of that is any good unless you have access to that coverage.

Physicians' reimbursement cuts have been looming over our heads for years; in fact, since 1996 and the passage of the Balanced Budget Act. Yet Congress continually decides to put off for tomorrow what desperately needs to be done today. So every year Congress

cuts segments of health care services, either rightly or wrongly, to prevent these cuts. I firmly believe—and physicians in my State firmly believe—that short-term fixes are not the solution. This last one was a 6-month fix which will expire shortly. I don't know anyone else in the private sector, whether they be a physician or a small business, who can continually plan based on the vagaries of a 6-month fix, without knowing whether they will simply be put out of business or what the Congress will come up with as a solution on a 6-month basis. We need a longer term solution, in other words. We can't address greater health care costs until we fix the mess caused by the SGR or the sustainable growth rate formula for Medicare reimbursements.

Over 3 months ago, in anticipation of the looming physician payment cut set for July 1, I introduced legislation that addressed the issue at hand permanently. Even the proposal we will vote on at 3 is only good for 18 months. I think we need a permanent solution. My legislation is entitled Ensuring the Future Physician Workforce Act of 2008. It provides positive reimbursement updates for providers. It eliminates the ineffectual expenditure cap known as SGR, and it increases incentives for physician data reporting. At the same time this bill facilitates the adoption of health information technology by addressing costs and legislative barriers. It educates and empowers physicians and beneficiaries in relation to Medicare spending and benefits usage and studies ways to realign the way Medicare pays for health care.

My bill doesn't mandate whether physician payments should be based on utilization, performance, care, coordination, or any other particular methodology. My bill does start to lay down a new path toward reform, innovation, and restoration of the eroded physician-patient relationship. It does say that providers and beneficiaries should not be the ones to be punished by Congress's inaction.

Why Congress decided in 1996 to try to balance the budget on the backs of health care providers is beyond me. Because beyond the challenges that presents to the health care providers, it has diminished access to health care. More and more physicians refuse to take new Medicare patients, because the reimbursement rates are simply so low. In Travis County, where Austin, TX is located, there was a story published in the Austin American Statesman that said only 18 percent of physicians in Travis County are accepting new Medicare patients. I would like to say that was an isolated incident, but it is not.

This is a huge issue and deserves serious and thoughtful deliberation. The last time the majority party held a hearing on physician payment reform was almost 16 months ago, almost exactly a year before I introduced Ensuring the Future Physician Workforce Act of 2008. Yet there has been zero legislative activity, let alone introduction of language addressing this critical issue from a long-term perspective. Again, we have been stuck in the same old rut of coming up with temporary fixes, including the 6-month fix that will expire on July 1.

I am disappointed in Congress's inaction in this regard. I do believe that Congress needs to do more than simply kick the can down the road for another few months and put off a solution that we ought to be working toward on a bipartisan basis and embracing today.

My colleagues on the other side of the aisle have missed a major opportunity to take positive steps forward. They presented a bill, unfortunately, on which we will vote at 3 o'clock, that bypassed the committee, ignored the importance of bipartisan input and contribution, and they are determined to have a vote on a bill that they know has no chance of becoming law. Because as we all know around here, no bill has a chance of becoming law unless it is truly a bipartisan product. The rules and traditions of the Senate guarantee that. That is one of the things that makes sure that when we vote on things, they have broad support, represent a consensus position, and that they are, in the view of the vast majority of Senators, in the best interest of the American people. But when you try to force a bill that is strictly partisan, that has very little bipartisan support, we know what will happen. That is what is going to happen this afternoon on this vote: It won't become law.

The American people were promised a different way of legislating by the majority when they took power. But we have seen, unfortunately, this sort of gamesmanship occur time and time again. I heard Senator SCHUMER, the Senator from New York, chairman of the Democratic Senatorial Campaign Committee, rail against obstruction of their legislative agenda. But it is almost a sure thing, when all you do is take a partisan position on legislation and you refuse, as the majority leader has done, to allow an amendment process, as he did last week on the climate tax bill, and you deny full and fair debate, it is virtually a guaranteed result of failure when you take that sort of approach to legislation. That is what is going to happen again this afternoon.

Because the chairman of the Finance Committee has chosen to take a partisan approach on this legislation, we have come up with an alternative that offers solutions to physicians, seniors, and taxpayers. This alternative will provide doctors with a positive increase in their reimbursement rates, extend critical programs, and reform payments to Medicare Advantage plans, and also implement many other necessary changes to the Medicare Program. This alternative legislation includes provisions for e-prescribing, closely mirroring legislation I cosponsored earlier this year.

We need to change our ways in the Senate. Rather than trying to check off a box saying, yes, we threw it up, a partisan effort we knew was going to fail, and now we can claim we were the champions of reform, while the ones who would not allow this partisan process to go forward are obstructing it, we need to get together and work in a bipartisan way to ensure that Medicare beneficiaries not only have the coverage they need and deserve but also the access which is guaranteed by a fair rate of compensation for physicians.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

HABEAS CORPUS

Mr. LEAHY. Mr. President, while I was chairing a Judiciary Committee meeting today, I received notice of the Supreme Court's ruling this morning in Boumediene v. Bush. I normally do not come to the floor to talk about Supreme Court rulings, whether I agree or disagree with them, but this one is of fundamental importance to all Americans, and I wish to take just a moment.

We Americans know there is nothing more fundamental than the right of habeas corpus—the right to challenge your detention by the Executive as unlawful. It was part of our reason for fighting a revolution. It is enshrined in our Constitution. We have preserved it through two world wars. We cherish it as something that has set us apart from so many other countries around the world.

This administration has tried repeatedly to push the limits of Executive power, including its effort to extinguish the Great Writ for certain detainees. In three separate decisions, a conservative U.S. Supreme Court in recent years has rejected this administration's erosion of fundamental rights. I applaud the Supreme Court for doing that because these protections set the United States apart from those who wish to harm us.

Today's decision repudiating the administration's efforts to curb judicial review of detainees echoes earlier court decisions that have solidified our constitutional system of checks and balances.

The administration has rolled back essential rights that have long guided our Nation's conscience. The administration has acted as though the President—and the President alone—can decide the rights of Americans.

But the Great Writ has kept us strong as a nation from the time we fought a Revolution. We fought that Revolution to say that we will protect our own rights and we will set up three branches of Government to do so, including an independent Federal judiciary.

Today's Supreme Court decision in Boumediene v. Bush is a stinging rebuke of the Bush administration's flawed detention policies. It is also a vindication for those who have argued from the beginning that it was unwise as well as unconstitutional for Congress, at the administration's request,

to try to override a core constitutional protection.

A majority of the Court has ruled that the constitutional right to habeas corpus extends to territories, including Guantanamo Bay, Cuba, where the United States exercises de facto control. The Court further held that the administration's detention procedures used at Guantanamo Bay are a constitutionally inadequate substitute for habeas corpus rights. Therefore, the provisions of the Military Commissions Act that stripped away the habeas rights of detainees held at Guantanamo Bay are unconstitutional.

As a result, those detainees who have been determined to be ''unlawful enemy combatants'' are entitled to seek habeas relief in Federal courts, just as they had been doing before Congress' ill-advised decision to endorse the administration's detention policies through passage of the Military Commission Act in 2006. No detainee is set free as a result of this decision. Rather, detainees will simply be able to challenge their detention before a neutral, life-tenured judge.

The Court's 5-to-4 decision sustains the long held and bipartisan belief that I and others have always maintained: Congress made a grave error when it voted to strip habeas corpus rights in the run-up to the 2006 mid-term elections, and leave in place hopelessly flawed procedures to determine whether detainees could be held indefinitely with no meaningful court review, merely by the President's decree.

I have said many times on the floor of this Senate that we are the conscience of the Nation. Certainly, part of our job is to uphold our Constitution. It is easy to uphold our Constitution when we see no threats on the horizon. It is more difficult but even more important to uphold it when we do see threats on the horizon. So Congress, as I said, made a grave error in trying to diminish habeas corpus, and I am gratified that today's Supreme Court decision takes a significant step in reversing that action.

Mr. President, the Great Writ—the Great Writ of habeas corpus—protects you and protects me. It protects all 300 million Americans. It protects people who look to the United States to be a beacon of freedom. I am grateful that the Supreme Court believes, as I do, that this fundamental right must be preserved.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. COLEMAN. Mr. President, I rise to speak about the rising cost of energy, at a time when Americans are suffering from gas prices that are seeing $4 a gallon and diesel fuel is higher than that. The price of diesel fuel has gone up 65 percent from where it was a year ago. That impacts farmers, it impacts small businesses. The Medicare bill is a critical issue, but right now we need to address the impact the cost of gas and energy is having. It is having a devastating effect on folks as they sit around the dining room table trying to figure out how to make ends meet. It is getting tougher and tougher to find money for food and fuel. I wish to say up front that the principal culprit right here is our addiction and our dependence on foreign oil.

My folks in Minnesota—families, farmers, and businesses—can't afford these rising costs. They are talking about commodity prices rising. On the other hand, the cost of commodity prices is rising because of the cost of oil. The cost of energy, gas, and diesel on those folks who are producing the food is having a devastating impact.

My State has one of the highest housing foreclosure rates in the Nation. The State of Minnesota is always seen as being somehow outside the economic woes that affect so many. The unemployment rate is going up, not down. Record fuel costs are the final straw for a lot of folks. It should be the final straw for partisan bickering on energy that is getting us nowhere and is letting the American people down.

Mr. President, 232 years ago yesterday, Thomas Jefferson, John Adams, Benjamin Franklin, and other Founders were set to work by the Continental Congress on a document that set America on a new course, just as the American Army was retreating from the British to Lake Champlain.

The invasion we have today is the invasion of hundreds of billions of dollars of foreign oil. This year nearly a half a trillion dollars will be sent overseas for energy we should be capable of producing at home. This is America. We should have the technological ability, the capacity, and the resources to end that addiction. The fact is we are being held hostage by a world oil market where much of the supply is controlled by thugs and tyrants such as Chavez and Ahmadinejad.

Just as the Founders, we have a choice. We can focus on our differences as Republicans and Democrats or we can work together to fight a common foe. Are our differences greater than those of the colonists, most of whom had never been outside their home States? We know that is not true.

Now is the time to write our own declaration of independence. Now is the time to use every resource at our disposal to address this energy crisis.

Now is the time for us to declare that American freedom, liberty, and security are not going to be held hostage over a barrel of oil. That is what it is about. It is about being held hostage. We may in the future always import foreign oil, but we are being held hostage by our dependency.

Our Nation's future depends on the decisions we make right now. The good news is that we possess the resources to take our energy prices head on. If we were, in fact, to make that commitment, we could stand up and say we are not being held hostage anymore. July 4 is just around the corner. If we were to do that, I think it would have a dramatic impact on speculation because they would know America is now committed—Democrats and Republicans—to doing the right thing. It is simple: renewables, increased production, and redoubling of our clean energy technologies efforts.

To make this happen, we not only have to transform how we do energy in this country, we have to transform how we do business in the Senate.

On Tuesday we had a contentious vote on an energy package that wasn't a bipartisan product. I voted to go forward on the debate of that package because I believe we must get going on a new energy bill. However, I think the only thing yesterday's process was set up to deliver was finger pointing. We must sit down together, Democrats and Republicans, and find out what policies we can agree on and then send an energy bill to the President.

The energy bill proposed by the other side of the aisle includes many ideas we have seen before. I am reminded of a quote by H.L. Mencken, who wrote:

> There is always a well-known solution to every human problem—neat, plausible, and wrong.

I believe we need to stop rehashing ideas that don't get to the heart of the problem and begin an energy revolution by dramatically increasing production of every energy resource at our disposal. I still don't support drilling in ANWR. We have the opportunity, though, to do deepwater exploration off the Outer Continental Shelf and tap into substantial resources. That is increased production. We had the worst natural disaster in the history of this country, Hurricane Katrina, and there wasn't a drop of oil spilled, so there shouldn't be an environmental issue there to increase production. We need to dramatically increase investment in renewable fuels. I support that. It is critical to my State. Energy efficiency, boost nuclear energy production, and take advantage of coal to liquids—coal to jet fuel.

This week I have been listening to my colleagues speak about energy. Some say what we need is more efficiency. The others say we need more renewables in nuclear, oil, and gas development. I believe we need all of those sources of energy. I don't think our debate should be about whether to drill or whether to tax those who drill. You are not going to increase production by simply taxing the oil companies. That is not going to solve the problem. It may make a political point somewhere, but it is not going to solve the problem. Instead, I believe the answer to breaking through our energy crisis and our political energy logjam

is to couple domestic oil and gas development with responsible environmental protection—you can do both—to fully utilize the clean energy technologies at our disposal, such as nuclear, while we look to emerging technologies, to grow more fuel on the farm and save energy at home. We need to move forward with at least the potential of cellulosic ethanol.

Today I have introduced an energy bill, the Energy Resource Development Act of 2008, that I hope will foster the bipartisan discussion we need to have. It is not about holding my idea of the perfect energy bill in the air, pointing a finger and saying: This is what they won't do. No, this bill is about asking the other side what we might be able to do together.

Here is what I think we can do together: We could open the Outer Continental Shelf to oil and gas development outside of Florida in a way that protects the economy, the environment, and the economy of States in new development areas. There is an estimated 2.8 billion barrels of crude oil and 12 trillion cubic feet of natural gas that could be produced between now and 2025 in areas currently under moratoria. If developed, this could reduce America's trade deficit by $145 billion by offsetting oil imports.

We must open development in a way that recognizes that many States are opposed to opening development in the Federal waters off their coasts, which is why my bill does not allow the Federal Government to allow development unless the State's Governor approves of the plan. And, to get the discussion going between the Secretary of the Interior and the Secretary of Defense and coastal Governors, this proposal will give the Governors an opportunity to make a counterproposal and to propose long-term protection of Federal waters off their shores. The Federal Government can then accept this proposal and begin negotiation with the Governor. The idea is to move past the take-it-or-leave-it approach to Outer Continental Shelf development and provide States the authority and process they need to make a deal that protects their economic and environmental interests.

My bill would require that an oil company holding an OCS lease develop the oil and gas on that tract in a reasonable timeframe or lose the right to develop that area. Existing leases that come up for renewal will face the same limitation.

No. 2, this proposal would create an energy independence trust fund to be funded with the Federal share of additional royalties that would be collected when more of the Outer Continental Shelf is opened for development. This trust fund, which could receive tens of billions of dollars from new royalties, would go to fully fund all renewable energy, energy efficiency, research and development, and technology deployment programs from the Energy Policy Act of 2005 and the Energy Independence Security Act of 2007. We have made a big commitment to new technology in past energy legislation. This is a way to fund it. This would make sure programs we already have on the books to develop technology such as fuel cells, hybrid vehicles, solar, wind, advanced batteries, building efficiency—the list goes on and on—are fully funded. We want to make sure they are fully funded.

Additionally, the fund will provide resources for a new ethanol pipeline loan guarantee program and provide new nuclear energy production incentives.

No. 3, the bill would utilize our 250-year supply of coal by creating a new standard of production of fuel from clean coal, often called coal-to-liquid technology. My bill would take a new approach by tightening the environmental standards required of this fuel.

No. 4, my bill would recognize the fact that nuclear energy is one of America's energy solutions as it provides an affordable, zero-emissions source of energy. The French are not braver than we are. Close to 90 percent of their energy is nuclear. This proposal will improve the loan guarantee for nuclear production, create a nuclear production tax credit, and increased training for the nuclear workforce.

I believe these measures do a great deal to address our current energy crisis. But I promise my colleagues I am open to their ideas and initiatives as well. The only thing I am not open to is more political gamesmanship and bickering.

The American people want and need bipartisan energy legislation that goes to the root causes of our energy problems. I urge my colleagues to consider this proposal. I urge my colleagues and leadership on the other side of the aisle to sit down with a bipartisan coalition. I urge all of us on my side of the aisle to sit down and put together a bipartisan coalition that will produce a bill that truly transforms how we do energy as we, as Senators, work together for the American people.

That is what they are looking for right now. They are frustrated. They are scared. They are facing economic stress. They are looking to us. We have a responsibility to put the gamesmanship aside, put the ideological divide aside, and figure out a way—can't we do renewables? Can't we do conservation? Can't we do production? It doesn't mean drilling in every corner of the universe.

If there ever was a moment for us to come together as a nation to protect and preserve our freedom and our liberty, that moment is now.

Mr. President, I yield the floor and 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. CHAMBLISS. 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. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 7 minutes. I know it is unusual, but I ask unanimous consent that the time be charged to the Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today to speak on the issue of Medicare reimbursement for doctors. Doctors are reimbursed through Medicare by a formula known as the sustainable growth rate, SGR. Due to the formula's methodology, it has mandated physician fee cuts in recent years. This has forced Congress to place a band-aid over the possible cuts that doctors and their practices have hanging over their heads.

So every year, or now 6 months, doctors must come to Washington, DC and plead with their Representatives and Senators to pass legislation that will allow them to receive the adequate Medicare reimbursement they need.

Medicare reimbursement is already well below the actual cost of providing patient services, and physicians tell me every year that if these cuts go into effect, they will be faced with the tough decision of either laying off employees or no longer treating Medicare patients, or both.

Oftentimes, we in Congress wait until the last possible moment of each year to pass legislation that will provide these physicians with their much-needed relief. While we all know that there is a need to replace the current SGR formula, this afternoon I want to focus on the relevant legislation pending before the Senate.

The bill before the Senate would alleviate the 10.6 percent physician fee cut and replace it with a 1.1 percent increase over 18 months. I support this element of the legislation and believe that an 18-month fix will not only keep physicians from worrying that their reimbursements will be cut, but will also give Congress time to look at possible alternatives to the SGR.

However, I do not agree with other aspects of this legislation. First and foremost, the President has threatened to veto this legislation. In December of last year, we passed legislation that would remove the SGR cuts until June 30 of this year.

Even if this legislation had overwhelming support, which it does not, the process of this bill passing both Houses, getting vetoed by the President, and returning for a veto override would be quite a feat to accomplish in 18 days, and simply cannot practically happen.

Second, this legislation expands entitlement spending such as the Part D Low-Income Subsidy and Medicare Savings Program. While these are good programs, I do not understand why we would expand these programs when there are already significant numbers

of seniors who are eligible for the programs at current levels but are not enrolled.

This is not the time to expand entitlement spending when it is already out of control and unsustainable.

Here we are trying to put a bandaid on reimbursement to our doctors and, at the same time, talking about additional expenditures in Medicare, so that the next year when we come back, it is going to be even harder if we don't have a permanent fix to use this bandaid approach for physicians and hospitals.

Third, this legislation reduces access to Medicare advantage plans.

These plans aren't perfect, but Medicare Advantage has been the one reform in the Medicare system we have seen that works. It needs some modification to it, but the fact is it is working.

These plans, which are approved by medicare, save beneficiaries an average of $86 per month compared to premiums in traditional fee-for-service medicare. They have been especially important in enrolling low-income and rural beneficiaries.

We should have learned from past congresses' mistakes that cutting payments to medicare advantage plans results in them being forced to drop seniors. In my home State of Georgia, more than 138,000 beneficiaries rely on these plans.

Senator GRASSLEY has introduced alternative legislation that would provide physicians with the exact same 1.1 percent fee increase that is included in the pending legislation. And it would do this while eliminating duplicative indirect medical education payments to medicare advantage plans, making reforms to curb controversial and abusive medicare advantage marketing practices, and spending 25 percent less than the pending legislation.

Most importantly, this alternative legislation would not be vetoed by the President and could be signed into law before the July 1 deadline. Unfortunately, the majority will not allow us to bring this legislation to the floor. I hope that decision changes.

Doctors and seniors deserve a serious and responsible effort that addresses the impending fee cut without playing politics, cutting essential services, and creating a major expansion of entitlement spending.

It is my hope that Congress will work toward a bipartisan agreement that will provide doctors with the relief they need before July 1. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I am pleased to join Chairman BAUCUS in sponsoring this bipartisan legislation, which both abrogates severe cuts to provider payments, and also takes steps to reform Medicare spending to address the distressing fiscal trajectory of this critical health entitlement.

The bill before us today represents a product of what has become an annual—and recently a semiannual task—that of extending Medicare financing. It is a sad state of affairs when we see two Medicare bills emerge from the Finance Committee. For months Chairman BAUCUS and Ranking Member GRASSLEY have worked to build consensus on Medicare—just as they did last year. In fact, their reputation for bipartisanship is legendary.

Ranking Member GRASSLEY saw that we achieved the landmark benefit that is in part enhanced in this bill—the coverage of prescription drugs under Medicare. I have long regarded his leadership so highly, and I am confident that—as this debate continues—we will see him forge agreement to address critical Medicare issues because of his bipartisanship.

And in fact—but for intransigence to compromise from the administration last December—we would not need to be here today debating these issues. But instead only a 6-month extender bill could be enacted—and now our providers and beneficiaries face cuts on July 1.

The fact is, that just a few weeks ago, with compromise achieved on so many issues, we appeared to be separated by approximately $3 billion in spending directed to beneficiaries. The fact is, that amount of funding represents less than what should be committed to meet critical needs of our most economically challenged beneficiaries, and it represents less than two-tenths of 1 percent of total Medicare spending. And under this legislation, these funds would be obtained from fiscal savings which Medicare must begin to realize. Not from taxes. Not from deficit spending.

And as we debate this difference between these two Medicare bills, we must enact sound fiscal policy—not ideological dogma. As CBO has told us repeatedly, the factors of an expanding senior population—and more significantly, as this chart illustrates, a rise in per capita health care spending—are working together to make Medicare the number one fiscal concern on the horizon. So it is critical that we take substantial steps to ensure the fiscal health of Medicare for future generations.

It was an attempt to do so which set us on this course. The creation of the sustainable growth rate formula—or ''SGR''—was originally intended to serve as a limiter of spending, and it did so effectively for a time. Yet, today, the SGR operates crudely and irrationally to simply restrain payments to physicians. Next month, without intervention, physician payments will be reduced 10.6 percent. Yet it is also essential to recognize that these annual Medicare bills encompass more than just the SGR. A number of other programs are renewed on this same schedule. We call these ''extenders'' and they represent critical parts of Medicare—including items such as assistance to low income beneficiaries and programs which support rural health delivery—and they face termination without our action.

As we consider this bill today, it must be viewed in the light of how it will address two crucial issues. First, does it fairly assure reasonable payments to those who serve our beneficiaries to preserve access to care? And second, does it take action to change the course of health spending to help assure the fiscal security of Medicare—particularly when you see the growth and trajectory of growth in Medicare spending?

First, as it must, this legislation takes action to prevent a large reduction in payments to physicians. So too it enacts a number of critical extensions to programs critical to assure that beneficiaries will have secure access to health care.

We act to see that health centers receive relief from an artificial cap which prevents them from being fully reimbursed for the services they provide to beneficiaries. This bill grants some relief from that cap and is a step towards the reform which my legislation with Senator BINGAMAN would achieve to prevent health centers from serving Medicare at a loss.

In similar fashion this bill would ensure that pharmacies will be paid promptly for the medications they provide seniors under the Part D drug benefit. And just as critical, we assure that Medicaid payment policy does not discourage the dispensing of generic drugs through inadequate reimbursement.

And as we avert a pending physician payment cut it is unconscionable that we would leave the most vulnerable beneficiaries behind. In passage of the Medicare Modernization Act in 2003, we worked in a bipartisan fashion to assure that our most vulnerable beneficiaries would receive a low income subsidy, LIS, to provide extra assistance with drug costs. Today, a beneficiary qualified for full LIS support must have income below 135 percent of the Federal poverty level and assets not exceeding $7,790 for an individual and $12,440 for a married couple.

Yet, our Medicare Savings Plans—which assist very low income beneficiaries outside of Part D—utilize a very different assets test standard—just $4,000 for an individual and $6,000 for a couple—despite even more stringent income standards. In fact, the Qualified Medicare Beneficiary—Quimby program—enacted in 1988—has not seen an update in the assets test over two decades. Were the amount to have been indexed to a measure of inflation such as the Consumer Price Index, today that amount would nearly equal the assets limit for full Low Income Subsidy under Part D. So it is common sense that we align the assets tests for Medicare savings program with the full LIS limit so that truly needy seniors will realize the help we intended. We act to index these asset tests to inflation, and critically, extend outreach including through the

Social Security Administration. These provisions represent long-overdue corrections—not an entitlement expansion.

As I stated earlier, this bill should also help us to change our spending trajectory. Because what we spend is in fact more critical to Medicare's fiscal health than even the aging demographics of our population, this legislation aims to help re-orient our spending to assure that Medicare implements more ''best practices,'' beginning with greater support for preventive services. This follows what we began with the enactment of the Medicare Modernization Act in 2003.

This bill allows the HHS Secretary to add support for services recommended by the U.S. Preventive Services Task Force. This is a key step in payment reform. Because the fact is, we can no longer expend our first dollar on a disease for an individual's hospitalization. We must be more proactive and cost effective.

Similarly, we address the inequity of access to mental health services. Today, beneficiaries pay 50 percent of the cost of outpatient mental health services—compared to 20 percent for other care. So as the Senate acts to ensure mental health parity in the private sector, we must not leave our beneficiaries behind. Tragically, only half of seniors with mental health problems receive treatment, and the toll is seen in the fact that suicide rates among older Americans far exceed those of other age groups.

This legislation includes provisions of legislation that I introduced with Senator KERRY and accomplishes a phased-in elimination of the copayment disparity.

This legislation takes a balanced approach, one which averts unfair cuts to providers, and meets the critical needs of our most vulnerable beneficiaries.

Then one could rightly ask: Why are we here? If there was some agreement on such priorities, what is the obstacle?

The answer to that question, as it is so often, lies in how spending is paid for. Today, as we consider legislation affecting provider payments in particular, the issue of equity is central. When equity is considered, the subsidies of private plans in Medicare constitute an issue which must be addressed.

Today we are subsidizing such private Medicare plans by paying an average of at least 112 percent above the rate of traditional fee-for-service Medicare. Last year, the 5-year subsidy cost was estimated at $50 billion over 5 years. This year, we have already received revisions of cost projections which may indicate the total cost is much higher.

One might ask why, at a time when we are concerned about the fiscal health of Medicare and when we face critical needs, such as those of the lowest income beneficiaries, would we spend this sort of subsidy?

The Chairman of the Medicare Payment Advisory Commission, Glenn Hackbarth, succinctly stated the problem last year when he stated that ''right now, Medicare is sending the signal that we want private plans even if they cost substantially more than the traditional Medicare.'' He added:

I think what we need, not just in Medicare, but in the country more broadly, is to send the signal that we want plans that more efficiently manage care.

I think we have an agreement that we expect these plans to deliver value for beneficiaries and taxpayers alike—to employ prevention, early screening and detection, and prompt effective care to improve health and reduce costs.

Yet what we have seen in Medicare Advantage is deeply troubling. First, there is the paucity of data regarding outcomes. This chart quotes the CBO Director Orszag, who decried the absence of substantiation of performance, stating he was ''continuing to beg'' for data from plans demonstrating performance. He noted the subsidies these plans enjoy. He said:

It's almost as if they're conducting a variety of experiments in disease management and various other things. And they are doing so with public subsidies.

Yet while the average Medicare Advantage plan receives a subsidy at least 12 percent above traditional Medicare, a new plan type receives much more, as much as 121 percent of fee-for-service rates. These private fee-for-service plans primarily involve a redesign of the Medicare benefits package. So a beneficiary might initially see a plan as offering better value, such as offering vision benefits. Yet while private fee-for-service plans must cover the same benefits as fee for service, they can substantially alter a senior's cost sharing so one's out-of-pocket costs can be much higher.

But the enticement of new benefits and aggressive and even abusive marketing practices, as we learned in a number of hearings—I know, Mr. President, you were there at some of those hearings in the Senate Finance Committee—has resulted in explosive growth in these plans.

As we see on this chart, it demonstrates the increased enrollment from less than 26,000 beneficiaries in 2003 to 1.5 million at the beginning of this year. So far this year, another 400,000 beneficiaries have enrolled.

I am pleased we have seen bipartisan agreement to address the grievous marketing abuses which have plagued beneficiaries. Many of our constituents have been confronted in their homes by high-pressure, door-to-door, and telemarketing sales efforts. We have seen seniors enticed to events by free meals and gifts and frequently enrolled unknowingly in new plan coverage they neither needed nor wanted. Much of this has been fueled by high commissions.

Such abuses led me to introduce a bill with Senator ROCKEFELLER in March to ban these practices and protect beneficiaries. In fact, I can say my State of Maine has been in the forefront passing legislation on its own. States are taking unilateral action to foreclose these practices that get people to join plans unnecessarily and adding to their costs and their problems.

The legislation Senator ROCKEFELLER and I introduced has provisions that will include prohibitions on the activities I described earlier.

It is abundantly clear such plans not only cost more and are plagued by marketing abuses, but they lack the mandates which HMO and PPO plans carry to actually act to improve care. In fact, the Congressional Budget Office Director, Peter Orszag, said again, ''The type of things we are talking about—disease management, care coordination—is much less salient and much less prevalent in private fee-for-service.''

Also, because private fee-for-service plans are not required to establish contracted networks of providers, such plans use deeming, a practice in which, by serving a patient, a provider is deemed to have accepted the plan's terms. That shortchanges providers. Since these plans are also not required to provide care management, they shortchange beneficiaries. So we are paying more through subsidies and they are providing less and are capturing them through the deeming process, which is inherently unfair and extremely costly.

With these deficits, private fee-for-service plans require subsidies to function, and today they are paid far more than the traditional fee for service—which I mentioned earlier—and are a large and growing share of Medicare Advantage costs. They are subsidized, as I said, as much as 121 percent above the rates Medicare was paying local providers before this so-called innovation.

So as we see an escalation in the cost of subsidizing Medicare Advantage, it is wholly appropriate that we examine a reduction in unfair subsidies to these plans, subsidies that are provided by the taxpayers.

We recognize, as does the administration, that built into these higher Medicare Advantage rates is a duplication of the institutional medical education payment which institutions already receive directly today. The cost of that duplication was estimated at $8.7 billion earlier this year. Yet today, with rapid growth in these plans, the Congressional Budget Office tells us the cost of the unnecessary subsidy is now an estimated $12.5 billion. The fact is, that estimate does not reflect a deeper rate of reduction than we discussed 6 months ago. It simply reflects the escalation in costs as a growth of these subsidized, uncompetitive plans continue.

So as we examine areas in which we could save, there can be no doubt that the duplicate payment is a prime candidate. In fact, the Medicare Payment

Advisory Commission, MedPAC, recommended we bring all Medicare Advantage plans to parity and specifically recommended eliminating this duplicate payment, as indicated by their comments on this chart.

On the latter recommendation, the President has agreed we must eliminate the duplicate payment. I note the President included a proposal in his budget this year to eliminate it, but he has imposed reductions which would affect the rate of reduction we have now discussed, which would reduce subsidy spending by $12.5 billion. The President also prefers to eliminate payments to the institutions responsible for this Institutional Medical Education Program and instead would rely on plans to funnel payments to teaching institutions. Although we differ with him in terms of how to eliminate the duplicate payment, reducing the plan subsidy for this savings is reasonable, and agreement should be possible.

As I said earlier in my statement, it is a difference of $3 billion, and therein lies the difference in the subsidy. The Congressional Budget Office recalculated the original cost of savings of achieving this reduction in the Institutional Medical Education Program earlier this year at $8.5 billion. They recalculate to $12.5 billion. You say: Why won't the President support that now? It is the same savings, the same plan. It has been recalculated, and we achieve greater savings in order to offset the additional provisions we provided for the lowest income beneficiaries. So it seems to me this is an area in which we should achieve agreement. If we agree we should eliminate the duplicate payment—and it has now been estimated in savings from the Congressional Budget Office at $12.5 billion instead of $8.7 billion—we ought to be able to agree on the pending legislation.

This legislation effects a second savings in Medicare Advantage by eliminating deeming wherever two managed care plans have succeeded in establishing networks. It simply makes sense that if managed care plans can contract providers, these private fee-for-service plans should as well.

By reducing the duplicate IME payment by $8.7 billion and modifying the deeming provisions for plans, this legislation realizes $12.5 billion in savings. Still just less than one-fourth of the current Medicare Advantage subsidy cost.

I note these savings fall far short of the fiscal responsibility which MedPAC, the Congressional Budget Office, and others suggest is absolutely necessary and vital. Yet some still claim these savings jeopardize Medicare Advantage. But the fact is, they are modest in terms of changing an environment which is both fiscally irresponsible and anticompetitive.

For those who suggest subsidies should be maintained, they must answer some critical questions: When will these plans be economically viable? When will savings be realized by the taxpayers who are providing these subsidies to private insurance companies, in fact, far more than the traditional fee for service? When will more effective care be demonstrated? Again, they don't provide for prevention, effective disease management, screening or many of those tests that are so essential today that a provider in traditional fee for service, and yet not under these private plans, who are getting paid more than what we pay under fee for service in Medicare. What costs must the rest of Medicare bear as a result of these anticompetitive subsidies?

The fact is the limited savings we accomplish in this legislation do not even threaten the continued operations of these uncompetitive plans. Even Wall Street knows that. I note in this final chart that an analyst for Goldman Sachs actually stated that savings exceeding those we make here do not affect the viability of these plans and that the Medicare Advantage Programs actually could ''absorb $15 billion in cuts over 5 years without materially undermining the fundamentals.''

As I said earlier, we are using $12.5 billion, not even $15 billion, and they are saying it would have no negative impact on those private programs.

Further, we should, in fact, be fostering competition. In fact, that is what it was all about originally, providing those subsidies so there would be some competition. Business will respond, they said, and thereby achieve some of the objectives on which these plans were predicated.

There is always political risk. As Simon Stevens of United Health Care noted, ''There is always political risk in government programs,'' he said, ''but we will weather it by evolving as Medicare evolves.''

There are urgent Medicare financing needs today which must be met. We must fix the physician payment formula. We must reform Medicare to see that care is improved and beneficiaries and taxpayers receive better value. We have so much more to do. Yet here we are being stymied by a difference of less than two-tenths of 1 percent of Medicare spending, that all is accomplished by reducing the subsidies to private health insurance companies. That is the difference in the pending legislation and those who object to it.

This legislation, in fact, reflects many issues on which we have had bipartisan agreement. It bridges the critical gap between us in considering the vital and essential requirements of beneficiaries, by taking actions to see best practices emphasized and low-income assistance standards are at least updated for inflation. It also acts to see that Medicare policies are not penny-wise and pound-foolish.

I hope we will see this very modest compromise on this legislation that will produce progress for the providers, for current beneficiaries, and for generations to come to achieve the savings we think is essential—and it is offset because we think that is the fiscally responsible approach to take—and also not to skew disproportionately the subsidies we are providing to private health insurance companies for private fee for service, for both to work in a competitive fashion, and what we are seeing are subsidies growing by leaps and bounds.

To reach that compromise, we have to support this legislation. Hopefully, the Senate will express its support for sound fiscal policy. Hopefully, we can override the cloture. If that fails, I hope we can, again, come to together and resolve these differences and demonstrate to the American people that we have the capacity to solve problems at this very crucial juncture in our Nation's history.

Mr. SPECTER. Mr. President, this is a very important bill for reasons which I am discussing in this statement. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about the majority leader's practice of employing a procedure known as filling the tree, which precludes Senators from offering amendments. That undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

I announced publicly at a Senate Judiciary Committee executive session this morning, June 12, 2208, that I would vote with Senator BAUCUS for cloture if I knew the majority leader would not fill the tree. In a telephone conversation this afternoon, June 12, 2008, Majority Leader HARRY REID advised me that he would not fill the tree.

This will provide an opportunity for a full range of debate and decisions by the Senate on many important issues.

On the Medicare bill specifically, S. 3101 has a number of issues which are important to Medicare beneficiaries in Pennsylvania and across the Nation. Foremost of those issues is the prevention of a 10.6-percent reduction in the Medicare reimbursement for physicians. A decrease of this size could result in doctors limiting the number of Medicare beneficiaries they take on as patients or refusing to take them on as patients at all. To resolve this grave problem, the legislation prevents the scheduled reduction, continues the current .5 percent increase for 2008, and provides an increase of 1.1 percent for 2009. This is a needed increase that will improve access to physicians for seniors.

This legislation also contains an important provision to extend the section 508 wage index reclassification program. This program, established in the Medicare Modernization Act in 2003,

provides important funding for hospitals that have been disadvantaged by Medicare's wage index reclassification. This is of particular importance in northeastern Pennsylvania where hospitals struggle to meet the wages needed to keep employees from commuting to other areas which have a higher reimbursement rate. This is an important extension; however, a permanent solution is needed to solve this problem for all hospitals.

I am informed that the bill will include a delay in the Medicare durable medical equipment, DME, competitive bidding program. This is critical to western Pennsylvania, as it is one of the regions selected to begin the program. While competitive bidding can be productive in lowering the cost of medical equipment, the manner in which this program was implemented was unacceptable. During the competition for bids, half of the bids were disqualified, often for clerical problems. Further, the program is set to begin in just over 2 weeks and seniors have not been notified of these changes. This legislation will delay the implementation of this program to allow for the proper implementation of this program and correction of these problems.

I am also informed that the bill will include a provision to increase Medicare payments to oncologists and other physicians for the cost of patient treatment. Physicians are facing shortfalls in their reimbursement, especially pertaining to cancer treatment. This provision will provide an accurate and up-to-date reimbursement for drug costs, ensuring cancer treatment will be accessible to Medicare beneficiaries.

I am concerned about a change that this legislation makes in the ability of beneficiaries to purchase power wheelchairs. S. 3101 requires the rental of standard wheelchairs for 13 months instead of a physician determining if the beneficiary should purchase the equipment immediately. This provision removes the problem of purchasing wheelchairs for short term users but increases the cost 5 percent for the purchase after those 13 months. To insure that beneficiaries get the wheelchairs they need without overspending, a physician should be required to certify that a power wheelchair is needed for at least 13 months. I am confident as we consider this bill we can work out the differences we have and come to an agreement.

Mr. ENZI. Mr. President, today, we will continue to discuss the political exercise surrounding the Medicare ''doc fix'' bill. I am hopeful that after the vote this afternoon, bipartisan discussions can resume so that we can get a bill to the Senate floor that we can all support. While others have fully outlined all of the problems with the process and content of S. 3101—the Democrats version of the bill—I want to take the time to discuss a small aspect of the Republican version of the bill.

Just last week, I came to the floor to discuss Senator Thomas, acknowledging that just over a year ago the State of Wyoming and our Nation lost one of the great cowboys ever to ride this land. Although a year has passed since Craig left us, his spirit is alive and it is felt by all of us within this body. Work he championed on behalf of Wyoming residents and all Americans is ongoing today. In fact, we continue to acknowledge his great work to improve health care in rural areas within the Grassley Medicare bill—the Preserving Access to Medicare Act.

There is a whole subtitle named after Senator Thomas with provisions to assist providers and patients in rural areas. These provisions will help keep the doors open for rural hospitals so that critical care is available. In addition, they will ensure that individuals in rural areas have the emergency transport services available to get them from the scene of an accident to immediate care, to expand access to laboratory services so one can quickly obtain test results for a potential cancer diagnosis, and to ensure greater access to telehealth capabilities at skilled nursing facilities and dialysis centers. These are just to name a few of the key rural health provisions. Given the work of Senator Thomas, I do hope that these provisions can be maintained in future bipartisan discussions.

Mr. CARDIN. Mr. President, I rise in strong support of S. 3101, the Medicare Improvements for Patients and Providers Act of 2008.

This bill merits the support of every Senator. Action on this legislation is mandatory now because, in 18 days, the temporary fix we passed at the end of last year for providers will expire. If we fail to act, reimbursements to physicians and other providers who are paid under the physician fee schedule will be cut by 10.6 percent.

On Tuesday, I met for over an hour with several physicians from Maryland. They cannot sustain a 10 percent cut in their Medicare payments, and they know that if these cuts are put into effect, many of their colleagues will stop accepting new Medicare patients into their practices.

These pending cuts are the result of a flawed system that pegs reimbursement to the growth of GDP. We all recognize that this system, known as SGR, does not work. Every year since 2001, Congress has had to act to prevent the cuts from going into effect. We know that SGR must be repealed.

I have introduced legislation in past years to eliminate SGR and replace it with a system that reimburses based on the actual reasonable costs of providing care. S. 3101 provides another temporary fix through December 31, 2009. That is sufficient time for Congress, working with a new administration and the provider community, to develop a new system of reimbursement that will contain unnecessary increases in volume while ensuring that reasonable costs are covered.

But this bill is so much more than a ''doctor fix bill.'' Also expiring on June 30 is the exceptions process for outpatient therapy services. Therapy caps for physical, occupational and speech language therapy were added to Medicare law more than 10 years ago for purely budgetary reasons. The authors of that provision had no policy justification for limiting services, and the amount of the caps was purely arbitrary.

Unless the exceptions process is extended, seniors recovering from more complex conditions, such as hip replacement and stroke, will face unreasonable and arbitrary dollar limits on the rehabilitation services available to them.

This urgently needed legislation will help not just providers, but also the millions of seniors that Medicare was created to serve. This Senator is proud that the bill's title reflects the right priorities for Medicare—this is The Medicare Improvements for Patients and Providers Act.

The 43 million seniors and persons with disabilities who rely on Medicare deserve a program that meets their health care needs. Our goal should be to ensure that Medicare provides comprehensive, affordable, quality care. S. 3101 makes important steps toward a better Medicare.

It is significant that Chairman BAUCUS has led with important beneficiary improvements. In 1997, I worked in a bipartisan way to add to the Balanced Budget Act the first-ever package of preventive benefits to the traditional Medicare Program. That was 11 years ago. At that time, the members of the Ways and Means Committee recognized what medical professionals had long known—that prevention saves lives and reduces overall health care costs.

Preventive services such as mammograms and colonoscopies are vital tools in the fight against serious disease. The earlier that breast and colon cancer are detected, the greater the odds of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, the survival rate drops to 26 percent. If colon cancer is detected in its first stage, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Seniors are at particular risk for cancer. In fact, the single greatest risk factor for colorectal cancer is being over the age of 50 when more than 90 percent of cases are diagnosed. Sixty percent of all new cancer diagnoses and 70 percent of all cancer-related deaths are in the 65 and older population. Cancer is the leading cause of death among Americans aged 60–79 and the second leading cause of death for those over age 80. So preventing cancer is essential to achieving improved health outcomes for seniors. Screenings are crucial in this fight.

In addition to improving survival rates, early detection can reduce Medicare's costs. Under Chairman CONRAD's leadership on the Budget Committee, we have had fruitful debates about the

long-term solvency of Medicare. A more aggressive focus on prevention will help produce a healthier Medicare Program.

Let me give you some examples. Medicare will pay on average $300 for a colonoscopy, but if the patient is diagnosed after the colon cancer has metastasized, the costs of care can exceed $58,000.

Medicare will pay $98 for a mammogram, but if breast cancer is not detected early, treatment can cost tens of thousands of dollars. One drug used to treat late stage breast cancer can cost as much as $40,000 a year. There is no question that these vital screenings can produce better health care and more cost-effective health care.

The 1997 law established place improved coverage for breast cancer screenings, examinations for cervical, prostate, and colorectal cancer, diabetes self-management training services and supplies, and bone mass measurement for osteoporosis. Since then, Congress has added screening for glaucoma, cardiovascular screening blood tests, ultrasound screening for aortic aneurysm, flu shots, and medical nutrition therapy services. In addition, in 2003, a Welcome to Medicare Physical examination was added as a one-time benefit for new Medicare enrollees available during the first 6 months of eligibility.

But we can only save lives and money if seniors actually use these benefits. Unfortunately, the participation rate for the Welcome to Medicare physical and some of the screenings is very low. I have spoken with primary care physicians across my State of Maryland about this. One problem is the requirement to satisfy the annual deductible and copays for these services.

Patients are responsible for 20 percent of the cost of a mammogram, between $15 and $20. Most colonoscopies are done in hospital outpatient departments, where their copay is 25 percent, or approximately $85. Our seniors have the highest out of pocket costs of any age group and they will forgo these services if cost is a barrier.

The other barrier to participation is the limited 6-month eligibility period for the one-time physical examination. By the time most seniors become aware of the benefit, the eligibility period has expired. In many other cases, it can take more than six months to schedule an appointment for the physical exam and by that time, the patients are no longer eligible for coverage.

I have introduced legislation to eliminate the copays and deductibles for preventive services and to extend the eligibility for the Welcome to Medicare physical from 6 months to 1 year. My bill would also eliminate the time consuming and inefficient requirement that Congress pass legislation each time a new screening is determined to be effective in detecting and preventing disease in the Medicare population. It would empower the Secretary of Health and Human Services to add ''additional preventive services'' to the list of covered services. They must meet a three part test: (1) They must be reasonable and necessary for the prevention or early detection of an illness; (2) they must be recommended by the U.S. Preventive Services Task Force, and (3) they must be appropriate for the Medicare beneficiary population.

S. 3101, the Baucus bill, incorporates several elements of my bill in the very first section, and I want to thank the Finance Committee for including them. It will waive the deductible for the physical examination, extend the eligibility period from 6 months to 1 year, and allow the Secretary to expand the list of covered benefits.

These provisions are supported by the American Cancer Society, AARP, the Alliance for Retired Americans, the Leadership Council of Aging Organizations, SEIU, the National Committee to Preserve Social Security and Medicare, the American College of Preventive Medicine, the National Hispanic Medical Association, the American Academy of Nursing, and many more groups.

This bill will also help low income seniors by raising asset test thresholds in the Medicare Savings Programs and targeting assistance to the seniors who most need it.

As this Congress continues to make progress toward passing a comprehensive mental health parity bill, the Baucus-Snowe bill steps up for our seniors and provides mental health parity for Medicare beneficiaries, moving their copayments from 50 percent to 20 percent gradually over 6 years. Depression, bipolar disorder, and other mental illnesses are prevalent among seniors, and yet fewer than half receive the treatment they need. This provision will help them get needed services.

Section 175 of the Baucus bill will ensure that a category of drugs called benzodiazepines are covered in Medicare Part D. When the Medicare prescription drug benefit took effect on January 1, 2006, millions of beneficiaries found that the prescription medicines they took were not covered by the new law. A little-known provision in the Medicare prescription drug bill actually excluded from coverage an entire class of drugs called benzodiazepines. These are anti-anxiety medicines used to manage several conditions, including acute anxiety, seizures, and muscle spasms. The category includes Xanax, Valium, and Ativan. Most are available as generics.

They constitute the 13th leading class of medications in the U.S., with 71 million prescriptions dispensed in 2002. A study of dual-eligibles in nursing homes found that 12 percent of patients had at least one prescription for a benzodiazepine. This exclusion has led to health complications for beneficiaries, unnecessary complexity for pharmacists, and additional red tape for the states. Beneficiaries who are not eligible for Medicaid have had to shoulder the entire cost of these drugs or substitute other less effective drugs. In 2005, I first introduced legislation that would add benzodiazepines to the categories of prescription drugs covered by Medicare Part D and Medicare advantage plans.

I want to thank Chairman BAUCUS for recognizing the importance of this coverage and adding section 175 to this bill. Without this provision, dual eligibles would have to rely on continued Medicaid coverage for benzodiazepines. Medicare beneficiaries who are not eligible for Medicaid will have to continue to pay out-of-pocket for them. For those who cannot afford the expense, their doctors would have to use alternative medicines that may be less effective, more toxic, and more addictive. This is a significant improvement for our seniors who are enrolled in Part D and for the fiscal health of our States.

The Baucus bill is paid for by slight reductions to the overpayments that the federal government makes to private health plans. The nonpartisan Medicare Payment Advisory Commission, MedPAC, has recommended that we equalize payments between Medicare Advantage and traditional Medicare.

As we discuss the solvency of the Medicare Program, we must take note that private health plans are not saving the Federal Government money. In fact, they are costing us money. I was a member of the Ways and Means Committee when health plans approached us with an offer. If the Federal Government would pay them 95 percent of what we were spending on the traditional Medicare Program, they would create efficiencies through managed care that would save the Federal Government billions of dollars each year. They promised to provide enhanced coverage, meaning extra benefits as well as all the services covered by traditional Medicare, for 95 percent of the cost of fee for service. Congress gave them a chance to do just that.

Instead, what we saw across the country was cherry-picking of younger, healthier seniors. Each time Congress indicated that it would roll back their overpayments to a more reasonable level, they responded by pulling out of markets. In Maryland, the number of plans declined over a 3-year period from eight to one, abandoning thousands of seniors. Since 2003, when payments were substantially increased, the number of plans has steadily increased as well, but at too high a cost to beneficiaries, taxpayers, and the future of the Medicare Program.

Right now, these plans are paid up to 19 percent more than the amount that we would pay if these seniors were in fee-for-service Medicare. Over 10 years, we are overpaying them by more than $150 billion.

That is enough to make significant valuable improvements in the overall

Medicare Program, or to permanently repeal the sustainable growth rate formula. It is time, for the health of the Medicare Program, to pay these plans appropriately. This bill would make small reductions to these overpayments as well as prohibit the abusive marketing practices, such as cold calling, door-to-door sales, and offering incentives such as free meals, which have led to many seniors being enrolled in private plans without their knowledge or consent.

This is a balanced and responsible bill that addresses immediate reimbursement concerns while setting the foundation for a higher quality, more cost-effective Medicare Program. I urge my colleagues to support the motion to proceed to S. 3101 and to vote for this well-crafted bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXES

Mr. GRASSLEY. Mr. President, yesterday afternoon I discussed the burden that high gas prices are having on all Americans, and not just on my constituents in Iowa but all over this great country. I think now that most of my colleagues in the House and Senate know that high gas prices mean less discretionary income for people—less discretionary income to spend at the mall, to spend at the farmers market, less discretionary income to buy ice cream on hot summer days, and less discretionary income to save for a rainy day.

I can assume my Democratic colleagues know that actions that take discretionary income away from the American people are detrimental to those people and detrimental to the overall economy—detrimental to their way of life and detrimental to our country's future. I guess I don't have to assume folks on the other side know this. This body has been debating the issue of escalating oil prices and energy for the better part of this week. I heard countless accounts from my Democratic colleagues about how their constituents are hurting. So I think my friends on the other side get it. They get that taking the hard-earned dollars out of the pockets of their constituents is detrimental to those constituents.

What my Democratic friends don't get is that raising taxes has the same effect. Raising taxes takes hard-earned dollars out of the pockets of their constituents. Don't folks on the other side think this is a problem? It is a problem for their constituents' way of life, and it multiplies into problems for our economy. It is a problem for our country's future. But I don't think the leadership on the other side understands this fundamental fact. So I guess folks on the other side just don't get it.

Is this change Americans can believe in? If they are not being told the entire story, how can they know what to believe? If the leadership on the other side isn't telling the entire story, the folks in the media need to. And I believe folks in the media are well enough educated to know what the truth is and to spread the truth. So I challenge our media friends and beltway pundits—a little like I did yesterday in remarks here—to report that higher taxes means less discretionary income, it means slower economic growth, and it won't mean more revenue for the Government to spend. It is too bad that people are of the frame of mind that if you raise tax rates, you bring in more revenue, and if you reduce tax rates, you lower revenue. I like to disabuse people of those facts.

Yesterday, I also told the beltway punditry and related press people to stop referring to the bipartisan tax relief of 2001 as the Bush tax cuts. These are the talking points of the leadership on the other side of the aisle that the press seems to somehow eat up because it gets repeated. It is just a fact of life: Bush gets all the credit for the tax cuts. Well, it is intellectually dishonest, and it gives Americans the impression that the bipartisan tax relief that was passed back then—7 years ago—is bad.

But then again, what should we expect from the other side of the aisle and their leadership's campaign? Everything coming out of that shop tends to be poll-driven. Take a poll the night before, and whatever the people are telling you the night before, that is what the message is the next day as opposed to being more concerned about good policy being good politics.

The 2001 tax relief put more money into the pockets of hard-working Americans, and they are better off for it. Sure, the leadership on the other side of the aisle wants the voters to believe tax relief is bad. The junior Senator from Illinois wants the voters to believe raising taxes will solve all problems. The distinguished Senator also wants voters to believe taxes will only be raised on people who earn lots of money, where there isn't the money to solve all the problems. His party wants people to believe there are no downsides for taxpayers, no downsides for economic growth if income taxes go up by 10 percent, even if taxes are raised on families making $250,000 or more.

Now, it is too bad, but the media seems to believe this propaganda and ignores the fact that the economics behind it are not responsible and factual, because that is the report they put out there, so that is what the people hear.

The Democratic leadership has also successfully convinced the media that raising taxes will bring in more revenue. I want to remind the media that the bipartisan tax relief brought in more revenue than was projected, much more revenue than what the 1993 Clinton tax increase brought in over a comparable period.

I have a chart here that I would like the media to take a look at, a chart which illustrates that lower taxes have generated record revenues.

See, you have the actual revenues that came in and you have the projected revenues before we lowered taxes. This chart illustrates that Federal tax revenues have been and generally continue to be coming into the Federal Treasury at or above the historical average—and the historical average, the way I say it, is the last four decades—of about 18.2 percent of gross domestic product. Now, what does that 18.2 percent of gross domestic product mean? It means that by lowering the tax rates, as we did in 2001, it does not in any way gut Federal tax revenue.

But how easy is it to explain to people who don't look at economics every day that if you lower tax rates, you are going to bring in less revenue; if you raise tax rates, you are going to bring in more revenue? Because that is kind of what common sense might tell you. But the study of economics and what really happens by the facts are two different things. You can keep tax rates where they historically have been for the last 40 years, about 18 to 19 percent of gross domestic product—and when they were at 20, we reduced them down to that point; in fact, even a little bit less growth has brought them back up—and you can do it without hurting the Federal Treasury. In fact, you can enhance it. Do you know why? Because of the dynamics of our economic system, of our market system. When you let 137 million taxpayers, with more money in their pockets, decide how to spend the money—and probably in 137 million different ways—it does more economic good than when 535 Members of Congress decide how to do it. But you know, some have the attitude around here that the judgment of 535 Members of Congress is much better than the judgment of 137 million taxpayers, so we don't need to raise taxes in order to generate revenue.

So to the media people: Don't believe the Chicken Littles. I have a chart here of Chicken Little, who says that the sky is going to fall if we keep taxes low.

I can't let my colleagues on the other side and some of the skeptics in the press say to the American public that if you earn less than $250,000 a year, you won't see higher taxes, so I have these news flashes:

News flash: You don't have to be earning $250,000 to invest money in the stock market.

News flash: You don't have to be earning $250,000 to have real estate holdings.

News flash: You don't have to be earning $250,000 to have your savings in mutual funds.

All those flashes prove that if you earn less than $250,000 a year and you

hold these investments, guess what—you will be paying more taxes. Let me take a closer look so I can demonstrate that is what is going to happen.

In 2003, Congress reduced the top tax rate on capital gains, lowering taxes again from 20 percent to 15 percent. Congress also did the same thing for dividend income, tied it with the capital gains tax rate at 15 percent. For lower income taxpayers, we thought they ought to have an incentive to save, so the tax rate on capital gains and dividends for low-income taxpayers is zero—that is zero with a ''z.'' Millions of low-income taxpayers receive dividends and capital gains. All of these taxpayers are not making more than $250,000.

To help out the media, I will illustrate these points with yet another chart. As you can see from this chart, over 24 million tax returns reported dividend income. In Iowa, for instance—my State—over 299,000 families and individuals claimed dividend income on their returns.

Another chart we have deals with capital gains. The first one dealt with dividends, now this one with capital gains. Nationally, 9 million families and individuals claimed capital gains—9 million families—and in my State of Iowa, over 127,000 of them. Now, that is a lot of taxpayers who are not earning a lot of money. So I want the media to report that. It doesn't seem to get reported. I want to see news reports that say something like this: ''Even if the other side's Presidential candidate's plan raises taxes on folks making $250,000, millions of taxpayers make less than $250,000 and will still see a tax increase.''

That is end of my proposed quote, but you will never see it in the newspaper.

I also want my friends in the punditry and media to connect the dots. If more people are paying higher taxes, the result is less discretionary income and of course slower economic growth. That is the same thing that is going on with high gas prices. The press doesn't seem to have a problem reporting that fact, but it still ends up with the consumer having less discretionary income.

I fought both Democrats and Republicans. I hope I have a reputation of taking on a cause and not worrying about whether it is a Republican cause or Democrat cause. So I have fought both to ensure that our country is on the right course. That course must be and is economic prosperity. I wish to see a real discussion of the negative implications of changing current economic policy. With high gas prices squeezing taxpayers, it is more compelling than ever.

Let's clear away the fog about what is meant to be negative about the Bush tax cuts, because broad-based tax increases are not gauzy ''feel good'' economic changes. Let's examine the benefit of keeping taxes low.

While I have the floor, I wish to speak on an issue that is coming up for a vote. This is the Medicare vote in a little while.

The vote we are going to take later today is a very important one—important for our senior citizens and important for all health care practitioners around the country. The outcome of that vote will determine whether we begin working together again on a bill that the President will sign. For the sake of 40 million Medicare beneficiaries, I am here now to urge my colleagues to defeat the cloture motion today. Then we can get to work on a bipartisan basis and write a bill that can be signed into law. That is something Senator BAUCUS and I know how to do.

This afternoon the Senate will be voting to move forward on a bill that will be vetoed and will mean a lot of lost time—not only for the Senate, but we have to get these things done by July 1. With a Presidential veto, I doubt we will. This is a pointless exercise, then, that can be stopped in its tracks by a ''no'' vote on cloture.

What is worse, the reality is that the bill is not even ready for serious consideration. Members of the Senate, it is very incomplete, obviously incomplete. It was introduced with blanks and brackets. It will not become law.

It cuts oxygen reimbursement. It cuts power wheelchair reimbursement. It threatens future physician updates. The danger is July 1, doctors get cut 10.6 percent if we do not intervene. It is a partisan bill that delays bipartisan consideration of the Medicare bill.

While the Senate wastes time with this bill, millions of taxpayers' dollars in administrative costs are also going to be wasted because the Center for Medicare Services has to program their system to not have the physicians' pay cut go into effect July 1. But they can only do that if Congress can pass a bill that can be signed by the President.

Voting for this bill is the same as asking for the physician pay cut to go into effect. If it does, then CMS has to potentially hold millions of claims, to process them later. That costs millions and millions of dollars a week. If the Senate votes cloture on this bill, we may as well be taking a match to millions of taxpayers' dollars.

We had been working in a bipartisan process that could get us a bill that could be signed into law. For some reason the majority walked away from the table. That was kind of recently, during the end of May. With all due respect to my friends on the other side of the aisle, in the 3 weeks since they have produced a bill that, for all the rhetoric we are hearing about it, is not worth the paper it is printed on. It will not become law. It will be vetoed.

Meanwhile, doctors in this country are looking at the calendar, wondering what their payment will be after June 30, and wondering whether they can still afford to see Medicare patients. They are wondering if they have enough cash reserves if Congress doesn't get its act together.

I want to say something to the doctors back home who are listening to this debate. They tend to be very busy, so I don't expect a lot of them to be listening, but if they are I want to have them hear this. Your insider Washington lobbyists are telling you that supporting cloture is the best way to prevent the physician pay cut from going into effect July 1. I think these high-paid lobbyists here in Washington are giving you, the family practitioners and surgeons and interns back home, bad advice. It is a good thing they are not giving the advice to real patients, as you do, if this is the kind of judgment they would use. The fact is, a vote in support of cloture is the absolute worst thing that could happen if you want the physician payment update addressed by the date it ought to be ready for CMS to carry it out, July 1.

If 60 Senators support cloture we will move to pass a bill out of the Senate. Of course that will be a bill that will be vetoed. Then the Senate will sit down with the House on a partisan basis and produce a compromise that has even more spending yet, and is even more liberal and more certain to be vetoed. Then it will be voted on in the House and come back here for a vote. Then, finally, it will go to the President where it will be vetoed. Then we will have a veto override that will certainly fail.

Then and only then—how many weeks away that is I don't know—we will sit down again on a bipartisan basis to write a bill that will become law. Given how quickly things move around here, that could well be at election time. If cloture fails, I am ready to roll up my sleeves and go to work tonight. So, to all the doctors listening to this wherever you are—in your hospitals, your homes—and to folks who pay dues to groups such as the American Medical Association and to the American College of Physicians, hear me when I say the people telling you that supporting cloture is the way to get the physician payment update done fastest do not deserve the jobs they hold and the hundreds of thousands of dollars you pay them. The answer is a simple one. We need to defeat the cloture motion today and we need to get back to bipartisan work to protect Medicare for America's seniors and the providers who serve them.

Yesterday Senator MCCONNELL, the Republican leader, and I introduced a bill, S. 3118, to address the problems we face in Medicare. The Democrats are blocking our bill from getting a vote today. It is too bad, because this is a very good bill. I spoke of some of the provisions of this bill in the last several days. It is a bill that clearly serves Medicare beneficiaries. Our bill reduces medication errors with stronger e-prescribing provisions. This will help ensure that our seniors' health care is not compromised by duplicative, dangerous, and incompatible prescriptions.

Our bill helps patients who have had a heart attack with cardiac and pulmonary rehab. Our bill ensures that

seniors who need access to outpatient therapy services will continue to receive the therapy they need.

I am very pleased our bill pays a tribute to our beloved departed colleague, Senator Craig Thomas of Wyoming, by including a number of provisions that protect access for beneficiaries in rural America. Specifically, our bill would accomplish helping rural America by addressing inequitable disparities in the Medicare reimbursement between rural and urban providers, and helps ensure these providers are able to keep their doors open.

By continuing to fund two important and very successful programs to combat diabetes, our bill helps people with that dread health problem.

Finally, our bill includes a number of extensions to help low-income seniors and families.

As we close this debate—and the vote is about 35 minutes away—I think the vote is a very simple one. The President will sign a bill that preserves Medicare for American seniors and the providers who serve them. The President will sign a bill that will provide increases in payments for rural health care in America. The President will sign a bill that reduces payments to Medicare Advantage. The President will also sign a bill promoting value-based purchasing, electronic prescribing, and electronic health records. The President will then sign a bill that does not require cuts in oxygen payments or payments for power wheelchairs.

Unfortunately, regarding the bill we will be voting cloture on, the vote is to move forward on a bill that is not a bill. I have described that. I am not going to go into greater detail.

People back home often don't understand votes on procedural motions such as the one we call cloture, which we will have at 3. But this one ought to be very easy to understand. Voting for this bill is a step backward; it is not a step forward. It will not become law, and we have to get something to the President that he will sign by July 1 to avoid doctors taking Medicare cuts of 10.6 percent.

I ask my colleagues to vote ''no'' on the cloture motion so we can get to work on a bill the President will sign. Let's set aside partisan games and get to work protecting Medicare for America's seniors.

I yield the floor.

Mr. President, since I do not see other speakers, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, unless we act, on July 1 the law will cut Medicare payments to doctors by 10 percent. Today, we have an opportunity to vote on proceeding to a bill that will stop that cut. In addition to averting the 10-percent payment cut, the bill on which we will vote today will also make important improvements for beneficiaries.

It will help those with very modest incomes to get the help they need, and it will expand access to preventative benefits in Medicare. We should all agree that prevention is critical to moving our health care system from one that treats disease to one focused on wellness.

The bill includes a provision intended to give a boost to primary care physicians. These represent a downpayment on changes that I would like to consider in the near future to advance the role of our front-line physicians.

The bill will improve access to health care in rural areas. The bill includes many policies from the Craig Thomas Rural Hospital and Provider Equity Act, all supported so strongly by so many Senators.

The bill will lend a hand to pharmacists. Pharmacists face so many challenges right now. And the bill will help ambulance providers. Today, these first responders must contend with record high and rising gas prices.

That is what this bill will do. It is a good bill, it is a balanced bill, and it is a bill that my colleagues should be proud to support. Let me also talk about what this bill would not do. I have heard some claims made about the bill. I would like to set the record straight.

First, the bill would not make drastic cuts to Medicare Advantage payments. This is not the House-passed CHAMP bill. Although I believe there is justification for making significant reductions to Medicare Advantage benchmarks, this bill will not do that. This bill would not affect the benchmarks in Medicare Advantage.

Second, this legislation will not eliminate private fee-for-service plans. What it will do instead is take away the ability of these plans to ''deem'' doctors and hospitals into their networks. Right now private fee-for-service plans are permitted to circumvent network requirements. They can deem any Medicare provider to be part of the plan network. They can do so without any formal agreement between the provider and the private fee-for-service plan.

What does that mean? That means that doctors and hospitals are automatically considered by the plan to have agreed to all the terms and conditions of the plan automatically. They are automatically considered to have agreed to payment levels, to patient cost-sharing obligations, and to billing procedures, even when they have not made such agreements.

So it is no wonder that we hear from providers that they do not like dealing with these plans. I would go so far as to say that forcing doctors and hospitals to accept the terms that plans lay out, without a chance to negotiate, seems un-American.

How will this legislation address deeming? It will eliminate this deeming authority in 2011—yes, 2011; not right now but 2011; not next year, not 2010 but 2011. The plans would have 2.5 years to develop a network. I believe that is plenty of time.

Moreover, the bill will protect choice in rural areas. The deeming provisions will only affect areas where there are already two or more plan options available that have a network. In those areas where existing plans have contracted with providers to form a network, private fee for service has a competitive advantage. This bill will level the playing field across all plans.

Second, this bill will not cut teaching hospitals. It will not jeopardize access to plans in areas where academic medical centers are most prevalent.

Right now, Medicare pays twice for indirect medical education on behalf of patients in Medicare Advantage plans. Medicare pays once when it reimburses teaching hospitals directly for IME costs, and Medicare pays a second time by inflating payments to Medicare Advantage plans for the same costs. So under this bill, teaching hospitals will continue to receive IME payments directly from Medicare, but the unnecessary double payments will be eliminated.

Third, this bill will not allow wealthy seniors to qualify for low-income subsidies, as has been claimed. The bill will raise the asset test from $4,000 to just under $8,000 for individuals. And it will raise the asset test from $6,000 to $12,000 for couples. The bill will give more seniors with very limited means the ability to qualify for additional subsidies.

The income cut-offs to qualify for the subsidies will remain the same. Beneficiaries will need to have incomes below $10,200 for the Qualified Medicare Beneficiaries Program, and below $12,500 for the Specified Low-Income Medicare Beneficiaries Program. That is under current law, no change.

I think we all would agree that anyone with an annual income below $12,500 and personal assets below $8,000 is someone we should want to help. And if we can get the 60 votes to get to this bill, I will do something else. I will offer an amendment to delay implementation of the competitive bidding program for durable medical equipment. That is a pledge that I made to many of my colleagues, and it is a pledge that I make publicly, a promise I intend to keep.

I will offer as an amendment the language of the bipartisan bill introduced earlier today in the House by Representatives STARK, CAMP, BOEHNER, and PALLONE. Their bill is thoughtful, it is balanced, and it responds to many of the concerns we have all heard from the DME industry. If we get to this Medicare bill, we will include that language in this bill.

Another policy in S. 3101 that I intend to revisit is oxygen cuts. Congress needs to address overpayments to oxygen. In some cases, Medicare pays 1,000 percent above what these supplies cost, and beneficiaries pay the price through inflated copayment rates.

But this is a limited bill. It is not intended to fix all that ails Medicare. We will revisit oxygen payments when the Congress next takes up Medicare. By my estimate, that would be next fall when the 18-month physician fix and other policies will expire.

In sum, time is running out. It is running short. We need to complete a bill by June 30. That is not many days away. The options before us are few and fraught with pitfalls. By far, the best option for getting a Medicare bill done this year is a bill on which we will vote today.

This bill is bipartisan. It is carefully balanced. It does what we need to do. I urge my colleagues to vote for cloture on the motion to proceed.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself 5 minutes from time that is reserved for the leader or, alternatively, from time that is available at this point that is open.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask the Chair if there is time presently available?

The PRESIDING OFFICER. There is 10 minutes for the minority leader.

Mr. GREGG. Mr. President, I rise to raise my concerns about the procedure and about the substance. We all know there has to be a fix relative to the doctors. We all know we cannot have this sort of reduction in payments to physicians. That is just a fact.

My own personal preference is that we fix this permanently. It is going to cost a lot of money, but that is the way it should be done. We should not be fixing this every year. And, in fact, it is becoming a geometric progression which is spiraling downward, with every year becoming a much more difficult effort.

We should basically do Medicare reform. But short of that, we should do a permanent doctor fix so that the physicians in this country know they are going to get a reasonable upgrade of their reimbursement every year. We should not have to go through this.

However, this bill does not accomplish that. In fact, this bill aggravates the problem significantly. I genuinely wish the bipartisanship effort which Senator BAUCUS and Senator GRASSLEY had been pursuing had been the effort that had come to floor, but it did not.

What has come to the floor is a partisan effort; regrettably, it is not a very good one. It has a couple of practical problems, and then it has a very substantive problem. The substantive problem is that it spends $2 trillion that we do not have, not to fix the doctor problem but to add new benefits in certain elements for certain recipients under Medicare Part D. Well, Medicare Part D is already $36 trillion in debt, unfunded liabilities. Put $2 trillion more on top of that, it means we are passing a huge cost on to our children. It is not fair. It is not appropriate.

The practical problem this bill has—I find it incredible that we are being asked to vote on it, quite honestly—is that it has blanks. This is the first time I have ever seen this. This bill literally has blanks in it. We are being asked to vote on a bill where the numbers, which are operative relative to how much this bill is going to cost, are left out. There are actually parentheses with nothing in them. There are lines where there is a blank. And we are being asked to vote to close the debate on this and move to final passage on this without even knowing what the numbers are going to be which are to fill in those blanks.

This is so egregious, so egregious, that the CBO, which is the independent scorekeeper around here, which is the fair umpire around here, has written us and said: They cannot score this bill. They cannot give us a cost estimate since the introduced version has blanks.

The Congress should not work this way. The Senate should not work this way. This is totally inappropriate. It is a terrible precedent. It is worse than a terrible precedent. It is an incompetent precedent to set to bring to the floor a bill that does not tell us how much it is going to spend because the other side of the aisle does not want to tell us how much it wants to spend or, alternatively, because they are not competent enough to put numbers into the bill.

It is incredible to me that we would be asked to vote cloture on a bill that the Congressional Budget Office says they cannot estimate the cost of, which is their responsibility, because it has blanks.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 2008.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: As you requested, enclosed are CBO estimates of the costs of the provisions of S. 3101, the Medicare Improvements for Patients and Providers Act of 2008, as introduced on June 6, 2008.

As you noted in your request letter, some of the provisions of the introduced bill are incomplete: there are some elements that are necessary to producing a cost estimate for the bill that are not included in the current language. In addition, a number of elements in the bill are bracketed and thus could be considered subject to change.

The enclosed table contains estimates for those provisions of the bill for which we can estimate the costs, but does not include a CBO estimate for the total cost of the bill since the introduced version has blanks for some of the values for key provisions. For the purposes of these estimates, CBO assumed that all bracketed language would have full force and effect.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tom Bradley.

Sincerely,

PETER R. ORSZAG.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, our greatest successes in this Congress have come when both sides have worked together. We saw it last year on the Energy bill when we increased the CAFE standards to historic levels and, more recently, the first thing this year on the economic stimulus package.

We started initially down the path of compromise when we began the Medicare discussions. Both sides wanted to prevent cuts to physicians in the Medicare Program and to preserve access to the quality of medical care our seniors have come to depend upon.

Unfortunately, the majority walked away from these bipartisan discussions. In an effort to preserve some of the progress, protect benefits for seniors, and to produce a bill that can be signed into law, Senator GRASSLEY crafted a Medicare bill which, if it were to be passed today, it would be signed by the President of the United States.

Senator GRASSLEY's alternative, which I will shortly ask consent to go to, includes a 1.1 percent increase in the physician update, protection for patients who need extensive therapies following a stroke, 2 years of funding for the special diabetes program, a new cardiopulmonary rehabilitation benefit—this is, by the way, especially important to Kentucky where far too many of our citizens struggle with pulmonary diseases.

There is a new program to improve care and save money by encouraging doctors to write prescriptions electronically, a very important step in the right direction. And it also preserves patient choice and access to Medicare Advantage, which helps retired Kentucky teachers.

We all know what is going to happen. Once this bill is not proceeded to, we will have bipartisan negotiations, which is the way this process started out in the first place and, frankly, the way it will ultimately end. That is the way the Senate does its best work. Having said that, I have notified my friend, the majority leader, that I did have a consent agreement to propound. I see that he is now on the Senate floor. I will ask that consent at this time.

I ask unanimous consent that the pending motion be temporarily set aside and that it be in order for the Republican leader to move to proceed to S. 3118, a bill introduced by Senator GRASSLEY to extend expiring provisions under the Medicare Program and to file cloture on that motion. I further ask that the cloture vote on the motion to proceed to S. 3118 occur immediately following the cloture vote on the motion to proceed to S. 3101. I further ask that if the motion to proceed to either

Medicare bill is adopted, no other pending business be displaced.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, on the floor now is the Presiding Officer and the chairman of the Finance Committee. Two more bipartisan Senators we do not have in the Democratic Caucus, Senators always willing to work with the other side. They both have reputations—BAUCUS in Montana, NELSON of Nebraska—of working with the other side. There is no partisan advantage in the minds of either one of these Senators.

Why can't we move to this bill? If there is a way to improve it, let's improve it. That is all we want.

Mr. MCCONNELL. Parliamentary inquiry: Is this an objection?

Mr. REID. Why do we have to go through this routine of stopping—

The PRESIDING OFFICER. Is the leader asking for the regular order?

Mr. REID. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I have time set aside at this time. Why in the world do we want to object again?

Mr. President, downtown this morning one of the Republican Senators whose name I won't mention said, meeting with a number of people downtown—this Republican Senator said: There is a lot of frustration within the Republican caucus about blocking motions to proceed.

Of course, there is. The Republicans don't like it. Why do they continue to do this? We want to legislate on this important piece of legislation. It is not only a doctors fix, it is a fix to our health care delivery system.

I am disappointed very much that the Nelsons of the world, the Baucuses of the Senate world can't work together in a bipartisan basis. They want to. I received a call before lunch, before I went to our policy luncheon, from a Republican Senator. He said: Are you going to fill the tree? I said: Of course, I am not going to fill the tree. Why would I? He said: OK. I will vote with you. So I know at least we have one Republican vote. He told me he is going to vote with us on cloture. I hope others would follow with that.

In 1965, President Lyndon Baines Johnson traveled from Washington, DC to Independence, MO to join former President Harry Truman in Harry Truman's hometown of Independence, MO. The purpose of the trip and the meeting between the current and former Presidents was to sign into law a bill Harry Truman had conceived and Johnson had championed. The new law created Medicare.

I know a little bit about Medicare. My first elective job was in 1966. I was elected to the Southern Nevada Memorial Hospital board of trustees. It might not sound like much to anybody but to me that was important. I beat an incumbent. At the time I took that job—I was there for 2 years—40 percent of the senior citizens who came into our hospital had no insurance. What did we do? We had them sign a certificate or we would not let them in the hospital, unless a father, a mother, a husband, a wife, a brother, a sister, or a friend agreed to pay their bill. If they didn't pay the bill, we had a collection department, and we went after them big time, as they did every place in the country.

Medicare came into being. When I was there, before I left, Medicare came into being. Now 99-plus percent of older people who go into hospitals in America have Medicare insurance, a pretty good deal. That is why Truman thought of it. That is why Johnson implemented his thought process. The new law they were there to celebrate created the Medicare Program, a program that has ensured quality health care to America's senior citizens for more than four decades. Since Johnson signed the bill and gave Truman the first ceremonial Medicare card, hundreds of millions of senior citizens have also received their Medicare card. With each new Medicare card issued, our country renews its commitment to bedrock values of those who have worked hard and made their contribution to society, and they deserve to know they will be cared for as they reach those golden years.

But even on the day that bill was signed, President Johnson acknowledged the bill was imperfect. Who were the Senators who voted against Medicare when it came into being? Who were the Senators who recognized they would not vote for that bill? All Republicans. Every person who voted against Medicare's implementation was a Republican Senator. They haven't changed. They reluctantly do what they can for Medicare, but they don't support it.

President Johnson acknowledged it was imperfect. For all the good Medicare has done our Nation's seniors through the years, for all the good it has done for them today, it could be better. Our efforts to make Medicare work better continue today with the Medicare Improvements Act. That is what the chairman of the committee was trying to do, make it better. That is what this is all about.

I am grateful for the work of Senator BAUCUS, chairman of our committee. Anyone who knows, I repeat, the Senator from Montana is well aware of his ability to work with both sides of the aisle to forge bipartisan solutions. On this legislation, Senator BAUCUS worked tirelessly with Democrats and Republicans. He reached out to the Bush administration and to the Republican leader. In these efforts, though, he was met with a reluctance to move forward, reluctance that has sadly become the rule, not the exception, among our Republican colleagues. Nevertheless, Senator BAUCUS moved forward. He worked side by side with Democrats and willing Republicans to create a bill that would make Medicare work better for millions of senior citizens.

Senator BAUCUS laid out the many virtues of this legislation yesterday so I will do no more than summarize the key points of this most important legislation. The Medicare Improvements Act provides increased coverage for Medicare. This is so important. There is no better way to treat illness than true preventive care. Not only will this enhanced preventive coverage improve the health of Medicare recipients, but it will also save taxpayers in the long run from the astronomically higher costs associated with treating serious illnesses which could have been avoided with preventive care.

This legislation also makes mental health care more affordable. I have worked throughout my time in Congress to shed light on the tragic but all too often hidden cost of depression and other mental health problems among older Americans. Sometimes depression among seniors leads to suicide. There is no group of Americans that dies more than seniors from suicide. Medicare currently discourages beneficiaries from seeking care for mental illness by requiring a 50-percent copayment for mental health services versus a 20-percent copayment for physical health services. This legislation will eliminate that disparity and expand coverage for medications to treat mental health illnesses.

The Medicare Improvements Act also makes it easier for low-income seniors to access benefits by extending the Qualified Individuals Program, increasing eligibility for the Medicare Savings program and eliminating the drug benefit penalty. And for all seniors, this bill provides funds for State and local programs to help navigate through the program and ensure the greatest benefits possible.

When President Johnson signed Medicare into law in 1965, he acknowledged that for all the good this program would do, I repeat, it wasn't perfect. That has not changed today. For all its virtues, far too many seniors are not accessing the care they earned and to which they are entitled. Far more can be done to prevent and treat physical and mental illness to provide older Americans with the very best quality care we can provide them. Will the Medicare Improvements Act make Medicare perfect? No. But there is no question it will make it better, far better. There is no question it will help millions of Americans access Medicare and get the most of its benefits once they do.

There has been some talk of Republicans refusing to join Democrats to support the motion to proceed to this legislation. That is what the Republican leader said today. He told all of his Republicans: Don't vote for this. We will work out something better. That is the process. The process is not the status quo. If there are improvements they want to make, there is no bigger listener than MAX BAUCUS of the Finance Committee. He will manage this bill. But if they follow the lead of

the Republican leader, they are being led off a cliff. Republicans wouldn't just be refusing to support the bill, they would be refusing to let us even move to debate it. They would be stopping this crucial legislation in its tracks and deny any possibility of progress or compromise in the near future.

I hope people on the other side will follow what I read to them from a Republican Senator downtown this morning: There is a lot of frustration within the Republican caucus on blocking motions to proceed.

And well there should be.

I will use leader time, Mr. President.

I can't imagine why all 100 Senators would not flock to quickly pass this legislation, much less why they would not all vote eagerly for the motion to proceed. Denying debate on the Medicare Improvements Act and denying its passage would be a grave disservice to tens of millions of Americans over age 65. It would be a slap in the face to all those who suffer silently through mental illness because they can't afford the treatment that would make them well. Opposing this legislation and clinging to the status quo, as I fear some Republicans may choose to do, would be an abandonment of our decades-old commitment to honoring and caring for senior citizens in the manner they deserve.

In Independence, MO, 43 years ago, President Johnson said this:

> Many men can make many proposals. Many men can draft many laws. But few have the piercing and humane eye which can see beyond the words to the people they touch.
>
> Few can see past the speeches and political battles to the doctor over there that is tending the infirmed, and to the hospital that is receiving those in anguish, or feel in their heart the painful wrath at the injustice which denies the miracle of healing to the old and to the poor.
>
> And fewer still have the courage to stake reputation, and position, and the effort of a lifetime upon such a cause when there are so few that share it.
>
> But it is just such men who illuminate the life and history of [this] nation.

Because times have changed in 43 years, I call upon the men and women of the Senate to do the right thing and let us move to this legislation. It is the right thing to do. President Johnson's words go to the heart of this country. People need to vote their conscience, not the status quo.

Mrs. BOXER. Will my friend yield for a brief question?

Mr. REID. I have time? OK.

Mrs. BOXER. In a minute or less, I am rather stunned to hear that the Republican leader is suggesting that Republican Senators vote no to move to a bill for the purpose of making improvements in Medicare. I ask my friend, because people sometimes lose track of what happens, would this not be the third straight bill in a row where the Republicans have been fierce defenders of the status quo—global warming, gas prices, and now fixing Medicare? Am I correct on that?

Mr. REID. I say to my distinguished friend from California, it has gotten so out of hand that we are having trouble keeping up. We now have on filibusters 75, but we have it on Velcro because we know they will add another one to it in the near future. We also have Velcro as to what they are blocking on a given day. We pull it off because yesterday they were blocking global warming. The day before they were blocking gas prices, today Medicare improvements. It has gotten so difficult around here that we have Velcro as to what they are stopping.

If there is no more time to be used on the Republican side, we could start the vote early. We are going to start the vote early. We were going to consider having it started at 3 o'clock. There are some people who want to leave and we have some coming back. Anyway, I have gotten a nod to yield back all time for both Democrats and Republicans, and I ask that the vote start.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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. 772, S. 3101, the Medicare Improvements for Patients and Providers Act of 2008.

Harry Reid, Max Baucus, Jon Tester, Barbara Boxer, Benjamin L. Cardin, Bernard Sanders, John F. Kerry, Patty Murray, Maria Cantwell, Blanche L. Lincoln, Ken Salazar, Charles E. Schumer, Ron Wyden, Patrick J. Leahy, Jeff Bingaman, Debbie Stabenow, John D. Rockefeller, IV, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3101, the Medicare Improvements for Patients and Providers Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—54

Akaka	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Pryor
Biden	Harkin	Reed
Bingaman	Johnson	Roberts
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Specter
Coleman	Lincoln	Stabenow
Collins	McCaskill	Stevens
Conrad	Menendez	Tester
Dodd	Mikulski	Webb
Dole	Murkowski	Whitehouse
Dorgan	Murray	Wyden

NAYS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Lugar
Bennett	Domenici	Martinez
Bond	Ensign	McConnell
Brownback	Enzi	Reid
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Thune
Coburn	Hagel	Vitter
Cochran	Hatch	Voinovich
Corker	Hutchison	Warner
Cornyn	Inhofe	Wicker

NOT VOTING—7

Clinton	Landrieu	Sununu
Inouye	McCain	
Kennedy	Obama	

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3101.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

The majority leader is recognized.

Mr. REID. Madam President, first of all, let me say I really appreciate the nine Republicans who voted to proceed. I appreciate that. We want to legislate. I think there is an indication that maybe things are getting to a point where we are going to be able to do that. I hope that, in fact, is the case.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, I move to proceed to Calendar No. 767, H.R. 6049, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

Mr. REID. Madam President, 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. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Is it appropriate to speak now as in morning business?

The PRESIDING OFFICER. Yes, by unanimous consent.

Mr. DOMENICI. I ask unanimous consent to speak for 15 minutes, and I ask the Chair to advise me when I have 2 minutes remaining. I also ask unanimous consent that Senator DODD be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSING HIGH GAS PRICES

Mr. DOMENICI. Madam President, over the last several weeks, I have come to the Senate floor to discuss my ideas on how to address the high price of gasoline in this country. I understand the toll these high prices are taking on the American people, and I understand the grave consequences of continuing our cycle of dependence upon foreign oil.

Americans are looking to us for some solutions and leadership. But, so far, all they are getting is gridlock and fighting. However, I think there are some things that we ought to be able to come together on that would truly address the fundamental global supply and demand imbalance. Today, I would like to talk about them with the Senate and anybody who is interested out in the hinterland of America.

This morning, my friend, the senior Senator from New York, said the Republican leader was incorrect in his assertion that the Democrats do not want to increase American oil and gas production. I was glad to hear him say that because given the votes that the other side has taken, I had my doubts. Just in the last month alone, they have opposed exploring in Alaska, opposed deep sea exploration, opposed lifting the moratorium on final regulations for commercial leasing of oil shale, and they have opposed converting coal to liquid fuel. That liquid fuel could be used by the U.S. military, as an example. They will be using it in one way or another. They could use the liquid that comes from conversion from coal.

In fact, in the past, a large majority of the other side of the aisle has opposed taking inventories on our U.S. lands to simply find out how much oil and gas we actually have. Why would that proposition be objectionable? Wouldn't it seem appropriate, with such large resources offshore, that we would inventory them, even if it costs some money? The amount we could find out there may be terrific and tremendous in size. Yet we have had objection to even doing that.

If the United States were to explore in our deep sea and move to develop our vast quantities of oil shale—just those two things—we could completely shift our dependence upon foreign oil in ways I suspect my friends on the other side of the aisle don't even realize. The amount of oil shale potential alone in our Nation is massive. This morning, I met with officials from the Department of the Interior who told me that in the coming decades, American companies are predicting production of up to 3 million barrels per day from our American oil shale. That gives us a good idea of just how much our Nation has at its disposal that we are not taking advantage of.

Nevertheless, my friend from New York pointed out that he supported my effort in 2006 to open a portion of the Gulf of Mexico to exploration. In fact, he even said he ''helped lead the charge.'' Well, if that was the case, then I invite him to help me once again lead the charge to increase domestic production. Everything I have tried so far, his side has said no to. Tell me, what proposal will get them to say ''yes''? The Senator knows that I have been here a long time, and I have had a hand in passing many pieces of legislation. I understand it usually takes some bipartisan compromise to get something done. So I say to my friend, on the production side, how can we compromise?

One reason I have been so discouraged about our ability to get something done is because even a limited, reasonable proposal to allow one single State to explore natural gas was rejected by the other side last year. My good friend from Virginia, Senator WARNER—who you all know is respected for his bipartisanship—introduced an amendment a year ago this week, with Senator WEBB's support, that would have allowed his home State to conduct natural gas exploration in the deep sea over 50 miles off the coast. He did this because the Democratic Governor of Virginia, and Republicans in the legislature expressed interest in possibly developing Virginia's coastal resources.

It all sounds pretty reasonable, doesn't it? What is the harm in letting Virginia explore for natural gas if Virginia is interested in it? And yet Senator WARNER's amendment was defeated by the Senate. Six Members from the other side of the aisle voted for it, and 39 voted against it—including my friend from New York.

America has enormous oil and gas resources. Total offshore oil reserves are around 85.9 billion barrels of oil. Over 19 billion of that is completely off-limits for exploration. On shore, we have 30.5 billion barrels of oil, and over 60 percent of it is considered off-limits. We have over 1.6 trillion barrels of oil equivalent in oil shale, which is the equivalent of more than three times the oil reserves of Saudi Arabia.

This policy of taking our own resources off the table simply makes no sense, especially when we face a price of $135 per barrel of oil and $4 per gallon of gasoline. No other nation in the world deliberately prevents itself from using its own resources. Look around the world—Brazil, Norway, Mexico, the United Kingdom, Russia and many others. They are producing their own oil and gas off of their own shorelines. So I sincerely hope that my friends on the other side of the aisle will join with me to try to find a way to allow States that wish to explore 50 miles off their coasts to be able to do so.

The other side of the aisle frequently tells us that we can't drill our way out of this problem. This morning, the majority leader said that the ''answer to this is not drill, drill, drill.'' I agree with him. He is right. The answer to this problem is not just ''drill, drill, drill.'' There is no question that our long term future requires us to find solutions other than drilling. We need to reduce our dependence on oil from all sources. But we need to build a bridge to help get us there. On the far side of the bridge is a world in which cellulosic ethanol and plug-in hybrid vehicles are available and deployed on a wide scale basis. But in the near term our experts tell us we need oil to fuel our economy and our lives. So the question remains: is Congress going to choose to create jobs and revenues in America by exploring for our own oil and gas, or are we going to continue to increase our deficit by purchasing foreign oil in greater quantities?

In order to get across this bridge I just described to secure an energy future, we need to develop our own natural resources. So let's build this bridge to a cleaner, more independent energy future by increasing domestic production here at home. It will take time and investments. Congress has already made great progress developing these resources for the long term and for the future of this country, but we are falling short in the near term. So let's come together in a bipartisan fashion to build a bridge to the future and begin to reduce our reliance on foreign oil.

I truly believe that if we decided we could do this, the independence that would be shown to the world because of the great quantities we could say we would produce for ourselves, for the world inventory, would have an immediate impact on those who are speculating and those who are counting on a future of shortage. When they see the United States is going to do something about it, it can do something rather significant, I am convinced.

We don't need to look at those other countries in awe when we have at home great resources that we are refusing to explore just because we refuse to do it. There should be no higher priority than the exploration of these resources, unless it is some great national interest that takes over and takes place and displaces this enormous interest we have to stop sending $125 a barrel to a foreign country for every barrel of oil we use.

I repeat what I have said before: We are growing poor—p-o-o-r. Our economy is not flourishing, and we are asking why. We are being given all kinds of reasons. This Senator says one of the big reasons is that we are approaching the time when we will have sent $600 billion a year to foreign countries just for the crude oil we consume at home. If we have some of that locked up offshore of our country, we should say: Where is it, and what damage will it do if we use it? The answer will probably be that we have plenty and there will be no damage to use it. And if we move it out 25 or 50 miles from the shoreline into deep waters, there will be no damage to anyone.

This technology has been perfected. Hurricane Katrina hit a part of the offshore where we had many of these rigs. Some were old and some were brandnew technology. It didn't matter, the technology was strong enough to where there was no leakage, no oil was spilled.

I believe my friend has been waiting; therefore, I will not use my last 2 minutes. I will certainly yield to my good friend from Connecticut. I told the Senator that if he lets me go first, good things would follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

ENERGY PRODUCTION

Mr. DODD. Madam President, I thank my colleague from New Mexico, who is a wonderful friend. I appreciate his kindness and generosity.

I wish to speak, if I may, about the so-called Merida Initiative. This is a proposal which was made by President Bush, along with President Calderon of Mexico, to deal with the raging drug violence that is occurring along the Mexican border, particularly in Mexico itself. However, I also wish to briefly address, if I may, the issue of energy production.

We had this debate earlier this week on energy issues. I know one of the arguments being raised is, of course, that we are denying the oil and gas industry the opportunity to drill for more of these products off our own shores, and if we did more of that, then we would be reducing our problems and bringing down costs.

Let me announce to my colleagues that I intend to propose legislation directly addressing this issue of oil production and development. I commend the Members of the other body—Congressman MARKEY, Congressman HINCHEY, Congressman RAHALL, and Congressman EMANUEL. They proposed a bill over there, which I will offer here, which addresses this issue.

We hear this argument that if we allow production in the Arctic National Wildlife Refuge and some of the coastal regions, we will be in great shape. But, Mr. President, there are 44 million offshore acres that have been leased by the oil companies, but these companies have put only 10.5 million of those acres into production. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production. Combined, oil and gas companies hold leases to 68 million acres of Federal land and waters on which they are not producing any oil and gas, despite the fact they have the leases and could be drilling there. Compare that with just 1.5 million acres of ANWR that proponents of drilling say they want us to open. The vast majority of oil and natural gas resources on Federal lands are already open for drilling, and they are not being tapped.

I hear complaints about the 1.5 million acres closed off in ANWR, and yet we are sitting on roughly 68 million acres under lease but not in production—why don't they talk about that?

So our bill is basically a ''use it or lose it'' lease idea. If you are going to sit on these leases and do nothing with them, then you ought to be paying a higher fee. In our proposal, this fee would be $5 per acre per year for the first three years. We would then raise the fee, if the property remains unused, to $25 per acre in the fourth year and to $50 per acre in the fifth year and beyond. This will be an incentive to companies to put these millions of acres where leases have already been granted for oil and gas production to actually use this land they control. This is our answer to the great complaint: Let us drill in ANWR. Why not use the leases you have already been given?

I will offer that legislation.

By the way, the revenue that would come in from those production incentive fees would be devoted to the development of wind, solar, other alternative energy ideas, weatherization programs, and, of course, low-income energy assistance, to help with what is sure to be a staggering cost for moderate and lower income families come next winter.

This is an idea that I think will debunk this notion that if we can only produce more by drilling in new areas, we will solve our energy problems. Well, why aren't you drilling on the millions of acres you have leases on already instead of complaining about 1.5 million acres or a few more offshore when there are literally millions of acres already under lease that oil companies are doing nothing with? If they are not going to drill on it, they are going to pay more.

MERIDA INITIATIVE

Madam President, I wish to address the Merida Initiative. As all of my colleagues are aware, this bilateral initiative, the Merida Initiative, is a proposal between the United States and Mexico designed to combat the shocking increase in drug-related violence in Mexico over the past year.

Last weekend, I spent the weekend at an interparliamentary meeting in Monterey, Mexico, with our colleague from Tennessee, Senator CORKER, at their annual meeting. This is the 47th gathering of the bilateral Members of Congress of the United States and Mexico to meet and talk about bilateral issues. I am pleased that this was my 20th or 21st year in which I participated in these bilateral meetings with our neighbors to the south. But the issue of the drug cartels and the violence they are causing in that country, not to mention our problems on the border, was the dominant theme of this past weekend's gathering. Much of the discussion, as I say, focused around this initiative, in large part because of the grotesque increase in drug-related violence in Mexico within recent months.

While in Mexico, I expressed my condolences to the Mexican people on behalf of our colleagues here and the American people for what they have gone through. Some 4,000 people, police officers, military personnel, have lost their lives to the drug cartels in recent months, including the assassination of the chief of police of the country, Millan Gomez, who was gunned down inside his home. Cartel members waited inside his house to assassinate him. This would be tantamount to the Director of the FBI being gunned down in his home in the United States. That is how violent these cartels are. That is how unafraid they are of any retribution. So I think the notion of cooperation between our two countries is absolutely critical.

Mexico, as I said, has been under siege, and they need and deserve a combined effort. Though it is the Mexican people who bear the brunt of so many of these problems they are facing, there are, indeed, common security challenges affecting both of our people. So let me say unequivocally that the United States is committed—I believe all of us are—to helping and working with our colleagues, our neighbor to the south, Mexico, to end such violence.

President Calderon of Mexico made a very sincere gesture in reaching out to the United States for cooperation in this battle. Combating drug trafficking and related violence and organized crime through intelligence sharing, law enforcement, and institution building is critically important.

But it was unfortunate that the proposal that was made to the Mexican Government by the Bush administration lacked any input or consultation with the respective two legislative bodies. That was not just a violation of good manners. Rather, if you are going to propose these kinds of initiatives, it is critically important that you invite the Members of Congress who will have

to appropriate the money and be responsible for the oversight of these programs. So at the outset you need to involve Democrats and Republicans in both Chambers, not because you fear they are going to object to the proposal, but because you are going to need their ongoing support.

In the case of the Merida Initiative, while all the good intentions are there, when you announce these proposals and do not invite input, you invariably end up with a train wreck that caused the problems that I had to listen to all weekend long in Mexico about whether we are putting conditions on these proposals, in some way limiting them or certifying this kind of financial assistance to Mexico, which was met with incredible hostility by every political party in the country—political parties that rarely agree on anything, by the way, but on the response to the Merida Initiative, there was unanimity among the political parties in Mexico despite what I think is a clear desire to see the kind of cooperation we absolutely need if we are going to have any success at all in taking on these cartels.

There also needs to be more accountability on both sides of the border. My primary concern is that Merida, as presented to both Congresses, focuses too much on the short-term fixes, which are of course needed, and very little on the longer term problems which we must address. I do not and would not object to this program on that basis alone, but I think it is important that we acknowledge this shortcoming.

No one denies that we need well-trained and well-equipped police forces to confront the most violent criminals, and no one doubts that Mexico urgently needs assistance fighting these violent criminals. They are tremendously well financed, and they are incredibly well armed. They have equipment and armaments that would compete with almost any military in the world, let alone a police force.

But what is equally needed is well-trained and well-equipped civilian judicial authorities and institutions to enforce and uphold the rule of law. We must work to combat corruption and do a better job of sharing intelligence.

These are all commonly held goals. We must tackle the larger, systemic problems which only exacerbate the drug trafficking and violence we witnessed over the last number of months.

Only by creating robust economic alternatives to the drug trade can the United States and Mexico together build the kind of future that reduces the number of people who enter into the drug trade either by force or by choice. That is why I am very supportive of an approach that more broadly promotes regional trade and political engagement, an approach that fosters sustainable growth through private investment, increased foreign aid, and supports regional institutions, such as the Inter-American Development Bank. Given our shared border of thousands of miles, the United States and Mexico must also deepen their bilateral partnership in ways that are mutually beneficial, such as more closely coordinating border security to ensure our goods and services can move through more effectively and efficiently. We should promote more business and cultural ties and more direct investment across the border as well. The United States must also support Mexico's integration with its southern neighbors as well and the role they play in both of our economies.

While a bilateral approach will be necessary, given the interrelated nature of our economies, a regional approach will be required to ensure effective and sustainable economic growth over the long term.

In addition to fostering sustainable economic development, we must also cooperate on financial intelligence and counter money-laundering programs and combat the black-market peso exchange which undermines the very economic alternatives we are trying to create on a bilateral basis.

In addition, of course, our own country must take responsibility for our contributions to the growing insecurity and to the violence that occurs in Mexico. Though we often fail to admit it or take action to address it, one of the biggest markets for illegal drugs, and by far the largest supplier of weapons to some of the most violent cartels in Central South America and Mexico, is, of course, our own country. Any sustainable effort to reduce trafficking and violence in Mexico must seriously address problems on both sides of the border, and here, I think, Merida, while it is a very good proposal and idea, falls a little bit short.

Despite all this, Merida is a very good first start, and I support it. Despite the failure of this administration to work with and consult Democrats and Republicans in both Houses, which should happen if we are going to succeed with this initiative, and despite the fact Merida is focused too much, in my view, on short-term fixes, and despite the fact Congress will most likely not be able to fully fund Merida as much as we would like—given problems in other places around the world, including Burma and Darfur, U.N. peacekeeping and food aid—this is a good beginning and it is deserving of our support—identifying the common concerns we share with our neighbor to the south.

While in Monterrey, I heard many concerns voiced by our Mexican counterparts about some of the language in the Merida Initiative, particularly language which many of our friends to the south are calling conditions in the legislation. Let me be clear, at least for my own part. The intent of the Senate language is not to condition our aid but rather to insist—as Mexicans ought to as well—on accountability from both our administration and from the Government of Mexico.

I, for one, am not going to sign off on a blank check that does not demand accountability from this administration. Of all the terrible lessons we learned from Iraq and Afghanistan, surely one is that more accountability can only be a positive thing, not only to guarantee taxpayer money is being well spent but also to sustain these programs over the longer term. That said, I understand Mexico's sensitivity to the idea of conditions, and I agree with those sensitivities.

Many in this Chamber will remember the arduous and contentious certification process we used to use to determine whether Mexico was cooperating in counternarcotics programs. My friend and colleague, Senator PAT LEAHY, has been a hero on these issues, to me and many others, over many years. His concern about human rights and accountability of dollars is longstanding and never focused on any country, or one specific issue. He is concerned, as he should and all of us should be, to make sure we abolish the certification process.

He was not only cooperative but also understood better than most when the debate raged in this Chamber about a certification bill, because rather then ensuring cooperation on counternarcotics operations, all certification ensured was that the United States and Mexico would simply feud day in and day out over what qualified—a development that benefitted no one but the drug traffickers.

So as a joint effort, we were able to change that certification process. And cooperation improved dramatically as a result, I might add. So I support the work Senator LEAHY is engaged in. I explained to our Mexican counterparts what his intentions were in regard to the Merida Initiative, and because of the negotiations we have had over the last number of days, I believe the Merida Initiative, as constructed, is going to work well and be received well.

The people of Mexico, indeed, Latin Americans in general, have no greater friend than PATRICK LEAHY, a Senator who champions human rights and has worked throughout his career to foster closer ties and change in our hemisphere.

The United States—including myself, Senator LEAHY, and others—is committed to addressing many of the concerns voiced by Mexico and to reaching a compromise acceptable to everyone, a compromise that will, in the words of Senator LEAHY, ''provide support for the Merida Initiative in a manner that addresses our shared interests and concerns.''

So rather than characterize these ongoing talks with our friends in Mexico, as some have in the United States, as ''rejecting Merida'' or ''abandoning Mexico'' or an ''infringement on sovereignty,'' I believe we have an obligation—both countries do—to share responsibilities with our executive branch, to tone down the rhetoric, to lower the temperature, and to work together to craft an effective broad-based

strategy that combats drug trafficking, takes on these cartels, and lets them know they are never going to prevail in the efforts they are using today to advance their narcotics trafficking.

It is important that the cartels understand this debate about the Merida Initiative in no way should be construed as a retreat from our common goals to see that the cartels are soundly defeated; that they are wiped out as cartels trying to do what they do every day.

Secondly, the audiences in our respective countries should understand that we will work cooperatively, that we will work together to advance this cause. I believe that is a sentiment that we all share in this Chamber, and that people across this country share too.

So working together, I think we will get Merida right. I am confident that, in the end, we will produce an agreement that will be acceptable to both the Mexicans and Americans so we can join together in building a safer, more productive future and successfully combat those engaged in the violence within Mexico and along our border area. That is our shared goal. That is the kind of lasting change I think we all want. And through this process, this is what I believe we can produce together.

I yield the floor for my colleague from Pennsylvania, who is here and ready to speak.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

U.S. AND IRAQ AGREEMENTS

Mr. CASEY. Madam President, I rise to discuss two agreements under negotiation between the United States and Iraq that have grabbed headlines in recent days as more and more Iraqi politicians announce their strong opposition to these agreements. The two agreements will shape the presence of American military forces in Iraq long beyond the tenure of the current administration. Unfortunately, the administration, in my judgment, is handling these negotiations in the same manner that has characterized its entire approach to Iraq since 2003. Its approach is this: unnecessary secrecy, a disdain for congressional input, and an arrogant insistence that its course of action—the administration's course of action—is the only reasonable option.

Let me talk about each of these agreements. The first agreement to which I am referring is a proposed Status of Forces Agreement, known by the acronym SOFA. The Status of Forces Agreement would define the authorities, privileges, and immunities of American troops on Iraqi soil and allow U.S. forces to remain in Iraq beyond December 31, when a U.N. Security Council mandate, authorizing the presence of coalition troops, is scheduled to expire. Administration officials insist the extension of the U.N. mandate, which has been repeatedly renewed on an annual basis, is no longer possible; the Iraqis seek to return to a normal status in the international system and no longer want to be the subject of a U.N. authorized military operation.

The second agreement involves a more ambiguous ''strategic framework,'' which would lay out the broad political, security, and economic ties between our two nations. While the administration walked back from previous statements indicating the United States is prepared to offer a binding security guarantee to Iraq's Government to come to its defense in the event of foreign aggression or internal turmoil, it is still prepared to agree to ''consult''—consult—with the Iraqi Government under such circumstances. While the promise to consult, in the event of aggression, has been extended by the United States to many nations around the world, and is known in diplomatic jargon as a ''security arrangement,'' it still raises concern when the United States maintains a large-scale troop presence in a nation. Any promise to consult with a foreign government takes on much greater weight when more than 100,000 troops are stationed there.

The Congress and the American public first learned of these two proposed agreements when President Bush and Prime Minister Maliki signed a ''Declaration of Principles'' last November, outlining their shared intention to conclude negotiations by July 31. A week later—a week after July 31—joined by five other Senators, I sent a letter to President Bush expressing deep concern over the proposed security guarantees to the Iraqi Government and the insistence of the administration that it could conclude both these agreements without—without—congressional input or approval. Since then, many Members of Congress, on both sides of the aisle, I might add, have expressed deep unease with the administration's approach. Some of the questions we have raised, including at a Senate Committee on Foreign Relations hearing in April, include the following: Here are a couple pertinent questions we should be asking and the administration should be answering.

First, why the sudden insistence on a termination of the U.N. Security Council mandate for the U.S. and other coalition troops in Iraq at the end of this year? Why not simply extend the mandate for another year and allow the next President to negotiate a bilateral accord with the Iraqis instead of a lameduck President?

Why would we accept a bilateral accord with the Iraqi Government that incorporates greater restrictions—greater restrictions—on U.S. troops, including limitations on the authority to conduct combat operations and detain prisoners of war than the current mandate? Why would we agree to that? I am a strong opponent of an open-ended U.S. combat presence in Iraq, but so long as American troops remain in Iraq, they should retain the discretion to conduct necessary operations to ensure their safety and security. American troops can never answer to a foreign government, especially one as dysfunctional as the Iraqi Government is now.

Why has the Iraqi Government committed to submitting these agreements to the approval of the Iraqi Parliament, acknowledging a national consensus in Iraq must exist to support their implementation. Yet the Bush administration stubbornly insists the Congress of the United States—the Congress—can have no formal role in approval, even refusing to share a draft text with key Members of the Congress.

Finally, why did the administration first characterize the Strategic Framework Agreement as a nonbinding ''declaration'' but has now changed its tune and has agreed, at the request of the Iraqis, to categorize it as an executive agreement that imposes binding obligations on both sides?

At a news conference yesterday during his overseas trip to Europe, President Bush responded to a question on the ongoing negotiations by asserting:

> There's all kind of noise in their system and our system. I think we'll get the agreement done.

Well, this isn't noise, Mr. President. What you are hearing is bipartisan unease over the course of United States-Iraq negotiations and puzzlement over the supposed urgency of concluding these accords instead of merely extending the U.N. mandate.

For the President of the United States to dismiss these concerns expressed by some of the leading foreign policy and national security voices in the Congress as mere ''noise'' is offensive and I think represents a fundamental misreading of our constitutional system of government.

As on other issues, I encourage the President to listen closely to his Secretary of Defense. In a television interview yesterday, Secretary Gates responded to a question over congressional input on this issue and on these agreements by acknowledging:

> If it emerges in a way that does make binding commitments that fit the treaty-making powers or treaty ratification powers of the Senate, then it will have to go in that direction.

Let me conclude with this. There is no urgency to concluding long-term agreements that define the future of U.S. military presence in Iraq. There is even less reason to conclude agreements that impose unhelpful restrictions on American military personnel and obligate the United States to an ambiguous commitment to Iraq's future security. I urge the President to acknowledge the importance and essential role the Congress has to play. If the President insists on completing these agreements during the last days of his administration, he should fully involve the relevant congressional committees in the ongoing negotiations and agree to submit any final accords for congressional approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Madam President, I rise today in strong support of the Preserving Access to Medicare Act. It was introduced by the ranking member of the Senate Finance Committee, Senator GRASSLEY, and I have cosponsored the act.

Having practiced medicine for almost 25 years, I can tell you that our Nation's health professionals and our hospitals face tremendous pressures. If these pressures are not addressed, it can and it will impede access to quality health care services. That is why we must act now to stop the upcoming Medicare physician reimbursement cuts.

But this is not just a physician issue, it is a Medicare access issue and a Medicare quality issue. If Congress does not act, many Wyoming physicians could be forced not only to stop seeing Medicare patients, some could decide to lay off staff, to restrict office hours, or may even leave rural America and move to the big cities.

We, the Senate, must put aside partisan differences and craft a reasonable bill that President Bush can and will sign into law before June 30. But we have to act quickly. Senator GRASSLEY has offered legislation that would allow us to do that. The Preserving Access to Medicare Act provides a ½-percent physician update for the remainder of 2008. It also makes sure doctors will receive a 1.1-percent update in 2009. These payment increases will preserve access to health care for millions of Medicare beneficiaries. But the Grassley bill accomplishes much more. It improves the quality of care and it gives doctors an incentive to report quality measures. Senator GRASSLEY's measure also retains the Physician Assistance and Quality Improvement fund. Congress created that fund specifically to help stop future cuts. The bill that has been defeated eliminates this fund.

The Grassley proposal promotes e-prescribing, it promotes electronic health records, and it returns ownership of oxygen equipment to the supplier, not the beneficiary. The bill curbs abusive Medicare Advantage marketing practices, but it does not make large across-the-board cuts to Medicare Advantage. Doing so would disproportionately affect patients in rural areas and it would alter policies designed to maximize patient choice. Most importantly, the Grassley bill protects access to quality health care for rural patients.

By now it should come as no surprise that rural health care issues are near and dear to my heart. I practiced medicine in Casper, WY, for almost 25 years, so I have some firsthand knowledge of the obstacles families face to obtain medical care in rural America. I also understand the challenges our hospitals and providers must overcome to deliver quality care to families in an environment with limited resources.

In my maiden speech on the floor of the Senate, I made a simple pledge to the people of Wyoming. I promised them I would fight every day, I would fight every day to strengthen our rural hospitals, our rural health clinics, and our community health centers; that I would fight every day to increase access to primary health care services, and I would fight to help successfully recruit and retain health care providers in rural and in frontier America.

Over the past year I have kept my word. Working with the bipartisan Senate Rural Health Caucus, I led and joined in several efforts to preserve and strengthen our Nation's rural health care delivery system. I believe the Federal Government must recognize the important differences between urban and rural health care providers and respond with appropriate policy.

Senator GRASSLEY's Preserving Access to Medicare Act includes a robust but responsible rural health package. Most importantly, the Senator from Iowa pays tribute to the late Senator Craig Thomas. The bill's rural equity title is called the Craig Thomas Rural Hospital and Provider Equity Act. As Members of this body know, Senator Thomas honorably served as cochair of the Senate Rural Health Caucus for over a decade. In that position he worked closely with his caucus colleagues to advance rural and frontier-specific health care legislation. Due in part to Craig's efforts, comprehensive rural health care bills have a long history of collaboration and cooperation on both sides of the aisle and at both ends of this building.

For example, when Congress enacted the Medicare Modernization Act of 2003, it included a broad health care package specifically tailored for rural communities, rural hospitals, and with rural providers in mind. This was the largest rural health care provider payment package ever considered by Congress.

The Medicare Modernization Act finally put rural providers on a level playing field with their neighbors in larger communities. With the passage of the act, Congress put into place commonsense Medicare payment provisions critical to maintaining access to quality health care in isolated and underserved areas. Rural and frontier America achieved a significant victory, and there was much to celebrate.

The mission, however, is not complete. Several of the act's rural health provisions have expired and many are set to expire soon. The Craig Thomas Rural Hospital and Provider Equity Act, which is a title included in S. 3118, reauthorizes expiring health care provisions included in the Medicare Modernization Act. It also takes additional steps, steps to address inequities in the Medicare payment system that continually place rural providers at a disadvantage.

First, the legislation recognizes that low-volume hospitals have considerably more volatility over time in the demand for in-patient services. This makes it very difficult for those hospitals to set budget and recruitment goals. Many small rural facilities are often backed into a financial corner. They are forced to convert to what are called critical access hospitals in order to make ends meet. This provision will help certain rural hospitals cover the higher cost per patient and stay within the prospective payment system.

Second, the bill reinstates the ''hold harmless'' payments to rural sole community hospitals. This is a temporary fix until analysts can find out why some rural hospitals do not perform as well under the Medicare Program. S. 3118 extends the geographic practice cost index work floor. As we all know, Medicare payments for physician services are based on a fee schedule. There are three components to the fee schedule: liability, practice, and work. Physician work is defined as the amount of time and skill and intensity necessary to provide the medical services. Prior to the Medicare Modernization Act, the physician work component was lower in rural communities than it was in big cities. Rural physicians put in as much or even more time and more skill and greater intensity into their work as doctors in the big cities. Rural physicians should not be paid less for their work. This is a simple fairness issue and it is addressed in the Grassley bill.

Additionally, the bill would allow independent laboratories to continue billing Medicare directly for certain physician pathology services.

Finally, S. 3118 would help rural areas maintain access to lifesaving emergency medical services. Senator GRASSLEY's bill makes sure that rural ambulance providers receive a 3-percent add-on payment. This extra payment is critical and it is critical because rural emergency medical service providers are primarily volunteers. They have difficulty recruiting, difficulty retaining, and difficulty putting the time and effort into educating the personnel. They also have less capital to buy and upgrade essential equipment.

The Grassley legislation clearly preserves the achievements gained in the Medicare Modernization Act. It also gives much needed relief to our rural hospitals and to our rural providers.

The time has come to move beyond this political wrangling. We need to send a bill to the President that the President will sign. Wyoming's seniors and disabled patients are counting on us to get it right. We must enact bipartisan legislation now that protects seniors, that pays doctors fairly, and that strengthens the rural health care delivery system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

ENERGY

Mr. SANDERS. Madam President, a few months ago I asked my constituents in the State of Vermont, and it turns out people around the country, a

very simple question. We sent out an e-mail and said: Tell me, what does the decline of the middle class mean to you personally? Not in great esoteric terms, not in academic terms—What is going on in your life? Frankly, in my State we expected to receive a few dozen responses. We ended up receiving over 700 responses.

Then I asked people in Vermont and also around the country: Tell me what these high gas and oil prices mean to you. We received 1,100 e-mails that came in, 90 percent from Vermont but some from around the country.

I want to do two things this afternoon. I want to read, in the words of ordinary people, what these high gas and oil prices are meaning, in terms of how they impact their lives; and what the decline of the middle class means in the words of people who are in the midst of that decline.

For many years I have been very angry about the Bush administration talking about how strong the economy was, how robust the economy was. That is like the operation being a success except that the patient died. The economy has been so great except that the working people in the economy are seeing a decline in their standard of living. What we are seeing, generally speaking, in the economy is poverty increasing, the middle class shrinking, while the people on top have never had it so good since the 1920s.

Let me read some e-mails that came to my office within the last several months, mostly from Vermont but occasionally from other parts of the country. This is what we heard recently:

I am a single mother with a 9-year-old boy. We lived this past winter without any heat at all. Fortunately, someone gave me an old wood stove. I had to hook it up to an old unused chimney we had in the kitchen. I couldn't even afford a chimney liner—the price of liners went up with the price of fuel. To stay warm at night my son and I would pull off all the pillows from the couch and pile them on the kitchen floor. I would hang a blanket from the kitchen doorway and we would sleep right there on the floor.

State of Vermont, United States of America, 2008.

Another letter:

My 90-year-old father in Connecticut has recently become ill and asked me to visit him. I want to drop everything I am doing and go visit him, however I am finding it hard to save enough money to add to the extra gas I will need to get there. I am self-employed with my own commercial cleaning service and money is tight, not only with gas prices but with everything.

In other words, here is an instance where a 90-year-old father is ill and a son cannot even visit him because of the high price of gas.

Another story:

My husband and I are retired and 65. We would have liked to have worked longer but because of injuries caused at work and the closing of our factory to go to Canada, we chose to retire earlier. Now with oil prices the way they are we cannot afford to heat our home unless my husband cuts and splits wood—which is a real hardship as he has had his back fused and should not be working most of the day to keep up with the wood. Not only that, he has to get up two or three times each night to keep the fire going.

Another story:

I, too, have been struggling to overcome the increasing cost of gas, heating oil, food, taxes, et cetera. I have to say this is the toughest year financially that I have ever experienced in my 41 years on this Earth. I have what used to be considered a decent job. I work hard, pinch my pennies, but the pennies have all but dried up. I am thankful my employer understands that many of us cannot afford to drive to work 5 days a week. Instead, I work 3 15-hour days. I have taken odd jobs to try to make ends meet.

Another story:

I am 55 years old and worse off than my adult children. I have worked since age 16. I do not live from paycheck to paycheck, I live day to day. I can only afford to fill my gas tank on my payday. Thereafter, I put $5, $10, whatever I can. I cannot afford to pay for the food items that I would. I am riding around daily to and from work with a quarter of a tank of gas. This is very scary as I can see myself working until the day that I die.

Another story:

I am a working mother of two young children. I currently pay, on average, about $80 a week for gas so that I can go to work; $80 a week just to go to work. I see the effects of the gas increase at the grocery stores and at the department stores. On average I spend about $150 per week at the grocery store. And, trust me, when I say I do not buy prime rib, I buy just enough to get us through the week, and I cannot afford to make sure that we have seven wholesome meals to eat every night of the week. Some nights we eat cereal and toast for dinner because that is all that I have.

Another story. This is an interesting story because I am sure it applies all over the country:

As the chief of a small ambulance service, I have seen the impact of rising costs. As the service is made up of primarily volunteers, we have seen our numbers decline. When soliciting for volunteers in the community, we have been told that they are unable to put the time in due to the need to work more to pay their bills.

Our costs associated with running an ambulance

—this is a volunteer ambulance service—

have also risen in the last few years. When discussing with our supplier fuel prices, they play a large part in the increase both to the manufacturer and to transport.

Here is another story. This is just incredible. It reminds us of all of the ways that this increase in gas and oil is impacting our people and our communities. Here is this story:

My story involves my capacity as an oncology social worker working with cancer patients in an outpatient clinic. I also run an emergency fund through the Cancer Patient Support Program which provides funds to cancer patients in need during their cancer journey, including the initial diagnosis, surgery, and treatment period in which they experience a significant decrease in income during a medical leave.

This is an oncology worker at a hospital.

I cannot describe how devastating it has been for these folks who need to travel great distances to get to and from their cancer treatment and followup care with the way gas prices have been. Many of these folks need to travel on a daily basis to radiation therapy for several weeks, while others come from surrounding counties every 1 to 2 weeks for chemotherapy. The high price of gas has had a tremendous impact on our ability to provide the financial assistance to our emergency fund to all of those in need.

Imagine someone living in a rural area dealing with cancer, dealing with chemotherapy, dealing with radiation, sick as a dog, worried about the future, and then having to worry about how they can afford to get to the hospital to get the treatment they need.

Another letter:

First of all, I am a single mother of a 16-year-old daughter. I own a condominium. I have worked at the hospital for 16 years and make a very good salary, in the high $40,000 range. I own a 2005 Honda Civic. I filled up my gas tank yesterday, April 1. It cost me almost $43; that was $3.22 per gallon. That was on April 1. If prices stay at that level it will cost me $160 per month to fill up my gas tank. A year ago it cost me under $20 to fill up my tank.

On and on it goes. I think the message is that high gas and oil prices are having a devastating impact on tens of millions of Americans in every aspect of their lives and on our economy. As bad as it is all over this country, it is especially bad in rural areas where people have to travel long distances to work, and it is especially devastating in cold States where people have to spend a huge amount of money for home heating oil.

It seems to me it is absolutely imperative that we get our act together and that we do everything we can to lower the price of gas and oil. In that regard, let me talk a little bit about some of the events that have taken place on the floor of the Senate in the last couple of days.

I think it is interesting that many Americans have already given up on any belief that the Bush-Cheney administration even understands the problem, let alone is prepared to do anything about it. It is amazing that no one even looks to the White House for leadership on this issue, and for appropriate reasons; that is, because Bush-Cheney, from the day they have been in office, have been much more concerned about the profits of large multinational corporations, including the oil companies, than the needs of ordinary Americans.

There are a few points that I want to focus on at this time. First, it is a national obscenity that at a time when oil prices are off the wall, when people are paying over $4 for a gallon of gas, at exactly this same moment the major oil companies are enjoying record-breaking profits and are giving their CEOs outrageous compensation packages.

It seems to me that while there are multiple causes for why oil and gas are soaring, one of the reasons certainly has to do with the greed of these huge oil companies. And the time is long overdue for the Congress to say enough is enough and stop ripping off the American people.

During the last 2 years, ExxonMobil has made more profits than any company in the history of the world, making over $40 billion in profits last year alone—$40 billion, one company.

But it is not only ExxonMobil; Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. For example, in the first quarter of this year, BP announced a 63-percent increase in their profits—a 63-percent increase in their profits—and people are paying over $4 for a gallon of gas.

As a matter of fact, the five largest oil companies, the five largest companies in this country, have made over $600 billion since George W. Bush has been President; 7 years, $600 billion in profits.

Let me mention what these large oil companies have been doing with some of their profits. In the year 2005, Lee Raymond, who was then the CEO of ExxonMobil, received a retirement package of $398 million. Let me repeat that. Former CEO leaves his position, retirement package of $398 million.

Workers all over this country, as indicated in the letters that I have read, are finding it harder and harder to fill their gas tank and get to work.

In 2006, Ray Irani, who is the CEO of Occidental Petroleum—that is the largest oil producer in the State of Texas—received over $400 million in total compensation, one of the biggest single-year payouts in U.S. corporate history.

People here tell us, often my friends on the other side of the aisle say: Well, we have to trust the oil companies. They really are concerned about the American people.

I do not think so. I think one has to be very naive to believe companies in the midst of this energy crisis, when people are struggling with these very outrageously high prices, when these companies are giving hundreds of millions of dollars in compensation packages to their CEOs, and then they tell us that the oil companies are concerned about the American people. I do not think so. I really do not.

The situation is so absurd that there was an article the other day in the Wall Street Journal. Not only are these companies giving huge compensation packages to their CEOs, they now have a deal that if the CEO dies while he is CEO, their heirs and families will receive huge compensation packages.

According to the Wall Street Journal a couple of days ago, the family of Ray Irani, the CEO of Occidental Petroleum, will get over $115 million if he dies while he holds that job. The family of the CEO of Nabors Industries, another oil company, will receive $288 million.

Meanwhile, in the northeastern part of this country people are saying: How am I going to stay warm this winter? Prices of home heating oil are soaring.

We need a windfall profits tax on the oil industry. We need to tell them: Enough is enough. The windfall profits tax on the oil industry is not the only thing that we should be doing. We need to take a hard look at speculation that is taking place in the industry.

As you well know, as I think the American people increasingly know, there are estimates out there that as a result of the activities of major financial institutions, such as Goldman Sachs, Morgan Stanley, JP Morgan Chase, and others, there are estimates that between 25 and 50 percent of the cost of a barrel of oil today has to do with speculation in oil futures.

Earlier last week, George Soros told the Commerce Committee that rampant speculation in oil and gas futures is ''intellectually unsound and distinctly harmful in its economic consequences.''

We have had representatives in the oil industry themselves who have told us that speculation is one of the reasons oil prices are so high. Mark Copper with the Consumer Federation of America told the Commerce Committee last week that the speculative bubble in the price of oil has cost the U.S. economy over a half trillion dollars over the past 2 years and has cost U.S. families an average of a $1,500 increase in gasoline and natural gas costs.

So I think those are two areas at which we have to take a hard look. Now, in terms of speculation, people say: Well, this sounds like a conspiracy theory. Well, let's talk about some recent history. In 2000 and 2001, as the American people well know, especially the people on the west coast, Enron successfully manipulated the electricity markets and drove up prices by 300 percent.

Now, what was interesting is during the debate over this terrible tragedy on the west coast, what was Enron saying? They were saying: The reason that prices are going up is supply and demand. It is the natural forces of the market. Do not blame us.

That is what they said. I guess that is what some of the guys who are now in jail, after being convicted for massive fraud, told the public.

It was not supply and demand, it was excessive manipulation. But it was not only Enron in 2000 and 2001, in 2004, energy price manipulators moved to the propane gas markets. That year the Commodity Futures Trading Commission found that BP artificially increased propane prices by purchasing ''enormous quantities of propane and withholding the fuel to drive prices higher.'' That was the Commodities Future Trading Commission.

By the end of February of 2003, BP had almost 90 percent of all propane delivered on a pipeline that stretches from Texas to Pennsylvania and New York. BP's cornering of the propane market caused prices to increase by 40 percent during the month of February 2004. And as a result of their illegal actions, our friends at BP paid a $303 million fine.

So we have Enron, those guys are in jail, having caused severe economic damage on the west coast. We have BP, a major oil company, paying a $303 million fine.

But it goes on. In 2006, 2 years ago, energy manipulators moved to the natural gas market, when Federal regulators described that the Amaranth Hedge Fund was responsible for artificially driving up natural gas prices.

Amaranth cornered the natural gas market by controlling as much as 75 percent of all of the natural gas futures contracts in a single month. The skyrocketing cost of natural gas cost American consumers an estimated $9 billion. I should point out that the Amaranth hedge fund eventually collapsed, as a result of their illegal activity.

When people say, let us take a hard look at speculation, this is not conspiracy theory. This is based on some very real economic realities which have taken place in the last few years.

Today, the price of oil has more than doubled over the past 14 months. We need to find out who is manipulating oil and gas prices. Right now, oil and gas futures are largely traded on unregulated markets and enormous conflicts of interest exist between investment bank analysts, energy traders, and employees involved with oil and gas infrastructure.

The Commodity Futures Trading Commission has the authority and responsibility to prevent fraud, manipulation, and excessive speculation in U.S. commodity markets. Unfortunately, this authority and responsibility has largely been abdicated through the use of over-the-counter energy derivatives that are largely unregulated and by foreign boards of trade that have received no action letters from the CFTC to operate terminals inside the United States, trading U.S. commodities to U.S. investors free from regulatory oversight. It is pretty complicated stuff. But the bottom line is, huge amounts of money in oil futures are being traded in an unregulated, below-the-radar-screen market, and we don't know who is controlling what.

Congress needs to end what some have referred to as the ''Wild West'' of energy trading by requiring anyone operating a trading terminal in the U.S. trading U.S. commodities to U.S. investors to register with the CFTC and be subject to CFTC oversight. We also need to substantially increase margin requirements for these trades to make it harder for speculators to manipulate oil prices.

In addition, major conflicts of interest exist in the commodities markets. Goldman Sachs and other large financial institutions seem to have a corner on virtually every sector of this market. When Goldman Sachs and Morgan Stanley predict the price of oil will go up, so do their profits in the oil futures market. When ExxonMobil wants to sell or buy oil in the futures market, they go to Goldman Sachs or other large financial institutions. When Sovereign Wealth Funds, pension funds, or

smaller dealers want to invest in energy derivatives, Goldman Sachs and other investment banks facilitate those trades. Goldman Sachs, Morgan Stanley, BP and other major institutional investors even co-founded the InterContinental Exchange that now trades West Texas Intermediate crude oil to U.S. investors free of U.S. regulatory oversight.

And when Morgan Stanley and other investment banks need insider knowledge of the heating oil market to benefit their traders, they physically purchase large quantities of heating oil for storage and delivery. This is an issue that I am paying particular attention to. Heating oil prices right now are skyrocketing. Right now, fuel dealers in my State have told me that the residential price for heating oil would cost about $5 a gallon. If heating oil prices keep climbing there are a large number of my constituents who are in danger of freezing to death. We cannot let that happen.

I want to know why heating oil prices are high right now and if Morgan Stanley or others are manipulating these prices through excessive speculation. We have got to get heating oil prices to go down before winter.

We need to end these massive conflicts of interest in the energy markets. There are a number of ideas that I am exploring on this issue, but for starters, I strongly believe that the commodities market should have similar laws prohibiting insider trading that our securities market currently has.

Further, we must once and for all begin to break up OPEC. OPEC is an illegal price-fixing cartel that is clearly in violation of international trade rules. The high price of oil is expected to increase OPEC's crude oil export earnings by more than $300 billion this year to a record of over $1 trillion. That is an astronomical figure.

The time has come for the President to file a complaint with the World Trade Organization and demand the dismantling of OPEC. The ending of collusion with regard to oil production will result in increased production and lower oil prices.

Finally, and perhaps most importantly, over the long term we need a strong program to break our reliance on fossil fuels once and for all. That means transitioning electricity generation away from fossil fuel power and demanding automobiles that get substantially more miles per gallon. Plug-in hybrid prototypes currently get in the range of 150 miles per gallon. We need to get them out of the laboratory and onto the roads. We also have to invest heavily in mass transit, including rail and rural bus transportation. These steps can help break the power of the big energy companies, reduce damage to our environment, and create millions of good-paying, green-technology jobs across the country.

The bottom line is this: Congress and the President can no longer sit idly by while Americans are getting ripped off at the gas pump, and ExxonMobil, greedy speculators, and OPEC are allowed to make out like bandits pushing oil and gas prices higher and higher. The time for action is now. We need to lower gas prices.

That is something we must address, if the Congress is going to gain, perhaps once again—hopefully regain the confidence of the American people that we understand what is going on in their lives, we understand the absolute necessity of addressing this crisis of high gas and oil prices, that we understand the necessity of transforming our energy system away from foreign oil and our dependence on foreign oil, away from fossil fuels which is causing so many problems in terms of global warming, that we understand that the potential for moving toward energy efficiency, toward sustainable energy such as wind, solar, geothermal, biomass is sitting there right in front of us.

Yesterday there was a conference right here in Washington where people were talking about plug-in hybrids that get 150 miles per gallon. These are the kinds of developments we need. There has been a lot of discussion about a so-called Manhattan project. I believe in it. I think if we focus and are aggressive and are prepared to transform our energy system, take on the big, powerful special interests, we can not only create millions of good-paying jobs, we can reverse global warming. We can address environmental concerns. That is what we have to do.

The challenge we face is to understand that the oil industry and the coal industry have put hundreds of millions of dollars into lobbying, campaign contributions, advertising. They are very formidable folks. They want the status quo. We have been represented by the people, presumably not by the special interests. Our job is to represent ordinary people. I hope we can do that. If we do the right thing, I believe not only can we lower gas and oil prices today, we can transform our energy system and create a much better tomorrow for our kids and grandchildren.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, the high cost of gasoline has had a crippling effect on the economy of my State of Mississippi. The people in my State, where earnings are below the national average, are simply not able to keep up with the rising cost of living. High gasoline prices not only increase the cost of going to work, they also result in an increased cost of food and other consumables.

As a constituent who called my office yesterday said: I can stand the high price of gas, but my utility bills have stretched me to the breaking point.

The Daily Journal, a newspaper in northeast Mississippi, quoted another constituent, Jennifer Skinner, of Tupelo, as saying:

> Working class people can barely make it. I'm a single Mom with three kids.

We have been very fortunate that our farmers have been getting record prices for corn, soybeans, and wheat, other commodities as well, over the last 2 years. While the value of these commodities is high, energy costs have caused the inputs for farm operations to rise significantly. This has affected costs of fertilizer, pesticides, electricity, and the diesel fuel farmers use. As a result, some farmers who have worked so hard to produce food at a lower cost to the consumer than in any other country are not able to sustain their farming operations. These high prices and high costs have created a cycle of higher food costs that have been added to the burden of my constituents.

Crude oil prices are, of course, linked to supply and demand. While there are many other compounding factors, such as a weakened dollar, we must remember that at the root of the problem is the increased worldwide demand for energy. According to the Federal Highway Administration, Americans drove 12 billion fewer miles in the first quarter of this year compared with the same period last year. Americans are driving less due to increased costs. However, the decreased demand for energy in America has had little effect on the increased worldwide demand.

We know that demands for oil will continue to escalate as more developing countries use crude oil. According to the International Energy Agency, between now and 2030, China and India will account for 70 percent of all new demand for oil. The Congress and the administration must consider now how much future demands will increase in the coming years. While there are steps I believe the Congress can take to help cope with higher prices in the short term, our future demands for energy independence will require us to move to new sources of fuel. Americans are looking to their leaders for answers. They want to know what the Congress can do to help them through these hard times.

As we consider energy policies that will ease the burdens of higher costs for our constituents and their struggling businesses, we should not impose policies that create higher tax burdens or costs for energy companies. Higher taxes will not lead to lower prices but will only serve to increase the expenses of doing business that will be passed on to the consumers. Our economy relies heavily on transportation. A policy that doesn't provide real long-term reforms to the way our country acquires and uses energy will not provide Americans with a better deal or a stronger economy.

While we search for better energy sources, we must remember that until developing technologies are able to create affordable and efficient fuels, the short-term supply-and-demand problems will still exist. Some Senators have called for increased exploration and drilling. While I am always mindful of protecting our environment, I think we need to be reminded that advancements in drilling technology over the last several years mean we are much better able to protect our valuable natural resources as we explore for new energy.

In addition to acquiring more crude oil within the United States—and offshore drilling provides another opportunity—we should do all we can to promote the exploration and use of oil shale. I know the distinguished Senator from New Mexico talked about his views, which include the use of oil shale. It is already used extensively in many other countries.

According to the Congressional Research Service, there is a potential equivalent of 1.8 trillion barrels of oil to be found in America alone. It is my hope the Congress, the administration, and private industry will come together, work together with those who are concerned about environmental consequences and impacts, deal with those challenges in a thoughtful and effective way, and proceed with exploration and extraction of oil shale. The Energy Policy Act of 2005 identified oil shale as a very important resource that should be developed. While progress in the development of this important resource has occurred, we should do more to make oil shale resources as a motor fuel into a reality.

Peter J. Robinson, vice chairman of Chevron Corporation, recently testified before the House Select Committee on Energy Independence and Global Warming. He said:

> The search for the next source of energy—whether it be oil or next-generation fuels from renewable sources—takes enormous capital, specialized expertise and the organizational capability that characterizes Chevron. Transforming raw materials into usable energy products and delivering them to market some six continents takes substantial financial strength, advanced technology, and human energy.

I think Mr. Robinson is correct when he says we face a huge undertaking in determining the next source of fuel. I also believe the Congress should not be in the business of trying to pick a winner for the next form of energy. Rather, we should be doing what we can to promote all forms of alternative energies that show promise through appropriated research dollars, grants, and public/private partnerships.

In Mississippi, we are prepared to play a major role in the development of new energy. Our farmers have the knowledge and expertise to create renewable feedstocks such as corn, soybeans, timber, grasses, animal fats, and even wastewater. The University of Southern Mississippi, for example, is engaged in research to create more efficient and lower cost fuel cell membranes. The University of Mississippi is using termite research in an innovative approach to cellulosic energy research.

In addition to researching alternative fuels that include waste water, timber, and other feedstocks, Mississippi State University students were winners of the 2008 Challenge X Competition. This competition is a partnership between the Department of Energy and General Motors. It challenges university students to create vehicles that are more fuel efficient and produce lower emissions.

I am proud of my State's commitment and contribution to creating a better energy future, and I hope we can continue to work hard to make the ideas and efforts of these students and university researchers and our entire population in our State who are involved in this challenge a reality.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized with unanimous consent.

HABEAS CORPUS

Mrs. FEINSTEIN. I thank the Chair.

This morning, the Supreme Court struck down as unconstitutional the portion of the Military Commissions Act of 2006 which denied habeas corpus rights to detainees at Guantanamo Bay. In making its decision, the Supreme Court has recognized that detainees at Guantanamo cannot be denied the fundamental legal right to habeas corpus, enshrined in the Constitution.

Writing for the majority, Justice Kennedy wrote:

> The laws and the Constitution are designed to survive, and to remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law.

I think that is a very important statement. I think it crystallizes a lot of the debates this Senate has been having over the past 5 to 6 years. It recognizes the importance of the rule of law, one of the most fundamental values our country was founded upon.

Detainees at Guantanamo have been in a legal quagmire since 2002. As the Court recognized, some have been held without court review for more than 6 years—6 years—many in isolation for long periods of time. The Court specifically stated it was not ruling on the issue of whether the writ for habeas corpus should be issued or whether detainees should be released. Rather, the decision focused on the fact that the detainees are entitled to the fundamental right of habeas corpus as a means to review whether they are being properly held.

Four times now the Supreme Court has stepped in and struck down the Bush administration's policies at Guantanamo. Four times. In the Hamdi and Rasul decisions, the Court stated that U.S. law applied to Guantanamo and that detainees had to be determined enemy combatants before they could be held.

In the Hamdan decision, the Court struck down the administration's claim that the Geneva Conventions did not apply to the detainees at Guantanamo and repudiated the legal framework the Bush administration tried to construct to handle the trials of detainees.

In today's decision, the Supreme Court has once and for all made it clear that even at Guantanamo our constitutional principles remain sound. It also recognizes that President Bush's repeated assertion that he has essentially unchecked powers in the war on terror is simply wrong.

Guantanamo Bay has been a case study in what not to do in the war on terror. Consider all the early choices this administration has made: to deny the protections of the Geneva Conventions, to establish military tribunals based on the theory of unchecked Presidential power, to deny habeas corpus and, finally, to reverse decades of old precedent and authorize the use of coercive interrogation and torture.

These decisions by the Bush administration and its operation of Guantanamo will go down in history as a black mark on the United States, decisions where this administration and this President simply forgot—or worse ignored—our own values and laws.

Today's decision provides another reason why Guantanamo should be closed. Closing this facility is critical to our Nation's credibility and stature and our ability to conduct foreign policy and counterterrorism operations worldwide. If there is one thing that is very clear, the credibility of the United States as a bastion of law, of constitutional rights, and of human rights has gone downhill all over the world. As I have said on this floor before, I have never seen a time in my lifetime where Americans are thought so poorly of by citizens of countries that are our firm allies as well as our adversaries.

Let me be clear: I have no sympathy for al-Qaida terrorists, Taliban fighters or anyone else around the world who wishes to harm Americans at home or abroad. But I strongly believe that continuing to operate Guantanamo, in the face of repeated reprimands from the Supreme Court, the stated wishes of senior administration officials, and a tidal wave of congressional and international condemnation, weakens the United States in its effort to fight the war on terror.

Last July, I submitted an amendment to the fiscal year 2008 Defense authorization bill to close Guantanamo. I was joined in that amendment by 15 cosponsors: Senators HARKIN, HAGEL, DODD, CLINTON, BROWN, BINGAMAN, KENNEDY, WHITEHOUSE, OBAMA, SALAZAR, DURBIN, BYRD, BIDEN, BOXER, and FEINGOLD. I intend to offer this amendment again this year.

President Bush, Secretary Gates, Secretary Rice, Colin Powell, 9/11 Commission heads Tom Kean and Lee Hamilton, numerous retired four-star generals and admirals, as well as Senator OBAMA and Senator MCCAIN, have all expressed their support for closing Guantanamo.

It kind of boggles my mind. I was sitting in the Defense Appropriations Subcommittee, when I asked the question of Secretary Gates, and he said: Yes, I am for closing Guantanamo. I have heard Colin Powell say: Yes, I am for closing Guantanamo. I would do it right now. I have heard generals and admirals say: Guantanamo does this Nation no good. Yet nothing changes. So the question of closing the facility is when and not if.

Guantanamo, as I have said, is a lightning rod of condemnation around the world, and not just because of a lack of adequate legal rights and remedies. It has also drawn criticism for the treatment of detainees that violates both American and international standards, laws and values. And coercive interrogation techniques undertaken there have failed to yield reliable and usable intelligence.

Both the Presiding Officer and I sit on the Senate Intelligence Committee. We hear the classified data which obviously cannot be discussed here. We know there are bad people in Guantanamo, but we also know there are people who are hapless victims, who may have been picked up just because they were in a certain place at a certain time.

This week I held a hearing on coercive interrogation techniques being used at Guantanamo. Glenn Fine, the inspector general of the Department of Justice, testified about his report that concluded that over 200 FBI agents observed or heard about military interrogators using a variety of harsh interrogation techniques, including but not limited to stress positions and short shackling, in which a detainee's hands are shackled close to his feet to prevent him from standing or sitting; isolation, sometimes for periods of 30 days or more; use of growling military dogs; twisting a detainee's thumbs back; using a female interrogator to touch or provoke a detainee in a sexual manner. Mr. Fine also argued these techniques are not only shocking but they are less effective and they produce less reliable intelligence than noncoercive means.

Experienced FBI interrogators agree. We heard yesterday afternoon—and it was kind of interesting because the minority apparently exercised a rule that would prevent the hearing from continuing. When I asked the question, why, I found it was because of my hearing, which was to elucidate some, I think, valuable facts and timelines of how all this happened. Fortunately, and thanks to the majority leader who came to the floor and recessed the Senate, we were able to conclude our hearing.

One of the people testifying was a former FBI agent by the name of Jack Cloonan. Now, Jack Cloonan has interrogated at least six members of al-Qaida. He testified under oath that he was able to get convictions for three of them and was able to get actionable intelligence for every one of them using noncoercive techniques. As a matter of fact, he said these al-Qaida members were so struck by the process he used, the fairness of the process, they not only gave him information that was valuable, they are now in witness protection programs. I thought that is very relevant information. Why do this if it isn't effective?

The conditions at Guantanamo have led to at least 4 documented detainee suicides and another 41 attempted suicides, according to media reports from 2006 and 2007. More recent press accounts discuss how detainees have gone mad during extensive periods of isolation, sleep deprivation, and degrading treatment.

Finally, I ask unanimous consent to have printed in the RECORD following my statement an article from the New York Times, dated April 26, 2008, entitled, ''Detainees' Mental Health is Latest Legal Battle.''

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. FEINSTEIN. Mr. President, the article describes how Salim Hamdan ''has essentially been driven crazy by solitary confinement in an 8-foot-by-12-foot cell, where he spent 22 hours a day, goes to the bathroom, and eats all his meals.''

This is not about abuses from 2002 and 2003, like al-Qahtani and the Abu Ghraib scandal. This is 2008, and I fear it is going to continue as long as Guantanamo is able to operate in its isolated setting, in a highly confined environment, with no visitors and nobody able to go in and talk with inmates.

Let me say a little about the status of Guantanamo today. There are approximately 260 detainees being held. They can be divided into roughly three equal groups: those the administration intends on charging with a crime and prosecuting; those the administration says can be transferred to another country, if another country is willing to take custody—and I will admit there are problems there. There are detainees, I know, who are awaiting repatriation to their own country, if they will take them back. In many cases, they will not take them, and that is a problem. We, on the Intelligence Committee, need to pay attention to this and find a solution to it.

Third are those who can't be tried for a crime but who are deemed too dangerous to transfer and who, presumably, will be held indefinitely without charge.

I think we need to provide a legal framework for that kind of administrative detention so that the detainees in administrative detention have certain due process rights to ensure they can know why they are there, that they can have an opportunity to rebut the charges, and that they can have access to counsel.

Since the end of 2001, nearly 500 detainees have been transferred back to the custody of their home nations. A group of seven Chinese Uighers, who had committed no crime, were sent to Albania, where they are now held as refugees in poor conditions.

Exactly one man, in the 6 years Guantanamo has existed as a detention facility, has been convicted of a crime. He, of course, is David Hicks, a kangaroo skinner from Australia, who pled guilty in order to get out of Guantanamo. He has since been released by the Australian Government.

I believe there are 19 more detainees against whom charges have been brought. The military commissions process is in turmoil. It is my hope that with today's ruling these cases will be moved to the district and circuit courts rather than the deeply flawed and separate system of justice set up in the Military Commissions Act, which I voted against, and I am very pleased I did so.

Guantanamo began in the Bush administration, and it should end in the Bush administration. At every turn, the Supreme Court has struck down President Bush's policies with respect to Guantanamo.

John Adams said that ''we are a Nation of laws, not men.'' This administration has turned that concept on its head, with President Bush deciding that he alone should make the legal and policy decisions in the fight against terrorism, and that the rule of law does not apply.

In rejecting this notion, the Supreme Court's decision today once again reiterated that it would be wrong ''to hold that the political branches may switch the Constitution on or off at will.'' I hope the administration hears that. To me, this clearly indicates that the President's article 2 powers are limited, that his powers as Commander in Chief are limited, and that his powers under the war resolution and the authorization for use of military force in Afghanistan are limited, and he must follow the Constitution of the United States. That is what this decision says to me.

So I commend the Court for its decision. I hope the President will recognize this. I suggest that he should. I suggest that after being repeatedly rebuffed by the Supreme Court, the administration come to us and say that the time has come to close Guantanamo. I would expect, now that we have both potential presidential nominees supporting closure of Guantanamo, we will close it. The Secretary

of Defense, the former Secretary of State, the present Secretary of State, the co-chairs of the 9/11 Commission, Governor Kean and Representative Hamilton, and dozens of admirals and generals, recommend the closure of Guantanamo.

When I present this amendment on the Defense authorization bill, I hope I will be able to press this toward a successful vote.

SIGNING AUTHORIZATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. TESTER, be authorized to sign the enrollment of H.R. 6124.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Utah is recognized.

HABEAS CORPUS

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator, my friend from California. She is an excellent Senator and a very good person. She certainly tries to bring both sides of the aisle together. Over the years we have had a number of disagreements, but that is part of the legislative process. However, that has never diminished the respect that I have for her.

Yet the fact is, I disagree with her regarding the Supreme Court's decision. This decision, written by Justice Kennedy, gives terrorists one of the most important rights enjoyed by the people of the United States.

We face difficult times ahead. Many have legitimate concerns about the prospect of closing Guantanamo Bay and then housing these alleged terrorists somewhere within the continental United States.

These are not easy questions. However, I do not believe that the Supreme Court has provided the correct answer.

Our government has publicly stated that there have been three instances in which waterboarding has been used. In one of those instances, it was used against a leading terrorist who actually masterminded the terrible incidents that occurred on 9/11.

These are interesting and difficult issues. I certainly appreciate the anguish and the feelings of those who believe, as the distinguished Senator from California does, that we should provide these alleged terrorists every right that the American people have, in spite of the fact that these terrorists do not represent a country, do not wear a uniform, are willing to kill innocent human beings, and are willing to have their own children blow themselves up. We have never before faced these types of events in our society. Yet it is important that we not ignore them. We are dealing with people who do not abide by the norms of the world.

Some concerned people ask, why should the terrorists have the rights that everybody else has? Are we not binding future Presidents who may face even greater terrorist threats? Will the next President be able to get the information we need to protect the American people? We know there are terrorists who would, if they could, not bat an eyelash as they used a nuclear weapon against the innocent.

Sometimes we have to take stern measures to deal with these types of people. It is always nice to be concerned about people's feelings and about people's rights, even those of terrorists, but sometimes we have to be practical and pragmatic and do the things that have to be done to protect the American people, and our citizens overseas.

These are tough issues. We should all work together to try to resolve them. There are many who will believe that the Supreme Court made the right decision and others, such as myself, who believe that the Court made a lousy decision.

However, I uphold the Supreme Court, even though it was a 5-to-4 decision. Nevertheless, it is a decision by one-third of the separated powers of this country, and must be recognized as such.

Having said all that, I admire my friend from California. She knows it. We have worked together on a whole raft of issues through the years. I appreciate her sincere leadership in the Senate and will always appreciate knowing her and having the experience of calling her my friend.

ENERGY

Mr. President, I want to take a few minutes to address arguments by my friends on the other side of the aisle related to energy production. Some Democrats are complaining that oil companies own tens of millions of acres of oil and gas leases on Federal lands that they are just sitting on.

Now, that is an interesting way of formulating an argument because some are obviously trying to paint a picture of oil companies holding back production purposely to raise gas prices. Some Democrats have argued that the oil companies are purposefully holding back production to raise gas prices, and others are arguing that this fact makes it totally fine to close off all our good offshore oil and natural gas and all our oil shale and tar sands because there are undeveloped leases on public lands right now. Here we go again with the anti-oil agenda of the more extreme environmentalists, which the Democratic leadership has adopted as their own energy policy—or should I say anti-energy policy, which is what I believe it to be.

Take oil shale alone. We have an estimated 3 trillion barrels of oil in the tri-state area of Colorado, Wyoming, and my home State of Utah. There is anywhere from 800 billion at the low end to 1.6 trillion barrels that are recoverable, and recoverable at a much lower price than the $135 we are paying for oil, but we're being told we can't develop it.

It is true that there are tens of millions of acres of leases held by oil companies. But it is also true that they are being developed as fast as possible. Guess what. You cannot develop a lease on Federal land unless you have a permit to drill, and there is a very large backlog in the permitting process on Federal lands. It is the job of the Bureau of Land Management to issue these permits, and I don't blame them for the backlog because they are working as hard and as fast as they can. All of the environmental work has to be done before one of these permits can be given. Our Nation happens to have very stringent environmental laws on oil and gas drilling.

In the Energy Policy Act of 2005, I supported an effort pushed by the senior Senator from New Mexico, who has been one of the most prescient forces in our Senate on energy and who was chairman of the Senate Energy Committee at the time, to put more funds toward the permitting process, and that has helped to a certain degree.

What proof do we have that our oil companies are trying their hardest to develop their leases? Let's look at the numbers. In the year 2000, the BLM gave out 3,413 permits for oil drilling. In 2007, just this last year, the BLM gave out 7,124 permits for oil drilling. In the year 2000, oil companies drilled 2,341 new oil wells. In 2007, again just this last year, they drilled 4,640 new wells. In other words, in the last 7 years, oil companies have more than doubled their effort to develop their leases on Federal lands. I am not sure how an industry that is literally doubling its efforts to supply our energy needs can be painted as ''sitting on their leases.'' I don't blame the liberals in Congress for not understanding this because it seems as if they get almost everything they know about energy from the most extreme environmentalists in our society who have no problem with seeing our people suffer as long as their anti-oil agenda moves forward. That is the best you can call it, an anti-oil agenda.

In Utah, we have leases, and we have a lawsuit every time somebody tries to develop anything. It is ironic because the extreme environmentalists know perfectly well that oil companies are drilling as fast as they can on these leases. How can they be so sure, one may ask. I know for sure because I have watched these groups do everything in their power through protests, lawsuits, and policy changes to slow the oil companies down. The oil companies could do a much greater job if they did not have all of these lawsuits, slowdowns.

The Federal Government spends a large portion of its public land management budget fighting these lawsuits. I have heard estimates that during certain periods, up to 50 percent of the Bureau of Land Management budget has gone to litigation costs. That is pathetic. Can you imagine what could be done for our habitat, our forest lands, BLM lands, and so many other things if we didn't have all of that money being spent on lawsuits?

It is ridiculous for these radical groups to do everything in their power to stop energy production on our public lands and then sell an argument to liberal Members of Congress that oil companies are not trying hard enough to drill on their own leases. They would drill a lot more if they had the leases and no lawsuits in areas where they actually have leases.

I have said it before and I will say it again: Our country simply cannot afford to promote an anti-oil agenda. It is an agenda that will cause the most harm to our poorest citizens. The poorest among us spend 50 percent of their income on energy prices mainly to get to work or to buy groceries. I hope my well-intentioned but sometimes misguided friends in Congress keep that in mind.

We have it within our power to alleviate a lot of pressure on the price of oil. If we just announced tomorrow that we are going to go forward and do more oil and gas exploration offshore and developing our oil shale in that tri-state area, the price of oil could drop simply from the announcement. The problem is that Saudi Arabia and the other countries do not have the ability to flood the world with oil and to bring the prices down anymore. There is such an insatiable demand for the current oil that is being developed.

I heard familiar arguments against oil shale during the Clinton administration in 1995: It will take 10 years to develop oil shale, they said. Here we are 13 years later, and now they are saying: It will take 10 years to develop oil shale. What if we had started to do it then in a realistic fashion and we were able to get that 100,000 to 1 million barrels of oil out of each acre of oil shale in the productive areas of Colorado, Utah, and Wyoming—keep in mind, abiding by very stringent environmental concerns? It is mind-boggling to me.

Yesterday, I was on a radio show in my State, one of the most popular radio shows. The announcer said: Why aren't you for the Democratic Energy bill? I briefly said: Well, it is not an energy bill, it is a regulatory bill that will stifle energy development.

Back in the last years of the Carter administration, they put on a windfall profits tax that cost us 129 million barrels of oil and sent this country into a downward spiral. If you tax something, you get less of it. That is just a simple fact of life. But that is what my colleagues are doing in their ''energy'' bill.

I am the author, along with some other wonderful colleagues on both sides of the aisle, of the CLEAR Act. It took us 5 years to get the CLEAR Act through, if I recall it correctly, something that should be a no-brainer for anybody.

We now have the Freedom Act, which will give economic incentives for the development of plug-in hybrids and other kinds of battery-operated electric cars. I just saw one today that is all electric, it goes more than 200 miles on a charge and goes from zero to sixty in less than 4 seconds. The problem is it costs around $100,000 to buy. But future models will be cheaper, and plug-in hybrids will be affordable for average citizens.

But today, and tomorrow, and for quite a while, we're going to need oil. I cannot believe we in this body cannot acknowledge that for many years from now, we are going to have to use our oil, our coal, our natural gas, and we are not going to be well off if we do not.

I am proud to tell you that I believe we have some 22 natural gas-providing gas stations in Utah for natural gas-driven vehicles. We could do that all over the country. We have 22 of them, and those people are driving their vehicles—mainly Honda Civics—at a rate of 68 cents per equivalent gallon of gas. If we would move into these types of situations—yes, it would take us years to get there, and it takes oil to fill up those intervening years—if we would move that way and acknowledge that this is what we have to do, within 10 to 15 to 20 years, we would become very energy independent.

If we would develop our offshore oil instead of letting China and Cuba and other countries come offshore and take our oil because we will not allow it to be done—let the States have control over it. The distinguished Presiding Officer comes from Florida. If Florida does not want energy development offshore, that is Florida's concern, as far as I am concerned. But we stop it here. There are a number of other places, such as Virginia, that would love to be able to do this and would help alleviate the dependency we have right now in our country.

I wish we could get around these extremists who seem to control the liberal agenda. I wish we would work together to provide a means whereby we can overcome these problems together and keep our country strong.

We are sending upwards of $700 billion every year to other countries for foreign oil, much of which comes from countries that are not all that friendly to us, and it is ridiculous. It is time that we wake up and do something about it.

Mr. President, I thank my colleagues. I am sorry to have gone on. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, certainly no apology is necessary from my colleague. He comes to the floor very passionately and has worked with great passion, and we appreciate that.

MEDICARE

Mr. President, I come to the floor today to echo so many comments that were made by many of my colleagues on the great policies in the Medicare bill that has been introduced by the Finance Committee chairman, Senator MAX BAUCUS.

I have, along with others, been exhausted, certainly disappointed and dismayed that so many in this body voted against moving forward on this bill today, a bill that I believe is essential to the needs and concerns of so many of the constituency I represent in our great State of Arkansas.

When I first came to the Senate, people said: It is always easy to vote no. But to move things forward, to be progressive, to be willing to start and engage the debate and to move forward in starting to solve the problem, that means voting yes. And sometimes it is a difficult vote, to move forward and to get things going, to come together, to work together and to find the solutions that are necessary for this country.

But as we have seen time and time again in these votes, it is a simple vote that happens on the other side. It is ''no.'' No, we are not going to create jobs and move forward in this tax extenders bill, providing tax cuts to industries for research and development and help in the creation of new jobs in the renewable fuels industry. No, we are not going to move forward in trying to fix the concerns our constituents have in their access to health care, particularly in the Medicare Program. ''No'' is that simple vote. The tough vote is yes; being able to say yes, it is worth it to the people of this country for us to come to the floor, to work together, and to be able to move forward in the debate. Not that any of us are going to get everything we want, but it is important that we are willing to come together and work on behalf of the people of this country.

Now, I am not sure how many of my Senate colleagues here pump their own gas, but I do. I drive myself, unlike many of my colleagues, and I pump my own gas. I guess it was a couple of days ago, in between a Little League game and purchasing some items for the end-of-school party, that I stopped to buy my gas, and I was astonished, just as I had been the time before. My son commented on the fact that it had gone up so much since the last time we filled up, and I am thinking to myself here I am, with both my husband and me working and bringing home a paycheck, and realizing the crunch we feel. Think of how other hard-working Americans feel across this country.

I know the Presiding Officer has many of the same duties I do, whether it is Little League or school parties or birthday events or all kinds of things, but I think it is so important for our colleagues to stop and think. Because if they do not fill up that tank, if they are not going to the grocery store, as I am, and seeing the rising cost of food, then they need to start. They need to understand what Americans out in our States, the hard-working families of this country, who are the fabric of our Nation, are faced with, the decisions they must make.

Certainly on job creation, on moving forward with the tax cuts, we could have provided those to industries and businesses, extending some where people don't know whether they are going

to be there, and certainly providing them the wherewithal, the businesses and industries of this country, to be progressive in addressing and creating the kinds of jobs we need out there in these new and innovative technologies and new and innovative industries.

Here today, we had an opportunity to move forward on improving the Medicare system, the health care available to seniors and others, and we missed it. We missed that opportunity. We are not here to create a work of art. I say this all the time. We are here to create a work in progress. Several years ago, we passed the Medicare Modernization Act. Here we had an opportunity to improve upon and to move forward in making sure that some of these policies in Medicare can continue to happen.

S. 3101, the bill we tried to move forward today, contains a number of provisions that would improve care and access to care for low-income Medicare beneficiaries, and a number of important provisions to support our providers in the Medicare Program. Low-income Medicare beneficiaries, the people more than likely who are on a fixed income, get hit the hardest by increased gasoline prices and increased food prices because they are on a fixed income. So here was an opportunity to say yes, we understand the pain you are feeling, we are working on it. We know there is not a ton of immediate impact that we can make on the price of fuel, but we can do some things, and here is something we can do. We chose not to, because there weren't enough votes to move forward.

Besides fixing the reimbursement for physicians, it bolsters Medicare in rural areas and includes a number of provisions from the Craig Thomas Rural Health Care bill, in honor of our former colleague, Senator Craig Thomas. That is a bill I and so many of my colleagues in the Senate have supported year after year. These are not new things. These are things that are essential.

If you look in rural America today—and I was visited in my office by elected officials from a county that is predominantly Federal lands. They won't be able to meet their county budget this year. They are operating a jail that is over 100 years old and on the National Historic Register, but it doesn't do the job they need it to do.

People who live in rural America, hard-working Americans, those who have worked hard to make this country great, need us to be paying attention. Yet what are we doing? We are not moving forward. We are continually stymied from even getting to the debate on the issues and offering amendments and moving forward on these matters because people want to say no. It doesn't work. We have to come away from that.

The bill we tried to bring up earlier today, S. 3101, would continue to allow exception to when seniors need medical therapy beyond current funding caps. I have seniors who will not get their therapy until August because they are worried they are going to fall and they will need their therapy more desperately in the last several months of the year. If they use it in the first part of the year, they will hit the cap. So what does that do? They do not get the therapy, because they do not want to reach their caps early in the year, so they are not as ambulatory, they are more fragile, and then what happens? Yes, what they anticipate does happen. They do have a fall in August and then they have to go through even more extensive rehabilitation. It is not cost effective and it doesn't make sense. These are such smart things we could do on behalf of Americans who need our help and our rationalization in moving forward.

The bill also extends a provision to pay pathologists for the valuable, technical component of their services. I didn't understand this one, so I took a tour of a pathology lab. I was taken through the different processes of what happens in that pathology lab and I saw what that technical component was. There were several steps in that pathology instrument, or that pathology series of events that didn't catch the eye of the physician—the trained pathologist, because they wouldn't get reimbursed. He looked at me and said: Would you want that to be the sample of your cancer tissue, or the possibility that it is not going to be caught because we are going to leave out three different processes or three different pieces in this process? No. We want to be thorough, and there is no reason why we shouldn't be.

The bill also gives Medicare beneficiaries access to cardiac and pulmonary rehabilitation, which has already shown us to lower costs associated with COPD and other respiratory diseases. These are diseases that oftentimes are predominantly in older people, low-income older people who live in rural areas who are least likely to be able to get the help elsewhere. Why would we not want to save those dollars and create a greater quality of life for these individuals? That is an investment.

The bill also educates kidney disease patients with managing their disease, before they end up on costly dialysis, which can drastically improve their quality of life and greatly reduce medical costs down the road. Again, we are talking about procedures and making sure those procedures are reimbursed that are cost effective. That is how we improve on Medicare.

We are getting ready to see an explosion of baby boomers who are going to be using the Medicare system. Why would we not want to act now to put in cost-saving measures that will create greater savings and greater quality of life?

It also extends for 2 years the critical diabetes research conducted in the CDC and the NIH. I tell my colleagues if they have not met with the families in their State who suffer from diabetes, they should do so. I have never in my life sat with more passionate people, particularly those families who suffer with a child who has juvenile diabetes, who are passionate about the idea of not only how do we find better ways to care for our children but also investing in the research that will one day find the cure.

I looked at a mother who had tears in her eyes and she said: My daughter, who is 12 years old, is going to her first sleepover, and I am going with her because I cannot leave her side. She needs to be so closely monitored, she said. But I refuse—I refuse—not to let my child have a childhood.

These are the things we can change, and we should.

Now, unlike the Republican alternative that was introduced by Senator GRASSLEY, the Baucus bill also ensures that pharmacists receive prompt pay in Medicare. As I mentioned before, I don't work under the auspices that we are here to create a work of art, and when I supported the Medicare Modernization Act, I knew it wasn't perfect, and I knew we would have to watch to see what worked and what didn't work. I went a step further. I went to my State and I traveled county to county and had meetings with seniors, with the AARP, with our area agency on aging, and with Sunday school teachers to try and work through what we needed to know and what they needed to know to help one another about the prescription Part D in Medicare, and we had good results. Arkansas was one of the top States in terms of signing up seniors and getting them into the right plans, figuring out how we could help them, and working through making that a success.

But the fact is that in rural America, oftentimes pharmacists are the last touch for a medical provider. If you are in a community that has a commuting physician, perhaps, or maybe you don't have a hospital and have to use one in a larger MSA somewhere, your pharmacist is probably the only person who is going to be there on the weekend, and it is critical that we keep them in business. Well, if they do not get paid on a timely basis—I had two, three pharmacists, at least, who had to take out loans of $500,000 to be able to carry over the burden of providing the prescription drugs for seniors on Medicare when we transitioned into the Medicare Part D. That is unreasonable to ask of any small business such as that, to have to carry that over.

The bill we tried to move forward today also delays the harmful Medicaid average manufacturers price rule so that we can improve it to reflect the true cost that pharmacists face and to increase patient access to generic drugs; again, a commonsense way to move us into a more practical, more cost-effective delivery of Medicare services—generic drugs. We all talk about them frequently. Here is something that would actually implement

moving in that direction, not to mention the true cost these smalltown pharmacists face.

Many of them can't work within cooperatives. They don't have the advantages, lots of times, of the large pharmacies out there, where they can buy in these huge bulk purchases and get greater prices. We need to make sure we are supporting everybody, and those pharmacists in rural America definitely have their needs. That was something in our bill that the Republicans did not address.

S. 3101 makes several much needed reforms to the Medicare Advantage Program, or the Medicare Part C. This is something new we added. When Congress first decided to allow private insurers to participate in the Medicare Program, the health insurance industry maintained that the efficiency and the competitiveness of the private marketplace would enable them to provide Medicare beneficiaries with better coverage at less cost to the Government.

Despite congressional intent, these plans do not save the Government money. As a matter of fact, they cost the Government money. Many of them offer absolutely no data to suggest they provide significant extra benefits or any better quality at all.

Since passage of the Medicare Modernization Act in 2003, more and more private health insurers have entered the private Medicare market and enrollment in Medicare Advantage plans has increased exponentially across the country. I heard someone make the comment the other day that they were multiplying like rabbits, particularly in rural America. The high enrollment growth, especially for Medicare Advantage plan types known as private fee for service, is alarming to me since these private plans are paid 20 percent more by the Government, on average, than it would cost traditional Medicare to cover those same beneficiaries. So if they are multiplying like rabbits out there and we are paying them 20 percent more than what we would pay for traditional Medicare fee for service, we are wasting taxpayers' dollars.

Private fee-for-service plans are not required to create networks with providers or to report any quality measures. So in terms of tracking whether they are providing greater quality, we have had studies done, but we cannot even track the measures to determine whether there is an improved quality.

Many seniors in my State of Arkansas have run into trouble with private fee-for-service plans. Many of them have been duped into signing up for these plans through misleading or even fraudulent marketing practices. Once they do sign up, they often find that when they try to go to their regular doctor, their provider does not accept the plan. People have signed them up for something simply to get a bonus for the number of people they can sign up for a plan.

We had one woman who came into our office. We heard about this case in Arkansas of a sales agent going door to door, wearing medical scrubs and a stethoscope, trying to enroll seniors in this plan, not knowing much about the plan, and certainly not being willing to work with these seniors to figure out what was best for them.

The Baucus Medicare bill includes a number of improvements to the oversight of sales and marketing of Medicare Advantage plans, much needed and certainly a part of our responsibility, including banning certain practices such as door-to-door sales, cold calling, and free meals to seniors as an enticement to sign up.

We saw the invitations sent out to seniors for a free meal if they come and sign up for this package or seniors who simply get cold-called in their homes who get kind of hassled and made to feel insignificant to the point they say: OK, whatever, come see me.

It also asks the HHS Secretary to place limits on free gifts and commissions to sales agents. That is completely reasonable. We have heard of agents getting paid $10,000 for signing up up to 150 beneficiaries. That is not right. That is taking advantage of seniors who may not understand some of these programs and who need more time and assistance to be able to figure out what is right for them if, in fact, they need to change at all.

S. 3101 also requires private fee-for-service plans and Medicare Advantage to develop networks of providers to ensure care for beneficiaries and to measure and report on quality of care. Plans would no longer be allowed to deem a hospital or provider as part of the plan's network without negotiating an actual contract for payment and care.

In Arkansas, we have about 11 percent of our total Medicare-eligible population enrolled in Medicare Advantage. Most of these beneficiaries have the private fee-for-service plan type, and that is why it is especially critical to me that these plans work for our beneficiaries or, if they do not, that we get our seniors back into regular Medicare, where they can have their needs met. Let me tell you, we have worked hard. Some of these seniors have been duped. They called my office, we sat down with them, and we worked hard. Getting them back into traditional Medicare fee for service where they were, and they liked their service, is unbelievably difficult getting through that redtape over at CMS.

We have heard a lot of rhetoric on the Senate floor lately about ''choice'' and ''fiscal responsibility.'' However, I would like to ask: What kind of choice is it when the plan you chose doesn't meet your needs, and you chose a plan because you have been harassed by people who are either trying to make an extra $10,000 or who are just out there trying to sign up as many people as they possibly can?

As for fiscal responsibility, we already know the Medicare Hospital Insurance Trust Fund is estimated to be insolvent by the year 2019. When American taxpayers are subsidizing private companies' profits rather than the needs of our seniors, we are simply exacerbating that problem. We are adding to the debt of our children and our grandchildren. I, for one, would argue this is not fiscally responsible.

I hope we can move beyond the rhetoric. I hope we can have productive, bipartisan negotiations over the next days and weeks and make these many needed improvements to our Medicare Program a reality. Simply saying no is not good enough. It is hard to say yes sometimes, but the fact is the American people need us to be working right now. They need us to be focused and paying attention to the issues with which they are faced.

Yes, the price of gas is out of control. Yes, their food prices are going up. Yes, their health care costs are going up and their access is dwindling. The number of Medicare patients I know in my State who can no longer find doctors because doctors are no longer taking new Medicare patients—we actually experienced that in my own family. Our lifetime family physician who lived across the street passed away, my dad hit Medicare age, and all of a sudden we didn't have a physician. These are issues people in our States are facing every single day. The least we can do is bring forward measures that will show the people we are working toward figuring out some of these issues and some of these concerns that are hitting them square in the face.

As I said before, I stop and pump my own gas and I do the grocery shopping at my house. I have to say I see what they are up against. I think every one of us needs to take the time to figure out what it is our constituents are facing and redouble our efforts to work together to find the solutions that will make an impact on this great country and, more importantly, on its greatest asset and that is the working families of this great country.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Oklahoma is recognized.

(The remarks of Mr. INHOFE are printed in today's RECORD under ''Morning Business.'')

Mr. VOINOVICH. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed.

Mr. VOINOVICH. Mr. President, I ask unanimous consent then that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEBT

Mr. VOINOVICH. Mr. President, I rise today to comment on the need for fiscal responsibility and to call attention to our ever-increasing national debt. Building on a speech I gave in March, I hope to regularly provide my colleagues and the American people with updates on our growing national debt.

I recently voted against the budget bill that would have allowed the national debt to increase to $11.8 trillion over the next couple of years. We need to be reminded of the fiscal realities in which we find ourselves. We cannot continue to live in the United States of Denial.

Behind me is a chart that shows the accumulated national debt today. As of 2007, the national debt stood at almost $9 trillion. Today it is at $9.4 trillion, with each American owing some $31,000; that is, every man, woman, and child in the country owes $31,000. And the deficit for 2008 will be added to that number, including an average $273 billion a year in interest payments on that debt.

If interest rates increase, the interest payments could be much more, eating up revenues that could be used for other purposes. In January, the Congressional Budget Office projected a $219 billion deficit for 2008, but they did not include the $152 billion economic stimulus package that President Bush later signed into law in February.

With the addition of the economic stimulus bill and other recent changes in the baseline, CBO's updated deficit projection for 2008 is $357 billion. The Congressional Budget Office number also does not include borrowing from the Social Security trust fund and other trust funds to the tune of almost $200 billion.

We only talk about the public debt, but we do not talk about the debt, the money that we are borrowing from our own Government. In addition to all of this, soon we are going to be considering a supplemental appropriations bill to the tune of $193 billion which, again, will be added to the national debt.

So if we are really honest with the American people, the projected real debt for 2008 is $746 billion—$746 billion. That is more than three times the $219 billion deficit projected at the start of 2008.

Now, to get an idea of how much that is, $746 billion is more than we spent on the war on terror, including Iraq and Afghanistan and elsewhere, during the last 5 years. And we borrowed every penny of it.

The Treasury Department in April reported that the deficit through the first 6 months of the budget year to date was $311.4 billion, up 20 percent from the same period a year ago. That was the largest deficit for the first half of a budget year on record, surpassing the old 6-month mark of $302 billion that was set back in 2006.

The Federal deficit through the first half of fiscal year 2008 is an all-time high, underscoring the pressure the budget is coming under as, overall, our economy slumps, spending is higher, tax revenues are lower.

But the deficit only describes the annual difference between revenues and outlays. And that is not what is really threatening our future. We do not talk about it. It is the cumulative ongoing increase in our national debt that really matters, with too many people in Washington pretending this debt does not even exist.

When was the last time you heard the President of the United States talk about the national debt? I cannot remember. And he happens to be a Republican. One of the reasons I am a Republican is that I have always believed in balancing budgets and paying down debt. But we do not even talk about it. It is not even there. It is like it has evaporated. When have we heard the Presidential candidates talk about the national debt and what they are going to be doing about it?

Recently, USA Today reported that the Federal Government's accumulated long-term financial obligations grew by $2.5 trillion last year—$2.5 trillion—as a result of the increase in the cost of Medicare and Social Security benefits as more baby boomers retire.

I think $2.5 trillion is about what we spend on everything in the Federal Government each year. Taxpayers are on the hook for a record $57 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs.

If you figure it out by households, that is $500,000 per household in this country. When people come to me and ask me to spend money on a special program that they want me to spend money on, I explain our $9.4 trillion national debt and the fact that each of us owes $31,000. Then I ask them if what they want is important enough to borrow the money and put the cost, including interest, on the back of our children and grandchildren.

It is an interesting question that I pose to people. And they think about it. After a moment, the smiles on their faces vanish, and their answer is no. Unfortunately, however, our political leaders in Washington hide the real budget numbers from the public and fail to even mention the rising national debt.

Most Americans are clueless as to how fiscally irresponsible Congress and the administration have been. The U.S. Government is the biggest credit card abuser in the world. We talk to our kids and others: You have to watch credit. We are the worst example of a credit card abuser in the world.

You know what. The rest of the world gets it, which is why they are covering their bets on the U.S. dollar. So why do we refuse to see the warning signs? A decade ago who would ever have imagined that the Canadian dollar would be worth just as much as the U.S. dollar? I remember when it was two to one. Now the dollar's value has fallen by half.

A few years ago, one Euro was worth barely 80 cents; now it is worth more than $1.50. I think the President remembers when we were in Rome together that the dollar that we had bought 60 cents of a Euro. It is hard to believe. Then, to top it off, because of our deficits, we are forced to borrow money from other countries.

As a matter of fact, 51 percent of the privately owned national debt is held by foreign creditors. It is supposed to be held by the United States; that is public debt. But they have come in and they have 51 percent of it. That is up from 37 percent 6 years ago.

Foreign creditors provide more than 70 percent of the funds the United States has borrowed since 2001, according to the Department of Treasury. Think about it. And who are those foreign creditors? According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and the oil-exporting countries known as OPEC.

As you know, we are sending them a lot of money because of the high cost of gasoline. So we send them the money and then they come back and they are now buying our companies and they are buying more of our debt. If these foreign investors were to lose confidence and pull out of U.S. Treasurys, ''Katey, bar the door.''

Borrowing hundreds of billions of dollars from China and OPEC puts not only our future economy but also our national economy at risk. It is critical that we ensure that the countries that control our debt, the countries that control our debt, do not control the future of this country.

To try to avert this train wreck, I have introduced the Securing Americas Economic Future—it is a commission—legislation that would create a bipartisan commission to look at our Nation's tax and entitlement systems and recommend reforms to put us back on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations. My colleague, Senator ISAKSON, has cosponsored that.

Over in the House, Democratic Congressman JIM COPPER of Tennessee and a Republican Congressman, FRANK WOLF of Virginia, have introduced a bipartisan version of the same commission. In the House they have 93 cosponsors from both parties. This bicameral group has support from corporate executives, religious leaders, think tanks across the political spectrum from the Heritage Foundation to the Brookings Institution. Brookings is real liberal; Heritage is real conservative. They all agree we have to do something and we have to do it fast.

Building on that legislation, two of my colleagues in the Senate, the Budget Committee chairman from North Dakota and the ranking member from New Hampshire, introduced a bipartisan bill that would create a tax and entitlement reform task force very similar to the same commission. We call it the Bipartisan Task Force for Responsible Fiscal Action. There are 19 cosponsors of the Conrad-Gregg proposal. I have a commitment from Senator GREGG and Senator CONRAD that they were going to bring this bill to the floor so we could get the commission created. It is a 16-member commission: 14 members made up of the

House and Senate, and then two of the other members would be the Secretary of Treasury and also the head of the Office of Management and Budget. And the vision is that we would get that legislation passed this year.

By the way, the way it works is that if 75 percent of the people make a suggestion as to tax reform, entitlement reform, it gets an expedited procedure here, and we have an up-or-down vote like the BRAC process. You can't have our colleagues spend a lot of time doing this hard work and not guarantee them that if most agree about it, they are going to get a vote and it is not going to get stalled like so much other stuff that we would like to see and never do.

The thing that disappoints me—and I have greatest respect for the chairman of the Budget Committee, Senator CONRAD. We have worked together over the years on all kinds of things. He said he doesn't think we are going to get it out. He said that the Democratic, at that time, Presidential candidates, the last time I talked to him about it, decided that ''People don't want to do something extraordinary unless they are absolutely persuaded.'' I think we need to persuade our colleagues and the American people that entitlement and tax reform cannot be put off for another day. Wouldn't it be just great if we got this done? The new President comes in, puts in the head of the OPM and the Secretary-Treasurer, and they go to work. It would probably take them almost a year, but they would be able to come back and do something about tax reform.

When I tell people, they are shocked: $240 billion we all pay to someone to do our taxes. It is unbelievable. I am a lawyer. I used to do my own return. I used to do returns for my clients. I wouldn't touch my tax return with a 10-foot pole.

In fact, a couple weeks ago, my wife looked at our return and said: I don't understand it.

I said: I don't understand it either. We have to go see our accountant and have him explain what this is about.

She said: No, you don't. He will charge us $200 an hour.

I have to believe there are many Americans out there who have no idea what this is all about. We have had 15,000 changes in the code. It is overdue that we do this. Tax reform is a no-brainer. We have to do it. Even if we save half the $240 billion, think of the savings to Americans. By the way, that is a real tax reduction, and it doesn't cost the Treasury one nickel. I am hoping we can continue to push this with everything we have.

Recently, David Walker, former Comptroller General, accepted a new challenge by joining Pete Peterson's new foundation to address the undeniable fiscal challenges our country must face. I have known Pete Peterson for a long time. He is head of the Blackstone Group. He stated, in creating the foundation, he ''cannot think of anything more important than trying in this way to preserve the possibilities of the American Dream for my children and grandchildren's generations and generations to come.''

I would like to say a few words about Pete Peterson and David Walker. Pete is chairman of the Peterson Foundation. He was President Nixon's Secretary of Commerce. He was born in Kearney, NE, to Greek immigrant parents, received an undergraduate degree from Northwestern, and graduated summa cum laude. He then received an MBA from the University of Chicago and is now senior chairman and cofounder of the Blackstone Group. He is also chairman emeritus of the Council on Foreign Relations, chairman of the council's international advisory board, founding chairman of the Peterson Institute for International Economics, and founding president of the Concord Coalition, which I have worked with for the last number of years. Here is the son of an immigrant who has made a pile of money, and he is so worried about his children and grandchildren. I suspect he has a little money over the years, and his grandchildren and children are probably going to be a little better off than mine, most Americans. But here is somebody who is worried about the rest of us and our families.

The other is David Walker. David Walker is the president and CEO of Peterson. He is charged with leading the foundation's effort to enhance public understanding of the sustainability challenge that threatens America's future. If David Walker were here, he would have given a far more eloquent speech than I have to explain to my colleagues and to the American people where we are. The purpose of the foundation is to propose sensible and workable solutions to address these challenges and build public and political will to do something about them. Prior to joining the foundation, he served over 9 years as the seventh Comptroller General of the United States and head of the U.S. Government Accountability Office.

Here is a man who had a job, a good job, a high-paying job, and he is leaving it with 6 years left because he is so concerned about where we are. Everywhere he goes, he talks about this. I have been with him on several occasions. Somehow, we keep banging away, banging away, banging away, trying to get people to pay attention.

I have sent letters off to both the Presidential candidates. They are both Members of the Senate. Why don't they sign on to KENT CONRAD and to JUDD GREGG'S legislation, sign on, talk about the debt. Let the American people know we have a problem out there and they are going to do something about it. When people hear both candidates talking about this program and that program and now they are counting up how much money they are going to cost, at the same time they are talking about the programs, they ought to be talking about the debt. What are you going to do about tax reform? We have to ask these questions. We are running out of time.

I wish Pete Peterson and David Walker the best of luck in this endeavor. I look forward to working with them.

The time to act is now. When you look at the numbers, it is self-evident that we must confront our swelling national debt. We must make a concerted bipartisan effort to reform our Tax Code. Nothing works here unless it is bipartisan. That ought to be the flag we fly under the rest of this year. Working together, like the Presiding Officer and I are working on a couple pieces of legislation, is the only way to get something done around here.

It is a moral issue. When I first introduced the legislation that talked about it, I got a call from FRANK WOLF, a terrific guy. He said: You know, George, I want to join you. I haven't paid much attention, but this is a moral obligation. It is a moral obligation to our children and grandchildren.

I think most of us down here are worried about the legacy we are going to leave to the next generation. We have a lot to say about it. These are challenging times. I am confident that with the inspiration of the Holy Spirit, maybe we will get it and get on with some of these things that are long overdue so that we can get back on our feet again financially.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, before my friend from Ohio leaves the floor, I want to tell him, through the Chair, that he has his finger on the right issue. There are so many of us here in this Chamber on both sides of the aisle who recognize that the fiscal house of America is in a disastrous condition, and how we move forward when we get a new President in 2009 is going to be very important in terms of how we address the fiscal reality and fiscal challenges we face.

I think the recklessness we have seen with respect to this mountain of debt, which my good friend from Ohio has pointed out is now nearing the $10 trillion mark, is something we have a moral obligation to address. I know among colleagues on both sides, including Senator CONRAD and Senator GREGG, there have been conversations about how we might be able to develop a process to try to get our fiscal house back in order. And I appreciate the leadership of my friend from Ohio on this issue.

Mr. President, I come to the floor to talk about an issue which has been talked about here quite a bit over the last several days. It has to do with what people think is an easy solution that will deal with the gas price and energy crisis we face here in America.

I have heard several of my colleagues come to the floor saying we have a panacea here—just develop the oil shale of the West, just develop 2 trillion barrels

of oil that are locked up in the shale of the United States of America, 80 percent of which is in Colorado, and somehow we are going to wave a magic wand and that magic wand will automatically start creating these billions and trillions of barrels of oil that all of a sudden will bring about this abrupt decline in the price of gasoline and the price of oil.

There is a lot of hot air in those statements that are being made because the reality of it is that oil shale development in Colorado is still a long way away. That is because the research and development program, which we approved in this Congress, in the Senate, in the 2005 Energy Policy Act, contemplated that we would enter into a research and development phase to determine whether oil shale could be commercially developed.

Why is that so important? It is important, first of all, because for 100 years people have been looking at the possibility of developing the oil that is locked up in the shales of mostly Colorado and some in Utah and some in Wyoming, and they haven't been successful. We have had the largest economic bust of the West and in western Colorado in 1980s, as major companies tried to develop oil shale and found out, after investing billions of dollars, that they simply could not under those technologies.

It is easy to understand why. It is because when you look at where the kerogen is, which is the oil substance, it is locked up in the rock. It is shale. There is a reason why they call it oil shale. It is not kerogen. It is shale. It is rock.

So when my friends come to the floor on the other side and say: Hey, here is a panacea to deal with the high gas prices of today, I would ask them all, with all due respect, to simply look at the reality of oil shale and its potential and also to look at its limitations.

Chevron, which is one of the largest oil companies in the world and a company that has been interested in looking at the possibility of oil shale development, in submitting its own comments to the Department of Interior's Bureau of Land Management, as they moved forward with their programmatic environmental impact statement on commercial oil shale development a few months ago, said:

> Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

That was a statement by Chevron on March 20, 2008. Yet there are myths being spread across the country. There are people who are talking to newspaper editorial boards and all around the country saying that all we have to do in America is go to Colorado, go to the western slope, go get the trillion barrels of oil locked up in that rock and, hey, we will solve all of our gas problems in America. That is simply not true.

I want to first go through what I think are some myths with respect to oil shale development, myths that have been propagated by some who, frankly, have the financial interest and concerns of only the oil companies, not the interests of the environment and of developing real solutions to the energy problems we face.

Myth No. 1 is that we on this side, including myself and other Democratic colleagues, are in fact stopping oil shale from being developed. Nothing could be further from the truth.

In 2005, under legislation that we offered out of the Energy Committee in a bipartisan way, with the leadership of Senator DOMENICI and Senator BINGAMAN, we included oil shale provisions which I helped to write. Those oil shale provisions created an orderly process for us to move forward with oil shale development. That legislation, which came out of committee and which came out of this Chamber, included sponsors: Senators HATCH, ALLARD, myself, DOMENICI, and BINGAMAN. What that legislation asked the Secretary of Interior to do—in fact, it did not ask; it directed the Secretary of Interior—was to enter into a research, development, and demonstration program on oil shale.

Since that time, not so long ago, 2005—we can still remember that, just a few years ago—six of these leases have already been issued. Five of them are in Colorado. Three of them have been issued to one company, the Shell Exploration and Production Company.

Under the provisions of the law that we included in that legislation, it is also important to remember that with the 160-acre research and development lease, these companies also have the right to convert those research and development leases to 5,000 acres. That is 5,000 acres of our public lands for R&D lease. That is 5 times 5, 25,000 acres that can convert over into full-scale commercial development, if they should so wish. So we have a program that is already underway.

Now, the Bureau of Land Management has decided to move forward with a commercial oil shale leasing program under provisions that were stuck in, in the dark of night, in the conference committee over in the House of Representatives that seem to direct the Bureau of Land Management to move forward with a commercial oil shale leasing program.

I do not believe, nor do many of the leaders in my State of Colorado, including our Governor of Colorado, that this is the way we ought to move. Governor Freudenthal in Wyoming does not believe this is the way we should move forward on the possibility of oil shale development. They support the legislation I have introduced on how we move forward with oil shale development. It is very simple legislation. I introduced this legislation that would clarify the process for us to look at how we move forward with oil shale development.

Let me simply walk through what the five steps would be.

First, the BLM would have 1 year to complete an environmental review of a commercial oil shale leasing program. That is a good amount of time for the BLM to look at completing the environmental review of something which is going to be so impactful to the Western Slope and to the State of Colorado.

Second of all, because we believe in making sure the States are providing us input on these Federal lands, which is so important to us in the West—it is so important to us in the West in large part because a third of my State is owned by the Federal Government. The Federal Government is the largest landlord we have in our State. So it has always been important for us to make sure the States and local governments are having input into the development of the resources that are on those Federal lands. My legislation would allow the Governors of the affected States to have 90 days—90 days is not a lot of time—to comment on a commercial oil shale leasing program.

Third, the legislation would give the BLM a year to develop a commercial leasing program and to propose the regulations to accompany it—all, I think, very reasonable pieces of the legislation.

Fourth, the Department of the Interior and the National Academy of Sciences would prepare reports to Congress on the technology and the proposed plan for oil shale development.

Finally, oil shale development would have to comply with our already existing environmental laws—a very simple, straightforward process for us to look at how we can develop oil shale.

There are people out there who are saying we in Colorado oppose oil shale development or that Democrats have opposed it. That is simply not the case. We did not oppose it in 2005, and we do not oppose it today. We simply say we want to move forward in a thoughtful and responsible way as we look at the possibility of developing oil shale.

So myth No. 1—that we are opposed to oil shale—is simply false. It is a myth. It is not true.

Secondly, there is another myth out there that says the current moratorium which is in place as a result of legislation which the Congress adopted last year on commercial leasing regulations is somehow preventing energy companies from developing oil shale, that we are somehow preventing the oil companies from developing oil shale today. Again, that is a myth. It is not true.

The reality is, the BLM has clearly stated that the current moratorium on issuing commercial leasing regulations will have no effect—no effect—on U.S. energy supply or on when commercial oil shale production could begin.

I have here a part of a transcript of a hearing we had in the Energy Committee not too long ago, where we had the Assistant Secretary of the Department of the Interior, Secretary Allred, come before our committee and testify about the potential of oil shale. It debunks the myths that somehow we are

going to wave this magic wand and all of a sudden, this year or next year or the following year, we are going to have all this oil flowing from oil shale in the West.

I asked Secretary Allred:

When I look at your chart on oil shale development on public lands, you have at some point on that chart this little brown dot that says ''project completion: phase 3—commercial.'' When do you think that will happen? What year?

Assistant Secretary Allred responded:

Senator, it's hard to predict that because . . .

I asked him the question:

2011?

Secretary Allred's response:

Oh no, I think, I think . . .

I then asked Secretary Allred:

2016?

Secretary Allred responded:

Probably in the latter half of, say, 2015 and beyond.

''2015 and beyond.'' So that is what the Assistant Secretary of the Interior, responsible for this program, is actually saying, that we would be ready possibly to move forward with commercial development of oil shale in the year 2015—7 years from now.

Why, therefore, is there such a rush to move forward headlong today and to complete the development of commercial oil shale regulations before the end of the Bush administration? Why is that the case? I do not understand it because it is not going to produce any oil that will help us deal with the energy crisis we face in the Nation today or tomorrow or the next year. So we have to keep asking those questions.

There is another part of the myth with respect to oil shale, and that is that we need to understand that even companies such as Chevron and others do not know what kind of technology ultimately is going to be viable for us in the development of oil shale. Even Jill Davis from Royal Dutch Shell Corporation, in the Rocky Mountain News, is quoted as saying:

The thing is we have to determine whether it works on a commercial scale.

So there are lots of myths.

Myth No. 3 is that the BLM is prepared—I hear some of my colleagues come to the floor and writing letters and making statements in the media—that the BLM is prepared to issue commercial oil shale leasing regulations because the BLM knows the nature and the needs of the development of oil shale, including water and power requirements.

Nothing could be further from the truth. BLM has clearly stated it does not know how much water would be required to implement and carry out a commercial oil shale leasing program. So how can we move forward with a commercial oil shale leasing program when we do not know how much water would be required to develop this oil shale?

In a hearing, again with Assistant Secretary Allred, I asked the following question:

Let me ask you about water availability. Under the Colorado River Compact, as described, there is a significant share of water of the Colorado River between all of the seven States—Upper Basin, Lower Basin—we have a share of water within Colorado that we are entitled under the compacts to consume for Colorado water users. Do you know, today, how much of that water consumption under those compacts would be required to be able to implement a commercial oil shale leasing program?

Secretary Allred's response:

Senator, we do not. And that's part of the . . . that's part of the purpose of the R&D leases—to try to determine that.

So how can we move forward headlong with a commercial oil shale leasing program when we have no idea how much water is going to be consumed in the development of these so-called half a trillion or a trillion barrels of oil? We do not know because we do not know how much water is going to be required based on whatever technology ultimately might be chosen.

Another myth is that the BLM, Department of the Interior, is absolutely ready to move forward with a commercial oil shale leasing program because they know what they are doing with respect to the power requirements.

They do not know what the power requirements are going to be. Producing 100,000 barrels per day of oil shale will require approximately 1.2 gigawatts of dedicated electric generating capacity. The question is, where is that electricity going to come from? Where is that power going to come from? What will its impact be? None of those questions have been answered. Yet the Bureau of Land Management is insistent on completing this commercial oil shale leasing program as fast as they can. I think, again, they are wrong.

There is another myth out there that says without commercial leasing—I hear some of my colleagues say this—without commercial leasing regulations from the Bureau of Land Management, investors may decide to stop risking their capital on oil shale and instead focus on other projects with more certain returns.

That is not true. The reality is the commercial leasing moratorium is giving BLM, investors, energy companies, scientists, Congress, and local communities the time they need to get more information about oil shale development and to allow the technologies to mature before any full-scale operation begins on public land.

Again, as Chevron commented in the Programmatic Environmental Impact Statement:

Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

So there are a lot of myths with respect to oil shale development.

Mr. President, I have several more minutes to go, and I see the assistant majority leader has come to the floor, so I will yield to him if he would so choose.

Mr. President, I will continue.

Myth No. 5. Somehow or another, those purveyors and artists of wanting to move forward with oil shale development with all speed ahead are saying this is somehow supported by the State and local governments it affects.

Well, more than half—probably 75 percent—of all the oil shale resources are located in my State of Colorado. The Governor of the State of Colorado, Bill Ritter, says let's go slow and be thoughtful about oil shale development because we know the kind of impact it can have on the vast Western Slope of the State of Colorado. But it is not just the Governor of the State of Colorado who says that, it is also the Governor of Wyoming, Governor Freudenthal, as well.

Within my State of Colorado, there is a whole host of local governments that are very concerned about the Department of the Interior and the BLM moving forward, rushing headlong, moving recklessly to develop oil shale on the Western Slope without knowing yet what they are doing. Joining in stating those concerns are the City of Rifle, the town of Silt, the Pitkin County Board of County Commissioners, the Routt County Board of County Commissioners, the San Miguel County Board of Commissioners, the Front Range Water Users Council, the Northern Colorado Water Conservancy District, the Colorado Springs Utilities, Aurora Water, the Board of Water Works of Pueblo—and the list goes on and on.

Even the newspapers in Colorado are saying this. This is an editorial that was written in the Grand Junction Daily Sentinel. The Grand Junction Daily Sentinel is the newspaper that covers the 20 counties of the Western Slope of Colorado. This is what the Grand Junction Daily Sentinel said:

There is no need to accelerate leasing of federal land for commercial oil shale production. The notion that the one-year moratorium on commercial leasing approved by Congress last year is somehow a barrier to commercial development is nonsense. If anything, that moratorium should be extended.

The real barriers to commercial oil shale production are technological, environmental and financial.

The Denver Post, the State's largest statewide newspaper, said the following:

Given that oil from shale isn't just around the corner, and given the vital questions of water and energy, shale development deserves the most careful—and lengthy, if necessary—study possible.

Developing oil shale has been a dream since the early 20th century. But careful planning is needed to make sure the dream doesn't turn into a nightmare.

In conclusion, what I want to say is I think Chevron is correct today, that it is a mistake for the Department of the Interior and the Bureau of Land Management to want to push forward to complete the implementation of the Bush-Cheney agenda with respect to oil and gas and oil shale development. They want to rush head long to get this done before the end of the administration when we know that there are so

many technological barriers and so much we do not yet know about how we are going to develop oil shale. So Chevron is correct when it says we are not ready to move forward with a full-scale oil shale program.

Let me conclude by simply saying this: For me, as a longtime farmer and rancher and as a person who has spent my life fighting to protect the beauty of Colorado, fighting for the land and water of that State, it is important for me always, as a Senator, to remember that the planet we have and the great State of Colorado I have is something I need to protect for my children and for my grandchildren and great-grandchildren for generations to come. It would be a mistake for us, in my view, for the State of Colorado or the United States of America to move forward with a program that is going to create significant problems to that legacy we are attempting to give to our children and to our grandchildren. I hope we could work together in a bipartisan basis to look at the possibility of the development of the oil shale resource but to do it in a thoughtful and deliberate way so we don't destroy the environment along the way.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, I thank my colleague from Colorado for his statement on oil shale. I wish to tell him a little story that goes back many years. When I first was involved in political life, in 1966 as a college student I worked for a Senator from Illinois named Paul Douglas who used to give speeches about oil shale, saying there is a great untapped natural and national resource of oil shale in the Rockies, in Colorado, and in other areas. Yours is the first comment I can remember on the floor of the Senate in all of those years relating to this issue again. I am glad the Senator from Colorado not only brought it up but put it in perspective in terms of our national energy needs and the impact of oil shale exploration and production in the Senator's State. I think he has every right to be careful in what he does.

I hear many colleagues, particularly from the Republican side of the aisle and from the White House, suggesting the reason we have our gasoline prices today and high crude oil prices is because we are not drilling for oil in ANWR, the Arctic National Wildlife Refuge. I, for instance, personally think that is an oversimplification, that that one potential source of oil could in no way solve our problems in terms of what it could produce.

I might call the attention of my friend and colleague from Colorado to some information that was given to me today. I hope the Senator from Colorado is aware there are 44 million offshore acres, off the shores of the United States of America, that have been leased by oil companies—44 million. Of those, only 10.5 million have been put into production. One-fourth of all of the leased offshore acreage oil companies currently hold—land that the Federal Government has a right to—is being actually explored and utilized. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production; again, about a fourth. So three-fourths of all of the land offshore and on shore owned by the Federal Government and the taxpayers, leased by oil companies for the potential production of oil and gas, is actually in production. Only one-fourth. Combined, oil and gas companies hold leases to 68 million acres of Federal land in waters they are not producing any oil and gas on—68 million. That is compared to 1.5 million acres in the Arctic National Wildlife Refuge.

So those who come to the floor and say: ''You know the problem here? We are just not opening up enough area for oil and gas exploration,'' ignore the obvious. Oil and gas companies spend money to obtain them and then sit on them and then come back to us when we complain America needs a national energy policy and say the real problem is the Arctic National Wildlife Refuge. ''If we could just have a crack at those 1.5 million acres,'' after they have taken 68 million acres, put them under lease, and are not utilizing them.

I might add that Congressman RAHM EMANUEL from my State of Illinois and Congressman DODD are working on legislation that would say to these oil and gas companies: If you are going to lease this land and not use it, the cost of the annual lease is going to keep going up. Let someone else lease it who might use it. I think that is reasonable. They are suggesting that money from the leases should be dedicated to wind and solar energy—energy-efficient buildings; LIHEAP—which I know would be a good idea for the Senator who is now presiding who is from New England; weatherization assistance, and a number of other areas.

I thank the Senator from Colorado for his thoughtful reflection on what we are facing here.

Mr. SALAZAR. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SALAZAR. Through the Chair, I ask my friend from Illinois whether it is true that we have already opened huge amounts of offshore resources as well as onshore resources for the potential development of oil and gas and that ultimately, if we are going to get our Nation to have the kind of energy independence and national security that has been talked about now for 30 or 40 years, we need to, yes, develop those potential resources and those 75 percent of those offshore and onshore lands the Senator spoke about, but also to look at a whole new agenda of clean energy that will help us get to our national security, our environmental security, and create an economic opportunity here at home?

Mr. DURBIN. I would respond to the Senator from Colorado and tell him, yes, of course. He has anticipated the reason I came to the floor: to discuss what happened this week in the Senate or, to be more accurate, what didn't happen this week in the Senate. Because on Tuesday, we offered to the Senate, both sides, Democrats and Republicans, an opportunity to debate what the Senator from Colorado suggested, whether we will invest as a nation in energy and job creation. The Senator from Colorado knows what happened as well as I do. The Republicans refused to join us to bring to the floor to debate the bill that would create tax incentives for investments in energy efficiency, renewable, sustainable energy that will not lead to global warming and will not lead to pollution. The frustration that I and other Members on the Democratic side feel comes from the fact that we have tried repeatedly to bring these measures to the floor and we have been stopped time and time again.

I say to my colleague and friend from Colorado, through the Renewable Energy and Job Creation Act, we can create incentives we know will work. In my home State of Illinois, and probably in the State of Colorado, we are finding wind turbines being built in massive numbers to generate clean electric power. Near Bloomington, IL, an area I never would have dreamed of as a wind resource area, 240 wind turbines are being built. They will generate enough electricity there to provide all the needs of the two cities of Bloomington and Normal, IL, without pollution, using nature as a source.

Why did this recently happen? Because we created, over the last couple of years, incentives for businesses to do it. Now when we come this week to the floor of the Senate and say to our Republican colleagues: Let's not stop this now; this is a move in the right direction for green energy sources, what did they say? ''We don't want to even debate it.'' They stopped us again.

This week in the Senate—

Mr. SALAZAR. Mr. President, would the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SALAZAR. Through the Chair, I ask of my friend from Illinois how important the extension of these energy tax credits is for renewable energy, given the fact that this is not pie-in-the-sky kind of technology we are talking about. As I understand, in my State—and I know there are already three solar powerplants that are functioning—there is a plan in the State of Arizona to put together a 400 or 500-megawatt powerplant that will be powered by the Sun, a 200-megawatt powerplant in the State of California, a whole host of ways in which the Sun can become harnessed for our energy needs.

The same thing is true with respect to wind. As my good friend from Illinois talked about, what is happening in

Illinois is happening across America, including in my own home State of Colorado where we have gone from almost no wind production 3 years ago to 1,000 megawatts, and there are three or four coal-fired powerplants in my State.

So how important, I ask my friend from Illinois, would the extension of these tax credits be until 2015, 2016—however we end up finally reaching that number—to continue investing in harnessing the power of the Sun, the power of wind, the power of biofuels?

Mr. DURBIN. I say in response, through the Chair to the Senator from Colorado, if we don't extend these Federal renewable energy tax credits, America could lose 76,000 jobs in the wind industry, 40,000 jobs in the solar industry. The bill the Republicans refuse to allow us to bring to the floor to even debate provides $8.8 billion for research and development investment. This year alone, over 27,000 U.S. businesses would use this tax credit to benefit companies in computers and electronics, chemical manufacturing, information services, and scientific R&D services. The list goes on and on. The Renewable Energy and Job Creation Act, which they would not allow us to bring to the floor to debate this week, includes $18 billion in incentives for clean electricity, alternative transportation fuels, carbon sequestration, and energy efficiency.

I say to my friend from Colorado through the Chair that this is nothing new. So far, during this session of Congress, the Republicans have engaged in 76 filibusters as of today. The record in the Senate for any 2-year period of time was 57 filibusters. A filibuster is every Senator's right to stop any bill, any nomination, for an indefinite period of time, and that filibuster can only be broken if 60 Senators vote to break it. It is called a cloture motion. We tried three times this week to break Republican filibusters, first on a bill dealing with the price of gasoline to try to bring it down and make it more affordable. The Republicans filibustered it. When we had our vote, we couldn't find 60 votes because they wouldn't cross the aisle to join the Democrats in breaking the filibuster and debating specific ways of bringing down the price of gasoline.

We followed that with a measure to deal with, as I have said here, tax incentives for the right energy decisions for our future. The Republicans initiated another filibuster. We called it for a vote. We failed to come up with 60 votes again because we only had nine Republican Senators who would cross—well, I think the number was seven Republican Senators who would cross the aisle and join us. We needed more. Out of 49, we needed about 10 or 15. We didn't get those. So that bill to create incentives for businesses and individuals to make the right energy decisions was defeated by another Republican filibuster.

The last thing we considered was related to another program. It had nothing to do with energy but a lot to do with health care. We wanted to make certain the Medicare Program continued to reimburse the doctors and medical professionals who provide critical care for 40 million elderly and disabled Americans. The Bush administration wants to cut their compensation by 10 percent or more. I think it is unfair. These men and women are not being paid as much as others, and they are providing critical health services to a lot of needy people. The Bush administration, which is no fan of Medicare or Social Security, wanted to cut their reimbursement. Well, they will cut that reimbursement and fewer doctors will participate in the program and seniors will have a more difficult time getting their care.

So we started to bring to the floor a measure that would restore the pay for doctors helping patients under Medicare and we also provided some incentives in there for better practices to reduce overall costs to the Medicare Program. We paid for it by looking at the Medicare Advantage Program. The Medicare Advantage Program allows private insurance companies to offer Medicare benefits. The Republicans have always favored that, saying that creates a competitive atmosphere. Medicare competes against private health insurance when it comes to basic Medicare coverage. As a footnote, it is ironic that they would welcome this kind of competition from Medicare, but fought us tooth and nail when we tried to bring the same competition when it came to prescription drugs. Nevertheless, we said this Medicare Advantage Program costs too much money for the services provided. We have had expert testimony that it is about 13 percent more expensive for private health insurance companies to offer the same benefits as the Medicare Program. We took savings from that program and paid for the increase in pay for doctors under Medicare.

We didn't add to the deficit. I suppose that is why the Republicans, by and large, have turned on us. They don't want to pay for the actions they bring to the floor. They don't want to offset the costs of programs or tax cuts by actually balancing the books. They want to continue to add to our deficit.

The vote came up today, and nine Republicans crossed the aisle to vote for us. Overwhelmingly, they represented Republican Senators who are afraid they are going to lose in the election in November. They came over to join us and vote for our position. The Republican leadership was careful not to let too many come over. So at the end of the day, we were unable to bring this Medicare bill to the floor for debate.

So here we are at the end of a full week of the U.S. Senate, in Washington, DC, in our capital, on Capitol Hill, and we are beset by a world about us in turmoil, with the war in Iraq; we have a nation that is torn by energy prices, gasoline prices, and diesel prices; we have Americans concerned about their health care, and when we try three different times to bring to the floor of the Senate measures that address these challenges, each and every time the Republicans answered with a filibuster and stopped us from acting.

The sad reality is that the GOP, the Grand Old Party, has become a ''Graveyard of Progress.'' I am afraid that is what GOP stands for these days. They cannot face the possibility of change. They are frightened by it, determined to stop it. They have stopped it with 76 filibusters, which is a recordbreaking number of filibusters in the Senate.

Well, we could not come up with 60 votes to turn that around; there are not enough Democratic Senators. The final word will be in the hands of the voters in November, on November 4. They can decide whether they want change in Washington, change in the Senate, or more of the same. They are going to have that opportunity in a series of elections. I hope those who follow this debate and believe this Government, working in a constructive bipartisan way, can achieve good things, will remember that when they go to the polls in November.

Let me say as well, Mr. President, that I have watched this Presidential campaign carefully because my colleague from Illinois, Senator OBAMA, is now, as they say, the ''presumptive Democratic nominee'' for the Presidential nomination. A long campaign awaits us, almost 5 months. Senator MCCAIN is a substantial and formidable opponent in this election campaign. But make no mistake, the voters are going to have a clear choice in this election about who will represent them in the White House for the next 4 years.

We are also initiating the first national dialog on health care reform in 15 years. For 7½ years, the Bush administration has summarily ignored the major problems facing America. When President Bush gets up in the morning and looks out the window of the White House, all he sees is Iraq. For 7½ years, that has been the focus of his attention and the centerpiece of his energy. I will tell you, there are many other things this President ignored at the peril of our great Nation. His economic policies have brought to us a sorry state.

Last Friday, we had the terrible announcement about a dramatic increase in the price of crude oil, an increase in the price of gasoline, a substantial increase in unemployment, and a 350-point loss in the Dow Jones, in the stock market. It was a sad and gloomy Friday across America from an economic viewpoint. But even those large numbers—the big numbers that come to us at the lead of any newscast and on the front page of the paper don't tell the true and complete story.

The Senator from Vermont invited his constituents to talk about challenges they face as families all across his State. He has told me and our colleagues—and has spoken on the floor

about it—that he was overwhelmed by the response. Ordinary people in Vermont—and I am sure those in Illinois are having a tough time—are struggling to pay for gasoline, for the increased cost of food. They understand utility bills are going to be challenging this summer to cool their homes, as we face a brutal summer in most parts of the country. They are scared to death, I know, in New England—because I visited there—of dramatic increases in the cost of home heating oil this winter. Those realities are translating into economic insecurity for some of the hardest working families in America.

If you just could consider what has happened under the Bush administration to the middle of the middle class in America. These are folks who are working hard every day, trying to raise families, are playing by the rules, and they are falling further and further behind. These are the ones, many times, who are losing their homes because of subprime mortgages and deceptions which led them to an indebtedness they could not handle, and now they face the loss of their home, one of their major assets, if not their only asset. They have transferred their debt onto credit cards as often as they can, but they reach a breaking point.

A friend of mine is on the risk committee for a major bank in this country. He told me that the balances on credit cards are going down because people realize they cannot pay any more and they cannot buy things they need. But the default on credit cards is going up, leading to even more bankruptcies. That is the reality.

President Bush doesn't understand that reality. His economic policies, which are supported by John McCain, are really based on one basic principle: cut tax rates for the wealthiest people in America. They continue to believe that if wealthy people have more money, somehow this will translate into a better quality of life for those working families and middle-class families who are struggling to survive. Well, 7½ years of that thinking led us to this point. These people, faced with the Bush economic policies, are struggling to get by.

The President doesn't understand the energy picture. Every 6 months, he makes a trip to Riyadh, Saudi Arabia, and is seen holding hands with the sheiks of Saudi Arabia, begging them to release more oil into the United States and bring prices down. But they give him a pat on the back and send him off with the very curt answer of ''no.'' They tell him time and again that they are not going to release more oil. They have plenty of customers around the world and they don't need the United States. That is the reality and totality of the Bush energy policy.

This President has yet to call in the CEOs of the major oil companies. In this country, these companies are reporting recordbreaking profits at the expense of families, businesses, farmers, and truckers. This President has yet to call them in and hold them accountable for what I consider to be pure greed when it comes to profit-taking. He won't call them in because, apparently, he believes that is the natural course of events, that some who are in a virtual monopoly position, providing energy and oil to this country, ought to have whatever profits they can reap at whatever cost to America's families and our future. I think the President is wrong.

There is another issue, the issue of health care. We know that under this President, more people have lost health insurance than ever in our history. People who had health insurance lost it because they lost a job or they could no longer afford it. Now they are completely vulnerable to any illness or diagnosis that could bring them down tomorrow and virtually destroy all of the savings they have. The status quo in health care in America isn't satisfactory. The American people know that. Despite President Bush's inaction, they want change.

Premiums for health insurance have been rising more than twice as fast as employees' wages, while this administration has been in power. The number of uninsured Americans has been increasing by more than a million people a year under President Bush. Each year, the United States spends about twice as much for health care per person as other developed nations. The closest nation in spending for health care to the United States per person, per capita, annually, is Luxembourg, which spends less than half of what we do. We spend about $7,000 per year on health care per person. The United States, despite all the money being spent, continues to score poorly on measures of the public's health, such as life expectancy and infant mortality.

The challenge for this country and for the American people is making quality health coverage available and affordable for all Americans. We must take steps to improve quality and make our health care system more efficient so that we can get the greatest value for every health care dollar we spend. We have to put our health care ideas on the table and start the real debate about change.

My colleagues on the other side of the aisle have put forward some ideas on health care reform. I applaud them for acknowledging the need to change, but I am concerned with the direction in which they want to take us.

One of their ideas is to create incentives for more people to buy health insurance in the individual insurance market. Those who support this idea talk about it in glowing terms. Think about it. They say you could choose your own health plan and keep your health plan when you change jobs. But they ignore the most important implication of that idea: You are on your own. Remember President Bush's famous ownership society, the ownership society that wants to privatize Social Security? Thank goodness that was rejected on a bipartisan basis. The model of the ownership society of President Bush and the philosophy behind this thinking is very basic: Just remember, we are all in this alone. That is their notion. It doesn't work. It doesn't work in life. It doesn't work in your family, in your community, or when it comes to health insurance. Anybody in a less-than-perfect health care situation doesn't want to be on their own. It is a place you end up when you have no option.

In most States, insurers are free to tell a person they won't cover them for a particular medical condition. To the cancer survivor, they can say: Congratulations for surviving cancer; we will cover you for everything else that might affect you but not for cancer. Or they can deny coverage altogether. Many of us in this Chamber would have trouble finding health insurance in the individual market, if it were available, and it might be too expensive. This would be a health insurance system the Republicans support that is a great idea for the young, healthy, and the wealthy but not for the rest of America. It would move our health insurance system in the wrong direction.

Those on the other side of the aisle are having trouble responding to these criticisms. They appear unwilling to require insurers to cover everybody, regardless of their health condition, or to require greater sharing of health costs between the young and the old and between the healthy and the sick. That would require Government regulation. They don't like to have the Government involved. They want the market to reach the conclusion. The market has already reached a conclusion when it comes to health care, which is that the cost of health care and coverage will increase every year, and it will cover less every year. That is what the market says, and that is what they accept.

They are caught in a dilemma because the free market insurance system, without reasonable regulation, means allowing health insurers to enroll the healthy and exclude the sick. To get out of this ideological quandary, they have proposed an idea: creating high-risk pools for everybody insurers don't want to cover. Insurers would probably like that idea, to take the people for whom it is most expensive and put them in a separate pool.

Today, high-risk pools exist on a small scale in 34 States. These State high-risk pools can serve as a life preserver for people who have nowhere else to turn in the current health insurance system, but they should not serve as a foundation of a reformed health system.

State high-risk pools have many shortcomings. They are not often able to cover everybody who can't find affordable health insurance. Premiums are way too high. In Illinois's high-risk pool, a 50-year-old woman would have to pay more than $800 a month in premiums for a policy with a $500 deductible. Benefits are often limited. With

these shortcomings, I cannot understand how these high-risk pools could be the bedrock of the Republican position when it comes to health care reform.

Some of my colleagues on the other side of the aisle also want to allow insurers to choose which State insurance regulations they want to live by. Proponents say this is a way to let all insurers sell insurance nationwide. But if you follow this, you know that doesn't work. Without State regulation and basic State requirements on coverage, there is no guarantee of solvency and no guarantee of coverage when you get sick.

If enacted, these changes would move our system in the wrong direction. Instead of pooling people together, those who are well and those who are sick, to spread the risk, Republicans would have us separate the healthy from those who are not healthy. Instead of helping people with chronic diseases, they are pushed over into high-risk pools with high premiums.

The whole point of expanding health coverage is to make sure you have access to quality, affordable insurance. Changes to our health insurance system that make health insurance cheaper for some but more expensive for others is hardly a solution. We need to create large purchasing pools and offer a wide range of plans. Change the rules for setting premiums so that health costs are shared more broadly between the healthy and the sick. We need to provide a tax credit to businesses that step up and say: We believe the health of our employees is as important as the money we pay them. We are going to make a sacrifice in our profit taking so that our coverage extends to not only the owners of the company but the employees. That kind of good, responsible civic conduct should be rewarded in our Tax Code.

I am glad we are starting to discuss health care reform again. Nothing is going to happen under this President. We are going to have to just count the days until January 20, 2009, when this President leaves office and another President comes to office, and the American people will then have a real chance for real change.

Mr. President, I yield the floor.

OIL PRICES

Mr. AKAKA. Mr. President, within the span of 1 week, the Senate missed three opportunities to engage in productive debate on how we can combat the rising price of oil, and alleviate the dangerous emission of greenhouse gases that contribute to global climate change. It is highly regrettable that we have missed these opportunities, especially when it comes at the expense of improving the Nation's welfare.

Americans are working harder, yet finding that their paychecks are not keeping up with inflation. Many are finding it difficult to pay their mortgages, health care expenses, and other daily needs. While relief, for some, is expected this July from an increase in the national minimum wage, more must be done to improve the lives of working families. Unfortunately, it has been difficult to work with this administration to make any meaningful changes that would assist working families.

On June 10, the Senate was blocked in its attempt to further debate two bills offering legislative solutions to rising oil prices and our reliance on foreign oil. One of them, the Consumer-First Energy Act of 2008, would have put consumers' concerns before those of the oil companies, by holding the companies accountable for price gouging and profit taking.

Families do not need to be reminded that rising oil prices contribute heavily to their rising bills for energy, transportation, shopping and groceries. These families, for the most part, have not had a corresponding increase in their wages. They find themselves in difficult financial positions, and having to make tough choices on what necessities to spend their money on. This strain is even more evident in my home State of Hawaii.

Hawaii depends on imported oil to supply more than 90 percent of our energy needs. The record-high crude oil prices cause higher processing charges for food and other manufactured items. The increase in cost for Hawaii's foods is due in large part to the higher cost of transporting the goods to the islands—80 percent of Hawaii's food products are imported via ship or airplane. Grocery prices have seen their biggest increase in nearly two decades.

Furthermore, the high cost of jet fuel results in higher airfare prices and reduction in flights significantly limit travel for Hawaii residents and tourists. The reduction in visitors traveling to Hawaii could hurt our economy. While the Hawaii Visitors and Convention Bureau is proactively working to aggressively resuscitate the market, the hotel occupancy in April hit a 5-year low. The city of Honolulu is considering raising taxi meter fares in light of record gas prices and the downturn in tourism.

The administration must work with us to help our families and our communities by finding a way to decrease fuel prices. In addition, we must search for ways to reduce our dependence on oil. It is necessary that we continue to debate our energy future and enact appropriate reforms.

Meaningful debates on three significant bills were unfortunately curtailed, despite the agreement of many members that we must do something about increasing oil prices, our reliance on foreign oil, and the need for cleaner energy. The aforementioned Consumer-First Energy Act of 2008, the Renewable Energy and Job Creation Act of 2008, and the Lieberman-Warner Climate Security Act of 2008, would have helped the Nation move forward by continuing to invest in renewable and sustainable energy. Finding a solution should not be a partisan issue. Encouraging the development of renewable energy technologies will play a critical role in reducing greenhouse gas emissions and our Nation's reliance on fossil fuels. In Hawaii, we are mindful of preserving natural and cultural resources. We are also aware of the powerful potential of nature to provide sustainable sources of energy.

I am proud that we had bipartisan support for the Marine and Hydrokinetic Renewable Energy Promotion Act of 2007, which I introduced, and was later enacted into law as part of the Energy Independence and Security Act of 2007. This measure recognized that ocean and wave energy are viable sources of sustainable energy. We need to support marine renewable energy research and development of technologies to produce electric power from ocean waves. However, like many other tax credits for renewable energy, the incentives put in place to ensure robust investments will expire at the end of 2008. The Renewable Energy and Job Creation Act of 2008 would have extended these valuable credits.

By harnessing the Sun, wind, ocean, and geothermal power to generate electricity, Hawaii is trying to reduce our heavy reliance imported fuel and reduce our greenhouse gas emissions. The vast ocean, Sun, wind, and land are natural elements that we, as a nation, share and enjoy. We must do all that we can to encourage the development and production of renewable and sustainable energy technologies from these natural resources. Achieving our goals will only be possible if we approach the problem as responsible stewards of our environment. Together, we will make an impact.

I am committed to finding legislative solutions to ease the burden of increasing oil prices and to reduce greenhouse gases. As responsible stewards, we must do what we can to uphold the welfare of our environment and our Nation for the generations to come. An investment in the development and implementation of renewable energies is a significant part of the solution. I stand ready to work with others to enact legislation to address these concerns.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

MAJOR SCOTT HAGERTY

Mr. INHOFE. Mr. President, I wish to pay tribute to a very special person, one of our fallen heroes, MAJ Scott Hagerty. I feel a very personal relationship with this man. As we all do when we hear of a tragic loss, we research and see what he was doing,

where he was. It is almost impossible to conceive of the idea that maybe I didn't even meet him personally because, in looking at where he was in Afghanistan and when he was there, where he was in Iraq and when he was there—I was there at the same time. Ironically, even in northern Uganda. Not many people even know where Uganda is, but in a minute I will share a few things that are going on there and what Scott Hagerty was doing.

Scott died on June 3, 2008. He gave his last full measure when an improvised explosive device detonated near his vehicle while he was on patrol in Zormat, Afghanistan. Scott was a member of the Army Reserve and was assigned to the 451st Civil Affairs Battalion, Pasadena, TX.

Born and raised in Oklahoma, Scott graduated from Stillwater High School in 1984. As a senior in high school, he joined the U.S. Army at the rank of a specialist. He earned a bachelor's degree in political science, pre-law, and international relations from Oklahoma State University—OSU—in 1993.

He received his commission through the ROTC program and then completed the Field Artillery Officer Basic Course at Fort Sill. After serving on active duty, he continued his service in the Army Reserve. He spent 11 years with the 291st Regiment in Oklahoma before transferring to the U.S. Army Civil Affairs and Psychological Operations Command, Airborne, in 2004.

Scott married his wife, Daphne, 12 years ago. They have two sons, Jonathan 10 years old and Samuel 21 months. Scott loved his family and enjoyed being a father. He spent his life helping others gain the same freedoms and experience the same joys that he had.

Scott was deployed for a 12 month tour in South Korea and then served in Iraq from October 2004 to August 2005. As a civil affairs officer, he worked with Iraqis and Iraqi civilian authorities in helping them rebuild their government and country.

Prior to his tour in Afghanistan, Scott spent a tour in Djibouti, Africa, to help promote stability and prevent conflict in the region. His mission included repairing wells in northern Uganda, where he and fellow soldiers restored more than 60 wells and provided 250,000 local residents with clean water. In Africa, he was also involved in providing suitable facilities for basic medical care for children.

This is the part I find very interesting and coincidental. Scott was involved in northern Uganda. In northern Uganda, there are some things that are going on that not many are aware of. There is the LRA, the Lord's Resistance Army. One individual—his name is Joseph Coney. Joseph Coney, for 30 years, has mutilated and tortured little kids, recruited them to be in the army as his boy soldiers—12, 13, 14 years old. If they refuse to do it, they make this individual go back and murder his own family, back in the villages. I have been there. I have been in the same villages, the same places where Scott was.

Scott didn't have to do this. This is something that was beyond the call of duty. It is heavy lifting. I saw a picture of him in an orphanage in northern Uganda. I have been to that same orphanage. There are not many of our troops who have done what Scott Hagerty has done. He wrote about his experience there saying:

> I have always dreamed of being a soldier, even as a little boy, so I know I am doing the job that was destined for me.

He deployed to Afghanistan shortly after being assigned to the 451st Civil Affairs Battalion in February. His family said, ''Scott was very proud of his career in the Army, and we know he died doing what he loved . . . serving his country.''

Scott received numerous military honors, including two Meritorious Service Medals, six Army Achievement Medals, two National Defense Service Medals, Global War on Terrorism Expeditionary and Service Medals and a Korean Defense Service Medal.

I am saddened by the loss of my fellow Oklahoman. I am proud of his service, integrity, and commitment to our country. I read through some of the comments written in Scott's on-line Guest Book from people who knew him at different points in his life and I would like to share a couple with you:

> I had the honor of serving with Maj Hagerty in Gardez, Afghanistan. He was a father figure to me. I have great respect for him. He is truly my hero and will be missed more then he knows. I know he is looking down and watching over us as we continue our mission. We love you Maj Hagerty and will never forget you.
>
> The Highland Park family are mourning the loss of a wonderful parent at our school. Scott was not only a devoted soldier, but a devoted husband and father . . . Scott's presence will be missed at home and abroad. Thank you Scott! We are very proud of you! Highland Park Elementary School.
>
> Another one: Growing up with Scott, I was impressed by his quiet strength. I always knew there would be great things in his future as we stumbled toward adulthood . . . Thank you for the sacrifice you have made for my family.

And lastly a comment left by his team that he worked with in Africa: Sincere condolences to the family of Maj Scott Hagerty from the present and third Civil Affairs team in northern Uganda. We only had e-mail contact with him, giving updates on how things were going here, as he was still interested—he was the first team leader here and broke a lot of ground. I am sure he stands guard over us all now.

Today I pay tribute to Scott, a man who exemplified integrity and courage and gave his life as a sacrifice for his family and our Nation.

I have to say this in the case of Scott: This is not goodbye, Scott. It is job well done. We love you, and we will see you later.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to comment on the kindness of the Senator from Oklahoma. I think that so often we forget the sacrifice that our American people have made so we could bring some stability to Afghanistan and to Iraq.

Now, 2 weeks ago I attended a service actually on the front steps of the Ohio Capitol Building where we commemorated the lives of 23 individuals from the Lima Company that was extraordinarily hit in Iraq. Tears rolled out of my eyes and everyone else there as a mother of a man by the name of Hoffman talked about her son and the sacrifice that he made and why he made that sacrifice.

I think that too many Americans are not aware of the fact that we have lost over 4,000 people in Iraq and that 30,000 of them have returned, and half of them are going to be disabled. I think it underscores that we need to be very responsible in our future activity in Iraq so that the parents of those young men and women do not feel that their lives were lost in vain.

I am sure, Mr. President, you have mixed emotions, as I have, about where we should be going there. I heard Jim Dobbins today. Jim was at the State Department for many years. He was talking about our next moves in Iraq and how difficult it is because on one hand, we know that we have to move our troops out of there for the benefit of our volunteer Army. Because of the deployments, they are stretched, and they are not getting the re-ups that they need.

At the same time, we want to make sure we do not move too fast so we end up with a civil war there. So it is a dilemma. But the people who get lost in all of that are the folks who have lost their loved ones. And it grieves me that we have spent almost $650 billion on that war, and we have never asked the American people to participate.

The only ones who have participated are the families whose sons and daughters have come back in body bags, and that loss will be with them for the rest of their lives. So I think all of us ought to think about those families and pray for them and pray that those of us in responsible positions will be enlightened by the Holy Spirit to make the right decisions for them, their families, for our country, and for the world.

TRIBUTE TO SECOND BLUEGRASS CHAPTER HONOR FLIGHT

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the second Bluegrass Chapter Honor Flight. I had the privilege of meeting 38 World War II veterans from the Commonwealth of Kentucky who arrived in our Nation's Capital yesterday morning to see the memorial on the National Mall dedicated to them.

Thanks to the national nonprofit organization, Honor Flight, which transports World War II veterans from anywhere in the country to see their memorial, and a group of dedicated volunteers, veterans from all over the state

are able to make this memorable trip, free of charge.

The World War II Memorial was completed in 2004 and is a fitting tribute to the men and women who put on their country's uniform to fight the greatest and most destructive war the world has ever seen. Anyone who has ever visited this special place will agree that its stateliness is nothing short of awe-inspiring much like the men and women for whom it was built and who are so deserving of their title as ''the Greatest Generation.''

On the memorial's field of gold stars, known as the Freedom Wall, the inscription reads ''Here We Mark the Price of Freedom.'' The veterans from my home State of Kentucky who visited today paid that price with their blood, sweat and tears; their families paid with sleepless nights and constant fear for the safety of their loved ones; and many of their fellow fighters paid with their lives.

We should remember the bravery of the men and women who served, and the World War II Memorial is a fitting tribute for all those who sacrificed in defense of our Nation and our way of life.

Mr. President, it is really a moving experience to be in the company of some of the men and women of the ''Greatest Generation,'' and I ask unanimous consent that the names of the World War II veterans from Kentucky who were here yesterday be printed in the RECORD.

There being no objection the names were ordered to be printed in the RECORD, as follows:

KENTUCKY WORLD WAR II VETERANS

Elmer Morgan, William Coffey, Curtis Lesmeister, Lewis Grahm, Morgan Bradford, Leslie Spillman, Ralph Holman, Richard Thompson, William Richmond, Frank Parks, Vaiden Cox, James Wells, Daniel Rateau, Kenneth Becker, Morris Alford, James Hartman, Richard Doty, Melvin Campbell, Sr., Salvador Miceli, Veachel Lile.

Alexander Fehr, Kenneth Fehr, Charles Nichter, George Johnides, Jarl Harris, J.B. Price, Bernard O'Bryan, Robert Emerson, Harold Mauck, Gordon Mauck, Kelvin Keath, Asa Elam, Harold Staton, Benjamin Rau, Robert Blakeman, Edward Wilson, Jean Pogue, John Pogue.

TRIBUTE TO FREDERICK M. DOWNEY

Mr. LIEBERMAN. Mr. President, I rise today to express my profound gratitude and heartfelt best wishes to Frederick M. Downey, a true friend and dedicated public servant who will be leaving my Senate office after serving 12 years as senior counselor and legislative assistant. Given all that we have been through together, Fred's departure is truly a bittersweet occasion. While I am excited for Fred as he pursues an exciting opportunity with the Aerospace Industry Association, I can't help but think what a great loss his leaving will be for me, my staff, and the people of Connecticut.

Fred came to my office having already amassed a long and distinguished record in public service and national security. A distinguished military graduate of the Virginia Military Institute, Fred served in the U.S. Army for 24 years, rising to the rank of colonel. In the Army, Fred held a variety of infantry, troop, and staff positions in the United States, Europe, the Middle East, and in Vietnam.

Between 1988 and 1991, Fred worked in the Office of the Deputy Chief of Staff for Operations and Plans in the Department of the Army, where he was responsible for advising senior Army leaders on national security policy and military strategy. He played a leading role in examining the post-Cold War strategic environment, formulating options used by Army leaders when developing a national security strategy and force structure to meet the needs of the new international system. Fred also played an integral role in developing the Army's strategy for Operation Desert Storm. Fred then served as assistant to the director of net assessments, before retiring from the Army in 1993 and joining TASC, Inc. At TASC, Fred provided analytical services to the U.S. Government and our allies.

Even with all Fred had already done for our country, his instinct for public service proved strong; and in 1996 he agreed to leave TASC and accept a position as my legislative assistant for defense and foreign affairs. Naturally, I was delighted to have someone with his background and expertise join my team.

Fred's tenure in the Senate has been one of remarkable distinction. For over a decade, while America's role in the world has undergone profound and sometimes tumultuous changes, I have consistently been able to rely on Fred to give me the highest level of counsel on critical military and foreign affairs issues. In addition to his almost encyclopedic knowledge of military matters, Fred quickly demonstrated that he possessed keen legislative and political instincts. As my designated representative to the Senate Armed Services Committee, Fred has been indispensable in my efforts to transform America's military so that is it better suited toward the national security needs of a post-Cold War world. With Fred's invaluable assistance, I was able to develop and pass legislation establishing the Quadrennial Defense Review and the National Defense Panel, which requires the Pentagon to regularly assess what it will require to keep America safe in the future, as well as legislation establishing the U.S. Joint Forces Command. Also, as part of the annual Defense authorization bill, Fred and I crafted a series of provisions to reform the policy, procurement, and research and development process at the Department of Defense.

Fred was just as focused and passionate in helping advance foreign policy legislation that was both tough on America's enemies and representative of our Nation's core values. With his strong guidance, I was able to enact a number of initiatives that promoted human rights and religious freedom abroad, increased American assistance to fight the spread of global HIV/AIDS, encouraged increased international cooperation and the expansion of the North Atlantic Treaty Organization, and authorized efforts to prevent genocide.

After the terrorist attacks of September 11, 2001, when America was awakened to the grave threat posed by radical Islamist terrorism, Fred was steadfast in his efforts to advance legislation giving the Federal Government the tools it needs to protect Americans from further attacks. Working with my talented staff on the Homeland Security and Governmental Affairs Committee, Fred played a vital role in producing legislation that implemented the recommendations of the National Commission on Terrorist Attacks Upon the United States. Fred also teamed up with the committee on the Intelligence Reform and Terrorism Prevention Act of 2004, which enacted the most sweeping reform of our Nation's intelligence community in over half a century, and on legislation creating the Department of Homeland Security.

Fred recognized early on that for the United States to ultimately succeed in the war on terror, it is not enough to just seek out and capture terrorists, but that we must also work to provide the people of the Middle East and the rest of the Islamic world an alternative to radical Islamism by promoting democracy and economic development. With this in mind, Fred toiled relentlessly to advance initiatives designed to expand America's diplomatic outreach to the Muslim world and to promote democracy, human rights, and the rule of law in the Middle East. He also guided to passage the Afghanistan Freedom Support Act, which committed the United States to aiding Afghanistan as it seeks to rebuild for the long term.

In 2005, when the Pentagon recommended that the Naval Submarine Base in Groton, CT, be closed, Fred worked tirelessly as a leader in an effort to keep it open. Once again, his advice was pivotal toward developing a successful strategy that demonstrated to the Base Closure and Realignment Commission that the unique synergy of submarine construction and operating talent in southeast Connecticut is critical to our national security. Connecticut truly owes a debt of gratitude to Fred for his perseverance and commitment to the well-being of our State.

Of course, I couldn't possibly discuss Fred's service in the Senate without mentioning all the times he and I have traveled the world together on official business. Whether it was our annual trip to the North Atlantic Treaty Organization summit in Brussels, or the numerous fact-finding trips taken to Iraq and Afghanistan, Fred was there to provide his thoughtful perspective.

Often these trips would keep Fred away from home during the holidays, an enormous sacrifice that I cannot begin to say how much I appreciate. Wherever we traveled, my visits to other parts of the world were always greatly enhanced knowing that Fred was at my side.

Fred is respected throughout the Senate for his outstanding work and breadth of knowledge. He has built a reputation with Senators and staff from both sides of the aisle for always being willing to take into account everyone's views and work together to reach a consensus. He is a true professional in the very best sense of the word.

I am deeply grateful to Fred's wife, Claudia, for her understanding of the marathon hours and taxing travel schedule that was so often demanded of Fred. Having been lucky enough to have gotten to know her and their two daughters, Dawn Harvey and Kelly Emery, I can only surmise that they served as an endless source of strength for him as he grappled with the tough issues facing the world today.

My entire Senate staff has been extremely fortunate to work with Fred, who was always willing to share his broad knowledge and counsel with his coworkers. When things would sometimes get hectic, Fred was a beacon of calm and stability; ready to impart the wisdom he had accumulated from his vast experience to help us all weather the storm. Many new legislative aides and fellows would find that Fred was someone they could approach whenever they needed assistance, and we have all been touched by his graciousness and sense of humor. He will always remain a treasured part of our office family, and the office will never be the same without him.

I am honored to have had Fred as a trusted advisor for all these years, and I am even prouder to call him my friend. While he will be missed immensely, my staff and I wish him happiness and health, knowing that he will be equally successful in his next endeavor. On behalf of myself, my staff, and the country, I sincerely thank Fred Downey for his many years of public service.

233RD BIRTHDAY OF THE UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish happy birthday to the oldest branch of our Armed Forces, the U.S. Army. Two hundred and thirty-three years ago, June 14, 1775, the Continental Congress approved the creation of a Continental Army—10 companies of riflemen, to defend American liberty. From the Revolutionary War to Iraq and Afghanistan, our men and women have served with bravery, selflessness and noble purpose.

Love of their country has inspired men and women to serve a cause greater than themselves. Regard for the principles our Nation was founded on motivates them to continue to fight and defend.

To say simply our Armed Forces have shaped history is an understatement. They have not only shaped history, they have defined America, and represented our nation's highest values . . . ''Duty, Honor, Country.''

Every generation of soldiers since the foundation of our country has protected our democracy and helped make the world more peaceful, secure and prosperous.

The sacrifices our soldiers have made in service to our country, and the price their families have paid are worthy of America's honor and respect. So as we celebrate the Army's 233rd birthday, we really celebrate our men and women in uniform who have given so much. Thank you.

In the Army's grandest tradition and as a proud Army veteran, I proclaim my annual Senate floor . . . ''HOOAH!''

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, I came to the floor to speak about the death of Sean Kennedy of Greenville, SC. This young man was attacked outside a local bar and sustained fatal injuries. His attacker, Stephen Moller, had punched him in the face and left a message on a friend of the victim's cell phone, calling Sean a faggot and bragging that he had knocked him unconscious. Sean died 20 hours later.

Sean's mother, Elke Parker, watched as Moller pled guilty to manslaughter, for which the judge gave him a 5-year sentence. The sentence was then reduced to 3 years. For the mother of a son killed in a hate crime, this is not justice. Had the Matthew Shepard Act been signed into law before Sean's death, prosecutors would have been able to charge the defendant with a violent hate crime under the law. Additionally, the Federal Government would have been authorized to provide investigatory and prosecutorial assistance, which could have led to a sentence commensurate with the brutality of this attack.

After the trial, Elke told reporters that she would push for Federal hate crime legislation. ''It may not help Sean today, but I want it to help future victims that they can be assured that there is justice. If your son or daughter is different, you need to support them for who they really need to be,'' she said. I was honored to speak with her about this legislation last month and look forward to working with her as we push for its passage.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

150TH ANNIVERSARY OF THE MARAIS DES CYGNES MASSACRE

Mr. BROWNBACK. Mr. President, last month in Kansas, I was able to be present for the commemoration of an important, but little known, event in American history. 150 years ago, May 19, 1858, a little defile in Kansas near Mine Creek was the site of one of the incidents that led up to the Civil War; the massacre of free State settlers by proslavery men.

The Marais des Cygnes Massacre is considered the last significant act of violence in Bleeding Kansas before the final cataclysm of civil war engulfed the Nation. On May 19, 1858, 30 men led by Charles Hamilton, a southern proslavery leader, crossed into Kansas from Missouri. Once there, they captured 11 free State men, none of whom was armed and none of whom had engaged in violence. Many of them knew Hamilton and didn't suspect he meant to harm them. These prisoners were led into a defile, where Hamilton ordered them shot and fired the first bullet himself. Five men were killed.

Hamilton's gang went back to Missouri, and only one man was ever brought to justice. William Griffith of Bates County, MO, was arrested in the spring of 1863 and hanged on October 30 of that year.

The incident horrified the Nation, and inspired John Greenleaf Whittier to write a poem on the murder, ''Le Marais du Cygnes,'' which appeared in the September 1858 Atlantic Monthly. The incident and the poem strengthened the resolve of the antislavery cause around the Nation.

In 1941 the Kansas Legislature authorized acceptance of the massacre site, including Hadsall's house, as a gift to the State from the Pleasanton Post, Veterans of Foreign Wars. In 1961 it provided funds for the restoration of the building, and in 1963 the entire property was turned over to the Kansas State Historical Society for administration. A museum was established in the upper floor of the building in 1964. The Kansas Historical Society has done great work in administering the site since 1963. Just recently Riley Albert Hinds, a young man from Pleasanton, did some work for an Eagle Scout project that was very important for the restoration of this site, and contributed greatly to the existing historical research on Marais des Cygnes.

From 1854 to 1861 Kansas was the scene of a bitter struggle to determine whether the territory should enter the Union as a free or a slave State. We

paid greatly as a Nation for the ''original sin'' of slavery in terms of blood and treasure, and there is still much healing that needs to take place. Part of our greatness as a Nation is our ability to acknowledge both the good parts and the bad parts of our history, and to make amends for injustices of the past.

Keeping alive our historical memory is a key to understanding ourselves as a Nation and as people. Communicating the rich history of our Nation to every generation is of the utmost importance. Knowing and learning from our history is one of the keys to maintaining a healthy, democratic society.

HONORING MY CHILDREN ON FATHER'S DAY

Mr. CRAIG. Mr. President, though the origin of Father's Day is not clear, fathers throughout the United States are made to feel special by their children every year, on the third Sunday in June.

Sunday, June 15, marks my 24th year as Dad to Mike, Jay and Shae. And in recent years, their seven children have made me a doting granddad to boot, doubling the joy of our celebration.

Throughout these years, I have never taken a Father's Day remembrance for granted—perhaps because I adopted my children when I had the wisdom and maturity to appreciate the pure joy of having them in my life. I have treasured the handmade trinkets, the interesting ties and the simple melody of their voices greeting me on that Sunday morning every year, ''Happy Father's Day, Dad! We love you.''

Father's Day always has been a time of reflection for Suzanne and me—to look back fondly on our kids' achievements and to take pride in how they handled life's disappointments. I remember Shae's first date and her first breakup, Mike's first car and Jay's first soccer game.

But nothing affected me as emotionally as my children's love and loyalty during the dark days of last August.

When I was under siege by the media, by my political opponents and even by some I thought were my friends, it was my three children who surrendered their privacy and risked being tarred by those demanding my head to take on their Dad's critics.

They were relentless in correcting the record—in television interviews and in doggedly responding to newspaper reporters' endless questions. And when I appeared before the media to respond to unspeakable accusations, my kids stood with me, looking my accusers squarely in the eye. In the privacy of our home, when I would despair, they were there to lift up their Dad.

Someone once said, ''If there is anything better than to be loved, it is loving.''

No father in America is prouder of his children than I. So this Sunday, the luckiest Dad in Idaho won't be just waiting around for his annual Father's Day calls and visits. This Father's Day, Dad is honoring the three who chose me to be their father—Shae, Mike and Jay.

FLAG DAY

Mr. CRAIG. Mr. President, this Saturday, June 14, our Nation celebrates Flag Day. It was on this day 231 years ago that the Second Continental Congress officially adopted the red, white, and blue flag to serve as an icon for our newly formed Nation. Living and working in the United States, one may find it easy to overlook the prevalence of our flag—it stands atop buildings, in school yards, next to libraries, and even in our neighborhoods. President Woodrow Wilson, in recognition of the significance of our flag, set aside June 14 as a day to observe our flag and take pride in our Nation.

The first flag, commonly known as the ''Betsy Ross'' flag—given the name after the legend that she designed the flag—contained 13 stars and stripes to symbolize the 13 original colonies. As our Nation grew, so did the stars in the constellation, finally leaving us with the 50 stars that we all recognize today.

One of the many beautiful aspects of our flag is that it can mean different things to different folks and is even open to your own personal interpretation. For many, the flag represents freedom; for others, individual rights or justice. For some, it is a reminder of those who fought to protect all Americans' right to life, liberty, and the pursuit of happiness.

Our first President, George Washington, had this to say about the flag's symbolism: ''We take the stars from heaven, the red from our mother country, separate it by white in stripes, thus showing that we have separated from her.''

This year, we honor our flag the day before Father's Day. In light of this, I would especially like to pay tribute to all the fathers serving in our armed forces who will be unable to celebrate with their families this weekend. I ask that we keep these brave men—whose service ensures the freedom that our flag so gallantly symbolizes—in our hearts and prayers as we celebrate Flag Day.

In closing, let me read an excerpt from a poem that is familiar to many in our country, because it has been read at countless ceremonies where American citizens are gathered. It's entitled ''I am the Flag,'' and it was written by Howard Schnauber:

I am the flag of the United States of America.
My name is Old Glory.
I fly atop the world's tallest buildings.
I stand watch in America's halls of justice.
I fly majestically over institutions of learning.
I stand guard with power in the world.
Look up . . . and see me.
I stand for peace, honor, truth and justice.
I stand for freedom.
I am confident.
I am arrogant.
I am proud.

LOSS OF LIFE DURING IOWA TORNADO

Mr. NELSON of Nebraska. Mr. President, I rise today to express my heartfelt sympathies for the families of four young Boy Scouts who lost their lives, and 48 other who were injured, in a terrible storm and tornado which struck last night just across the border from Nebraska in my neighboring state of Iowa.

Josh Fennen, 13; Sam Thomsen, 13; and Ben Petrzilka, 14—all of Omaha, Nebraska—and Aaron Eilerts, 14, of Eagle Grove, IA, were on what should have been a fun-filled camping trip with their Boy Scouts of America troop in a beautiful and rugged area not far from Omaha when this terrible weather hit their campsite.

At this somber time, I would like to recognize the heroism of the Scouts who came to the aid of those injured yesterday. You have the admiration of our entire State; your heroism and courage are in the finest tradition of Scouting. As an Eagle Scout, my thoughts go out to the entire Boy Scouts of America organization—nowhere is the sense of brotherhood so deep as with this wonderful group. While it is a dark hour for the Scouts, the character, strength, and sense of duty of these brave young men will help carry them through this tragedy.

Midwesterners are accustomed to violent weather, but we will never be accustomed to the tragic loss of life it sometimes brings. My thoughts and prayers are with these young victims and their families.

ADDITIONAL STATEMENTS

2007 SLOAN AWARD WINNERS

• Mr. ALEXANDER. Mr. President, I congratulate the 2007 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that successfully have used flexibility to meet both business and employee goals.

As I did last year, I wish to draw attention to the Sloan Awards because I think these companies should be commended for their excellence in providing workplace flexibility practices which benefit both employers and employees. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

For 2007, businesses in the following 24 cities were eligible for recognition: Aurora, CO; Boise, ID; Brockton, MA; Chandler, AZ; Chattanooga, TN; Chicago, IL; Cincinnati, OH; Dallas, TX; Dayton, OH; Detroit, MI; Durham, NC; Houston, TX; Long Beach, CA; Long Island, NY; Melbourne-Palm Bay, FL;

Morris County, NJ; Providence, RI; Richmond, VA; Salt Lake City, UT; Savannah, GA; Seattle WA; Spokane, WA; Tampa, FL; Washington, DC; and Winona, MN.

The Chamber of Commerce in each city hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for—and the winners that I am about to name were selected for—the Sloan Awards through a process that considered employees' views in addition to employer practices.

In Aurora, CO, the winners are Arapahoe/Douglas Works!, Lee Hecht Harrison, and The Medical Center of Aurora.

In Boise, ID, the winners are American Geotechnics, Big Brothers Big Sisters of Southwest Idaho, Children's Home Society of Idaho, DJM Sales & Marketing Inc, Group One Real Estate, J-U-B Engineers, KPMG, The Leavitt Group of Boise, Prime Equity Mortgage Group, St. Luke's Regional Medical Center, and TitleOne Corporation.

In Brockton, MA, the winner is Old Colony Elderly Services.

In Chandler, AZ, the winners are A&S Realty Specialists, Abalos & Associates PLLC, AHM Mortgage, Arizona Spine and Joint Hospital, Cachet Homes, Chandler Chamber of Commerce, Chandler Connection, Chandler Unified School District, Clifton Gunderson LLP, Hacienda Builders, Henry & Horne LLP, Intel Corporation, Jewish News of Greater Phoenix, Johnson Bank, MDI, Microchip Technology Inc., Omega Legal Systems Inc., RIESTER, Spark, Technology Providers Inc., Today's Women's Health Specialists, US Airways, and Wist Office Products.

In Chattanooga, TN, the winners are Center for Community Career Education at The University of Tennessee at Chattanooga, Management Recruiters of Chattanooga, Reading Education for Adult Development (READ) of Chattanooga, and Unum.

In Chicago, IL, the winners are Ernst & Young, First Midwest Bank, KPMG LLP, Lee Hecht Harrison, and Perspectives ltd.

In Cincinnati, OH, the winners are Barnes Dennig, CSC Consulting Group, Deloitte & Touche, FSCreations, and Physical Therapy Options.

In Dallas, TX, the winners are Accenture, BDO Seidman LLP, The Beck Group, Community Council of Greater Dallas, Deloitte, Direct Energy, Kaye/Bassman International, Lee Hecht Harrison, Nortel Networks, and State Farm Insurance.

In Detroit, MI, the winners are Albert Kahn Associates Inc., Amerisure Mutual Insurance Company, Brogan & Partners Convergence Marketing, Detroit Regional Chamber, Humantech, and Menlo Innovations.

In Durham, NC, the winners are Durham's Partnership for Children, Greenfire Development, Horvath Associates, P.A., and VirtualOfficeAmerica.

In Houston, TX, the winners are Access Sciences Corporation, Binkley & Barfield Inc., Continental Airlines, Deloitte, Direct Energy, El Paso Corporation, Fullbright & Jaworski LLP, Klotz Associates Inc., KPMG LLP, PGAL, PKF Texas, and Simdesk Technologies Inc.

In Long Beach, CA, the winners are KPMG and PeacePartners Inc.

In Long Island, NY, the winners are CMP Technology, Girl Scouts of Nassau County, and KPMG.

In Melbourne-Palm Bay, FL, the winners are Melbourne-Palm Bay Area Chamber of Commerce and Wesche Jewelers.

In Morris County, NJ, the winner is Solix, Inc.

In Providence, RI, the winners are Embolden Design Inc., Family Service of Rhode Island, KPMG, LGC&D P.C., Lighthouse Computer Services, Inc., Rhode Island Housing, and Rhode Island Legal Service, Inc.

In Richmond, VA, the winners are Bon Secours Richmond Health System, Capital One Financial, Chesterfield County Government, and VCU Health System.

In Salt Lake City, UT, the winners are Cooper Roberts, Enterprise Rent-A-Car Company, Intermountain Healthcare, Jones Waldo Holbrook & McDonough P.C., McKinnon-Mulherin Inc., Prince, Perelson & Associates, Redmond Minerals, Inc., and Select Health.

In Savannah, GA, the winners are Lazard Dana LLP and Wachovia.

In Seattle, WA, the winners are Blue Gecko, Cascadia Consulting Group, Child Care Resources, Consejo Counseling and Referral Services, Friends of the Children, Leadership Institute of Seattle, MarketFitz Inc., NRG::Seattle, PACE Staffing, Washington Health Foundation, WithinReach, Worktank, and URS.

In Spokane, WA, the winner is Gonzaga University.

In Tampa, FL, the winners are Argosy University Tampa, CIBERsites, Citigroup, Greenacre Properties Inc., Kerkering, Barberio & Co. P.A., Residential Drywall Inc., Self Reliance, Inc., Success 4 Kids & Families, and TEKsystems.

In Washington, DC, the winners are Capital One Financial, Discovery Communications Inc., and MorganFranklin Corp.

In Winona, MN, the winner is Wells Fargo Bank.

The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute, in partnership with the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce and the Twiga Foundation. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

Building on the success of the first 3 years, the next phase of the When Work Works initiative will extend the number of participating communities to 30 in 2008 to include: Atlanta, GA; Birmingham, AL; Charleston, SC; Dayton, OH; Lexington, KY; Louisville, KY; and San Francisco, CA. Again, I congratulate the 2007 winners of the Sloan Awards and look forward to the continuing expansion of this worthwhile initiative.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Rules and Administration. (The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5749. An act to provide for a program of emergency unemployment compensation.

H.R. 6003. An act to reauthorize Amtrak, and for other purposes.

ENROLLED BILLS SIGNED

At 5:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The enrolled bill (H.R. 6124) was subsequently signed by the Acting President pro tempore (Mr. TESTER).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3118. A bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic

health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6003. An act to reauthorize Amtrak, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5749. An act to provide for a program of emergency unemployment compensation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 3480. To direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 576. A resolution designating August 2008 as ''Digital Television Transition Awareness Month''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Helene N. White, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Raymond M. Kethledge, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Stephen Joseph Murphy III, of Michigan, to be United States District Judge for the Eastern District of Michigan.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. COLLINS:

S. 3119. A bill to stimulate the economy by encouraging energy efficiency, infrastructure and workforce investment, and homeownership retention, and by amending the Internal Revenue Code of 1986 to provide certain business tax relief and incentives, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. FEINSTEIN):

S. 3120. A bill to amend the Internal Revenue Code of 1986 to increase the income limitations for qualified performing artists eligible for an above-the-line deduction for performance expenses; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. ROBERTS, Mr. CRAPO, Mr. BAYH, and Mr. LUGAR):

S. 3121. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the penalties for failure to disclose reportable transactions, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 3122. A bill to amend the Commodity Exchange Act to provide for the regulation of oil commodities markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself, Mrs. MCCASKILL, and Mr. OBAMA):

S. 3123. A bill to require lobbyists who represent foreign politicians or political parties and foreign entities to register under Foreign Agents Registration Act of 1938; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3124. A bill to require the Secretary of Labor to establish a program to provide for workforce training and education, at community colleges, in the fields of renewable energy and efficiency, green technology, and sustainable environmental practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3125. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN:

S. 3126. A bill to provide for the development of certain traditional and alternative energy resources, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself and Mr. KENNEDY):

S. 3127. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 3128. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Indian Affairs.

By Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DORGAN, and Mr. BINGAMAN):

S. 3129. A bill to amend the Commodity Exchange Act to prevent price manipulation and excessive speculation and to increase transparency with respect to energy trading on foreign exchanges conducted within the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEVIN, Mr. BINGAMAN, Mr. DORGAN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. BROWN, Mr. CASEY, Mr. KERRY, Mr. LEAHY, Mrs. MURRAY, Ms. MIKULSKI, Mr. OBAMA, and Mr. REED):

S. 3130. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. STEVENS):

S. 3131. A bill to amend the Commodity Exchange Act to ensure the application of speculation limits to speculators in energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 3132. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the capture and sequestration of carbon dioxide from an industrial source; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DURBIN, and Mr. MENENDEZ):

S. 3133. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 3134. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 3135. A bill to amend the Outer Continental Shelf Lands Act to provide for the establishment of a production incentive fee for nonproducing leases; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BIDEN, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mrs. DOLE, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. ISAKSON, Mr. LEAHY, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. SMITH, Ms. SNOWE, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BINGAMAN, and Mr. BROWN):

S.J. Res. 41. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALEXANDER (for himself, Mr. CORKER, Mr. COCHRAN, and Mr. WICKER):

S. Res. 592. A resolution commending the Tennessee Valley Authority on its 75th anniversary; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Res. 593. A resolution honoring the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship; considered and agreed to.

By Mr. BROWN:

S. Res. 594. A resolution designating September 2008 as ''Tay-Sachs Awareness Month''; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. BURR, Mr. WICKER, Mr. INHOFE, Mr. SUNUNU, Mr. NELSON of Florida, Mr. BAYH, and Mr. PRYOR):

S. Con. Res. 90. A concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 335

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 879

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 989

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 989, a bill to amend title XVI of the Social Security Act to clarify that the values of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 1468

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1468, a bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes.

S. 1588

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1956

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1956, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2433

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2506

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2506, a bill to amend the Energy Policy and Conservation Act to modify a provision relating to the Northeast Home Heating Oil Reserve Account.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2652

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2715

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2766

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2766, supra.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 3008

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3070

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. 3084

At the request of Mrs. BOXER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3084, a bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a master's or higher degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and for other purposes.

S. 3098

At the request of Mr. ENZI, his name was added as a cosponsor of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3118

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 84

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution honoring the memory of Robert Mondavi.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Idaho (Mr. CRAPO), the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 3119. A bill to stimulate the economy by encouraging energy efficiency, infrastructure and workforce investment, and homeownership retention, and by amending the Internal Revenue Code of 1986 to provide certain business tax relief and incentives, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Economic Recovery Act of 2008. I think it is evident our economy is struggling to overcome the twin effects of record-high energy prices and a steep downturn in the housing market.

Earlier this year, this Congress acted to provide rebates to taxpayers to help them cope with the effects of the downturn in the economy. The hope was also that the impact of these rebate checks would be to stimulate the economy.

It is evident much more needs to be done, so the legislation I am introducing today is aimed at reinvigorating our economy. It is my proposal for a second economic stimulus package.

Over the course of the past several years, we have seen the price of oil climb by more than 400 percent, from about $30 per barrel in 2003, to more than $133 per barrel this morning. This escalation in energy costs threatens to plunge our economy into a recession, and it is imposing a tremendous hardship on middle-income and low-income families, on our truckdrivers, our farmers, our fishermen, our schools, virtually everyone.

Big factories and mills, as well as small businesses, have also been harmed by high energy prices. In fact, a week ago we learned a mill in Millinocket, ME, is going to be forced to shut down because it can no longer afford the oil that is essential to the operations of that paper mill.

We are working with Governor Baldacci to try to find alternatives. But it is a prime example of the tremendously harmful impact high energy prices are having on the economy of our State and indeed States throughout the Nation.

Gasoline is already topping $4 a gallon 2 weeks into the summer driving season. Maine families fear the cost of staying warm next winter because home heating oil prices have reached record highs.

At the same time, the cost of diesel fuel is pushing some of America's independent truckers to the brink of bankruptcy. Consider this astonishing fact. In 1999, a Maine truck driver could go from Augusta, ME, all the way to Albuquerque, NM, on $500 worth of diesel. Today, $500 worth of diesel will not get that truck driver to Altoona, PA. What a difference a few years makes.

Of course, with diesel prices continuing to increase, the problem is only getting worse. Meanwhile, weaknesses in the housing market are making it impossible for millions of Americans to get the financing they need to stay in their homes when their adjustable rate mortgages reset. Many of these families are being forced into foreclosure, leaving behind vacant properties and creating a ripple effect that is pulling down home values even further. This problem hurts communities across the Nation, and it requires an effective Federal response.

The legislation I am introducing today would provide much-needed help to Americans who are struggling with high energy costs and the weak housing market. Let me outline the provisions of the economic stimulus package I am proposing.

First, the Economic Recovery Act proposes a series of initiatives to promote increased energy efficiency that would help consumers save money on their energy bills, and help advance the goal of energy independence for our Nation.

Second, the bill provides relief from truck weight regulations that are injuring truckers in the State of Maine.

Third, it proposes a new program to finance transportation infrastructure that is based on the model of the Build American Bonds Bill.

Fourth, it would increase funding under the Workforce Investment Act so we can help displaced and unemployed or underemployed workers.

Fifth, it proposes tax incentives designed to help America's small businesses.

And, sixth, it would help to restore stability in the housing market by expanding the FHA Secure Program, which would help homeowners refinance mortgages that are in danger of foreclosure.

We have focused a lot on the housing problems and the turmoil in the housing and financial markets. Indeed, that is an important factor in the decline of our economy. As I have indicated, I think more needs to be done. But I am convinced high energy prices are an even greater cause of the economic downturn.

We must act to protect ourselves from rapid increases in oil prices and in the long term achieve energy independence. One way to help achieve both those goals is to encourage greater efficiency. My bill would double the funding for the Department of Energy's Weatherization Program, reaching $1.4 billion by the year 2010.

The bill would also provide $112 million each year for the valuable Energy Star Program, which helps consumers choose energy-efficient appliances, and would extend the renewable electricity tax credit through 2011 and the residential investment tax credit for solar and energy-efficient buildings through 2012.

My bill also includes a $500 credit to consumers who replace their old wood-burning stove with a new, cleaner-burning model using wood or wood pellets. This complements a proposal I introduced in February.

We must take action to address the impact rising diesel prices are having on the trucking industry, which is struggling. The rapid increase in the price of diesel is making it more difficult for our Nation's truckers to stay on the road.

It is also increasing the cost of delivering goods that communities throughout our country rely on. We can help trucks to operate more efficiently if we ease Federal trucking regulations that prohibit trucks that carry more than 80,000 pounds from traveling on the Federal interstate system.

My bill includes a provision that would create a 2-year pilot project that would permit trucks carrying up to 100,000 pounds, which is the weight level that is permitted on Maine's highways, to travel on the Interstate Highway system when diesel prices are at or above $3.50 a gallon. The savings on fuel consumption will benefit the trucking industry, the consumer, and our Nation at a time when we are looking for ways to decrease our dependency on foreign oil.

Let me tell you, the current system simply makes no sense at all. In Maine, the trucks that have 100,000 pounds of cargo are forced to leave the Interstate in Augusta, ME, a road that is built to accommodate the heaviest trucks, and instead are forced to go on secondary roads through towns and villages, stopping at railroad crossings. That wastes fuel, and is less safe than keeping them on the Interstate. The trip takes much longer because they are on secondary and slower roads that often are not the most direct routes to the destination. So that simply makes no sense at all.

Any proposal to stimulate the economy should help to fund transportation infrastructure projects. They are a proven means of fostering economic growth and are a lasting investment; an investment we need.

This past winter has been so difficult and so hard on the roads in Maine. I do not think I have ever seen so many frost heaves and so much wear and tear that the very difficult cold and snowy winter has had on our roads and highways as I have seen this spring in Maine. The legislation I have introduced calls for a $50 billion investment through new transportation bonds for roads, bridges, transit, rail, and waterways.

Now, I wish to give credit where credit is due. This proposal which I put into the economic stimulus package was first introduced by Senator WYDEN. I was very pleased to be a cosponsor of his bill. I have included our proposal as part of this broader package. Not only will this funding serve as the catalyst for thousands of good jobs today, we all know construction jobs are good jobs, but it also will improve our transportation infrastructure, which is critical to economic development over the long term.

This is an investment that makes sense. Many of these transportation projects are ready to go. They only need the funding. We must also act to provide assistance to those who have lost their jobs in this economic downturn. Now, that means extending unemployment compensation benefits. I hope we are going to do that soon. But in addition, we need to invest in our workers.

In the last 4 months, we have seen 340,000 jobs lost across the country. Today, we have more than 1.6 million additional unemployed workers, compared to 2001; 800,000 more than a year ago. The national unemployment rate has jumped to 5.5 percent. In my home State, 33,600 Mainers are looking for work.

In view of this increase in unemployment, it makes no sense whatsoever that the President's budget actually proposes another cut in the Workforce Investment Act. In fact, overall, the President's budget would cut $1.5 billion from the Department of Labor's workforce programs.

We must invest in America's workforce. Yet since fiscal year 2001, funding for the Workforce Investment Act programs has been reduced by nearly $1.7 billion in real terms. My bill would provide $1 billion in additional Workforce Investment Act funding that would enable us to train nearly 300,000 additional workers.

The bill would also increase funding for the Dislocated Workers program and for Youth and Adult training programs. Support for job training, investing in our workers is critical, but it is also important that we provide relief to the job creators in our economy, and that is our small businesses. The fact is, small businesses create 80 percent of the net new jobs in America. During economic downturns, however, they struggle with cash flow and they must forgo investments they need to grow and remain competitive. That is why I am proposing some tax incentives to help small businesses.

First, we should make the Section 179 expensing limit for small companies permanent so they can count on it. Second, we should renew a provision of tax law that allows restaurant owners to depreciate their equipment more quickly, over 15 years.

Finally, we must take action to steady the housing market. More than 50 million Americans hold mortgages at present and, fortunately, most of them are current with their payments. But 7 million of these mortgages are so-called subprime loans, and most of them are adjustable rate mortgages that reset to higher, often unaffordable rates after only 2 or 3 years of very low introductory rates. What we are finding is a lot of first-time homeowners simply did not understand the risk they were taking with subprime loans. As a result, approximately 1.3 million of these 7 million subprime mortgages are delinquent and could soon be in foreclosure. This number is expected to rise as more mortgages reach the reset date.

I am not interested in bailing out speculators, people who took a gamble that housing prices were going to increase. What I am talking about are homeowners who were peddled an unsuitable mortgage product. We need to help them. Foreclosures inflict losses all around—on the families who lose their homes; on the neighborhoods where values fall as empty houses proliferate; on borrowers who face tighter requirements and higher costs, as perceptions of lending risk increase; and on those who work in the construction or real estate industry, dependent on a strong housing market.

One source of help—and this is what I am proposing in my bill—would be to bolster the FHASecure program administered by the Federal Housing Administration. This program allows eligible homeowners to avoid foreclosure by assisting them with refinancing so they can afford to make their mortgage payments. My bill would expand this program to make it easier for lenders to accept voluntary write-downs of distressed mortgages and allow borrowers whose incomes are not sufficient to meet the terms of their existing mortgages to refinance their homes on terms they could afford. My bill also grants the FHA expanded authority to adjust insurance premiums, depending on the individual borrower's risk profile, to ensure the solvency of the FHA insurance fund. These provisions could help FHA reach hundreds of thousands of additional homeowners by the end of the year, and to do so without taxpayer subsidies.

The legislation I am introducing today includes comprehensive proposals that, taken together, would go a long way toward addressing the two factors truly harming our economy—high energy prices and a weakening housing market. I urge my colleagues to work together in a bipartisan way, to look at the ideas that I and others have proposed so we can work together on a second stimulus package to address these concerns and to help restore and strengthen our Nation's economy.

By Mr. BAUCUS:

S. 3125. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, George Bernard Shaw once said: ''If all economists were laid end to end, they would not reach a conclusion.''

Sometimes I feel the same about legislation to extend expiring tax provisions. Sometimes it feels as though that process never reaches a conclusion. Regrettably, Tuesday, the Senate failed to invoke cloture on the motion to proceed to the House-passed renewable energy and tax extenders bill.

Today, we must begin anew the march to a conclusion for the tax extenders package.

Next week, the Senate will face a choice. We'll vote again on getting to the tax extenders bill. We'll vote on allowing the Senate to get to the substitute amendment, the text of which I introduce today. I think that it's a pretty easy choice.

We need to decide whether we will develop new jobs and new medications.

Or, we can continue to allow hedge fund managers to defer, without limitation, their compensation for investing other people's money.

The choice is easy. We must pass this package of expiring provisions. We must reach a conclusion.

Last month, the House passed its renewable energy and tax extenders package, by a vote of 263 to 160. It came over to the Senate last week. My Colleagues on the other side of the aisle objected to moving to the House bill, for which I was prepared to offer a substitute amendment.

Today, I am introducing that substitute amendment as a stand-alone bill. This extender package is fully paid-for. These offsets are fiscally responsible. And these revenue-raising provisions are also sound tax policy.

The first revenue-raising provision is an extension of the effective date of the worldwide allocation of interest. The bill would delay application of the new rule.

This section of the code is scheduled to take effect in 2009.

Many of the companies that will benefit from this provision told me that they would rather have business extenders, including R&D, active financing, and CFC look-through. They prefer those important extenders to a 2009 application of the world wide allocation of interest.

These companies want a conclusion. And, they realize that to get a conclusion, they, along with Congress, must be fiscally responsible and pay for these provisions.

This provision allows Congress to be fiscally responsible and to pay for the priorities of the business community.

The second revenue-raising provision addresses offshore deferred compensation. This provision prevents hedge fund managers from deferring income. This is not an increase in tax on hedge fund managers. Rather, it is a change in the timing of when they have to pay their income tax.

We need to make decisions about our priorities. Is the ability of hedge fund managers to defer taxation of their compensation more important than spurring research and development?

This bill has a solid energy-tax package. It has about $17 billion in incentives for alternative energy, efficiency, and clean coal. This package is important for our environment and energy security. And it's important to facilitate the transition to a carbon-controlled economy.

I have been working to get the Congress to pass a good energy-tax package for the better part of a year. At the beginning of last year, the Finance Committee conducted several hearings. Last June, the Committee marked up a bill to bolster investment in clean energy, efficiency, and clean coal. Our bill—a roughly $30 billion package—passed the Finance Committee with a 15-to-5 vote.

The bill included a 5-year extension of the credit for production of renewable electricity. That credit enjoys strong bipartisan support.

It included 8-year extensions of credits for solar power. Solar power still needs significant subsidies to compete with fossil-based energy.

It included $4 billion in new funds for clean coal tax credits. These credits are needed to demonstrate that coal—which accounts for half of this Nation's electricity—can be burned cleanly.

The bill included a new consumer credit for plug-in hybrids. Already prototypes of plug-in hybrids can go a hundred miles on a gallon of gas.

The bill included a new credit for cellulosic ethanol. Some experts predict that cellulosic ethanol will become the fuel of the future.

Last June's Finance Committee package was largely financed by reducing tax benefits for oil and gas companies. We proposed repealing the manufacturing deduction for oil and gas firms. That raised about $9.4 billion for the package.

We proposed a tax on production in the Gulf of Mexico, with credit for the tax provided to companies paying royalties on that production. This raised more than $10 billion.

We also proposed tightening the rules on tax credits received by oil and gas companies that pay taxes to overseas jurisdictions. This proposal raised about $3.2 billion.

Taken together, these tax changes would have financed about two-thirds of the roughly $30 billion energy-tax package. We argued that the oil and gas offsets were justified, in part because of record-high oil prices. Recall that in 2005, President Bush said, ''With $55 (a barrel) oil we don't need incentives to oil and gas companies to explore.''

When the Finance Committee passed this energy-tax bill, oil traded at $69 a barrel.

After moving the bill through the Finance Committee, Senator GRASSLEY and I offered that measure on the Senate floor. We offered it as an amendment to the energy policy bill.

But our amendment got 57 votes on the floor, 3 shy of the 60 votes that we needed to break a filibuster.

The objections, almost entirely from the other side, were that the bill would increase energy prices. They argued that our bill unreasonably targeted the oil and gas industry. They argued that the package was simply too big.

So we went back to the drawing board. In negotiations with the House, we cut the size of the energy package by about a third. We dropped the $10 billion tax on Gulf production. We retained repeal of the manufacturing deduction for large oil and gas firms, and the provision to tighten loopholes on foreign tax credits for oil and gas companies. And we also included nearly $7 billion in offsets from President Bush's own budget proposal.

That's right. About one-third of the package that came to the Senate floor in December was offset by items taken directly from proposals offered by President Bush in his 2008 budget.

Even though we cut the package by about a third, the bill still maintained meaningful support for alternative energy and efficiency. It included extension of the renewable energy production credit. It included long-term extensions of credits for solar power. It included $2 billion for clean-coal projects. And it included a new consumer incentive for plug-in hybrid cars.

It was not as ambitious as the June 2007 Finance Committee bill. But the compromise product that came to the Senate floor in December was a very good package.

Nonetheless, the President issued a veto threat on the bill. And 40 Senators followed his lead. On December 12, 2007, the compromise package failed in the Senate by a vote of 59 to 40, just one shy of 60 needed to break yet another filibuster.

Faced with the choice of maintaining tax breaks for oil and gas companies and investing in a fledgling alternative energy industry, the Senate minority chose to protect the oil and gas companies.

Faced with the choice of investing in green-collar jobs or maintaining the status quo on energy, the minority chose the status quo.

Remember the President's assertion that tax breaks were not needed when oil traded at $55 a barrel? Well, when the Senate voted on the energy package on December 13, 2007, oil cost more than $92 a barrel.

So where are we now? Vital new energy-tax provisions—such as incentives for plug-in hybrid vehicles—have not become law. Existing incentives—such as those for energy-efficient appliances—have lapsed. And in less than 7 months, many others will lapse, including the renewable energy production credit, solar credits, incentives for efficient buildings, and credits for biofuels.

So what do we do about it? To paraphrase Thomas Edison, ''I have not failed. I've just found two ways that won't work.''

I hope that this attempt will work. The bill that I introduce today, and on which I hope the Senate can vote next week, includes a robust energy package. It is very similar to that negotiated with the House last year. It is very similar to the one that got 59 votes in the Senate.

Like last year's bills, this package includes long-term extensions of renewable energy credits. It includes major funding for clean coal projects. It includes a new incentive for plug-in hybrids. And it includes extensions of vital incentives to promote energy efficiency.

This $17 billion energy package is slightly smaller than last December's. But it's still critically important to our Nation's energy future.

There is a key difference between this year's package and last year's: the offsets. In response to criticisms of the oil and gas offsets and the President's veto threat, we have dropped proposals to repeal oil and gas tax breaks.

Instead, we have included two offsets that have nothing to do with oil and gas. In fact, they have nothing to do with energy. They are simply good policy. And they have broad support.

The bill also extends provisions that offer tax benefits to individuals and businesses. One such provision is the teacher expense deduction.

Our schools are in desperate need of repair. Our students don't have the books or supplies they need. Some teachers have taken it upon themselves to use money from their own pockets to provide classroom supplies for their students.

In 2005 alone, more than 3.4 million families took the teacher expense deduction. The average salary for a teacher is about $38,000.

This says a lot about this profession's dedication to educating America's youth. These teachers work diligently to make sure that America stays competitive in this global economy by educating our children. And yet they pay out of their own pockets for supplies. The least we can do is to help share the cost.

Another provision that is important to American families is the qualified tuition deduction. Tuition costs have long been increasing faster than inflation. Parents and students worry about how to cover these escalating costs.

4.4 million families took the qualified tuition deduction in 2005. But the provision expired at the end of 2007.

The bill that I introduce today has other important benefits. Millions of families get tax relief from these expiring provisions and will suffer without this legislation.

Businesses will also suffer if Congress does not act. Many of the business provisions contained in the extenders package are crucial in allowing U.S.-based multinational corporations to compete effectively in a global economy.

America accounts for a third of the world's spending on scientific research and development, ranking first among all countries. This is impressive. But relative to the size of our economy, America is in sixth place. And the trends show that maintaining American leadership in the future depends on increased commitment to research and science.

Asia has recognized this. Spending on research and development has increased by 140 percent in China, Korea, and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

There are workers in other countries who seek coveted research positions. Ireland, Poland, and other European countries would like American corporations to shift their R&D operations to their countries. Some of these countries offer incredible tax and non-tax benefits.

Yet our R&D tax credit expired on December 31. American corporations are at a competitive disadvantage. They are unsure if they will be able to obtain the benefit of the credit this year. And they need to plan for the future.

We need to pass an extenders package that allows American companies to take the credit as soon as possible.

American businesses need the R&D tax credit to compete in a global economy. The R&D tax credit gives companies an incentive to begin or continue research here in America. These jobs pay well and result in the creation of intellectual property.

We want these jobs. And we want the intellectual property to be created in our country.

American financial services companies successfully compete in world financial markets. We need to make sure, however, that the U.S. tax rules do not change that.

This legislation will extend the active financing exception to Subpart F. This provision preserves the international competitiveness of American-based financial services companies. This provision also contains appropriate safeguards to ensure that only truly active businesses benefit.

The active financing exception applies to active financial service income earned abroad by American financial services companies or American manufacturing firms with a financial services operation. The exception makes sure that this income is not subject to U.S. tax until that income is brought home to the U.S.

This provision will put the American financial services industry on an equal footing with foreign-based competitors who are not taxed on active financial services income.

There are several other provisions in this bill that encourage businesses to invest in this country. There are provisions that will help American businesses compete in a global economy. We must extend these provisions as soon as possible.

Finally, my bill will provide an AMT patch for 2008. The provision is not offset, because we recognize the reality of the budget constraints we face. We need to get this done. This is an important provision to the American families.

The patch will hold the number of people subject to the AMT at 4.2 million. As a result, over 20 million taxpayers will avoid the AMT next year.

The choice is easy. We should continue to support teachers, families and schools. We should continue to support the creation of jobs and intellectual property. That is why I urge my Colleagues to support this fully offset package.

Which is more important, Mr. President? 11 million families who take the state and local tax deduction, or a few hundred hedge fund managers?

Which is more important? 3.5 million teachers who pay out of their pocket for school supplies, or a few hundred hedge fund managers?

4.5 million families who struggle to pay for college tuition, or a few hundred hedge fund managers?

It is time to reach a conclusion. You can lay all the extenders bills end to end. But I submit that the best conclusion is the extenders package that I introduce today and that the Senate will try to get to next week. I urge my Colleagues to support the motion to invoke cloture on the motion to proceed.

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. 3125

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Independence and Tax Relief Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.

PART II—CARBON MITIGATION PROVISIONS

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.

Subtitle B—Transportation and Domestic Fuel Security Provisions

Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Restructuring of New York Liberty Zone tax credits.

Sec. 127. Transportation fringe benefit to bicycle commuters.
Sec. 128. Alternative fuel vehicle refueling property credit.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.
TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS
Subtitle A—Alternative Minimum Tax
Sec. 201. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 202. Extension of increased alternative minimum tax exemption amount.
Sec. 203. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.
Subtitle B—Extensions Primarily Affecting Individuals
Sec. 211. Deduction for State and local sales taxes.
Sec. 212. Deduction of qualified tuition and related expenses.
Sec. 213. Treatment of certain dividends of regulated investment companies.
Sec. 214. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 215. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 216. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 217. Qualified investment entities.
Sec. 218. Exclusion of amounts received under qualified group legal services plans.
Subtitle C—Extensions Primarily Affecting Businesses
Sec. 221. Extension and modification of research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Extension of mine rescue team training credit.
Sec. 226. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.
Sec. 227. Seven-year cost recovery period for motorsports racing track facility.
Sec. 228. Accelerated depreciation for business property on Indian reservation.
Sec. 229. Extension of election to expense advanced mine safety equipment.
Sec. 230. Expensing of environmental remediation costs.
Sec. 231. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 232. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 233. Qualified zone academy bonds.
Sec. 234. Tax incentives for investment in the District of Columbia.
Sec. 235. Economic development credit for American Samoa.
Sec. 236. Enhanced charitable deduction for contributions of food inventory.
Sec. 237. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 238. Enhanced deduction for qualified computer contributions.
Sec. 239. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 240. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 241. Subpart F exception for active financing income.
Sec. 242. Look-thru rule for related controlled foreign corporations.
Sec. 243. Expensing for certain qualified film and television productions.
Sec. 244. Extension and modification of duty suspension on wool products; wool research fund; wool duty refunds.
Subtitle D—Other Extensions
Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
TITLE III—ADDITIONAL RELIEF
Subtitle A—Individual Tax Relief
Sec. 301. Additional standard deduction for real property taxes for nonitemizers.
Sec. 302. $10,000 income threshold used to calculate refundable portion of child tax credit.
Sec. 303. Income averaging for amounts received in connection with the Exxon Valdez litigation.
Subtitle B—Business Related Provisions
Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
Sec. 312. Provisions related to film and television productions.
Sec. 313. Modification of rate of excise tax on certain wooden arrows designed for use by children.
Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer
Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
Subtitle D—Extension and Expansion of Certain GO Zone Incentives
Sec. 331. Certain GO Zone incentives.
Subtitle E—Other Provisions
Sec. 341. Secure rural schools and community self-determination program.
Sec. 342. Clarification of uniform definition of child.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages

prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: ''The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.''.

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2015''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(C) the energy efficiency percentage of which exceeds 60 percent, and

''(D) which is placed in service before January 1, 2015.

''(2) LIMITATION.—

''(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(3) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(A) paragraph (1)(C) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time

that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new sentence: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following: ''The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (d) shall apply to

fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Paragraph (6) of section 40(d) is amended to read as follows:

''(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking ''and'' each place it appears at the end of any paragraph,

(2) by striking ''plus'' each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (32) and inserting '', plus'', and

(4) by adding at the end the following new paragraph:

''(33) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 126. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy Independence and Tax Relief Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 127. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 128. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'', and

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000''.

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 106, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by section 106, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by section 106, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(d) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2007.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a

clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Alternative Minimum Tax

SEC. 201. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Extensions Primarily Affecting Individuals

SEC. 211. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 212. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 213. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 214. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 215. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2007'' and inserting ''2007, or 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 216. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 217. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 218. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking ''shall not apply to taxable years beginning after June 30, 1992'' and inserting ''shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—Extensions Primarily Affecting Businesses

SEC. 221. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—Section 41(h) (relating to termination) is amended—

(1) by striking ''December 31, 2007'' and inserting ''December 31, 2008'' in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.''.

(b) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended to read as follows:

''(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 14 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits), as amended by section 103, is amended—

(1) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively, and

(2) by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 45G,''.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

(2) The amendments made by subsection (b) shall apply to credits determined under section 45G in taxable years beginning after December 31, 2007, and to carrybacks of such credits.

SEC. 225. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 226. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—

(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property placed in service before January 1, 2009.''.

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, or

''(iv) the internal structural framework of the building.''.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 39''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 227. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 229. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 230. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 231. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 232. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 233. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

''SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking ''or'' at the end of subparagraph (B), by inserting ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this Act.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54E. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 234. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2009''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2013'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2013''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2013''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2013''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 235. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 3 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 236. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 237. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 238. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 239. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 240. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''3-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 241. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 242. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 243. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

SEC. 244. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting ''12/31/2014'':

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking ''2010'' and inserting ''2015''; and

(B) in paragraph (6)(A), by striking ''through 2009'' and inserting ''through 2014''.

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking ''2010'' and inserting ''2015''.

Subtitle D—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

TITLE III—ADDITIONAL RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. $10,000 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $10,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing

business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after December 31, 2008.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

SEC. 313. MODIFICATION OF RATE OF EXCISE TAX ON CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in

an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

Subtitle E—Other Provisions

SEC. 341. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each

eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 76 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 65 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTI YEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

''§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SEC. 342. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) (relating to age requirements) is amended by inserting ''is younger than the taxpayer claiming such individual as a qualifying child and'' after ''such individual''.

(b) CHILD MUST BE UNMARRIED.—Section 152(c)(1) (relating to qualifying child) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) who has not filed a joint return (other than only for a claim of refund) with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.''.

(c) RESTRICT QUALIFYING CHILD TAX BENEFITS TO CHILD'S PARENT.—

(1) CHILD TAX CREDIT.—Subsection (a) of section 24 (relating to child tax credit) is amended by inserting ''for which the taxpayer is allowed a deduction under section 151'' after ''of the taxpayer''.

(2) PERSONS OTHER THAN PARENTS CLAIMING QUALIFYING CHILD.—

(A) IN GENERAL.—Paragraph (4) of section 152(c) is amended by adding at the end the following new subparagraph:

''(C) NO PARENT CLAIMING QUALIFYING CHILD.—If the parents of an individual may claim such individual as a qualifying child but no parent so claims the individual, such individual may be claimed as the qualifying child of another taxpayer but only if the adjusted gross income of such taxpayer is higher than the highest adjusted gross income of any parent of the individual.''.

(B) CONFORMING AMENDMENTS.—

(i) Subparagraph (A) of section 152(c)(4) is amended by striking ''Except'' through ''2 or more taxpayers'' and inserting ''Except as provided in subparagraphs (B) and (C), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers''.

(ii) The heading for paragraph (4) of section 152(c) is amended by striking ''CLAIMING'' and inserting ''WHO CAN CLAIM THE SAME''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by adding at the end the following new subparagraph:

''(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to (and subsections (b) and (d) of such section shall be applied without regard to) so much of the taxpayer's qualified contributions made during the taxpayer's last taxable year beginning before 2018 as does not exceed the taxpayer's qualified inclusion amount. For purposes of subsection (b) of section 170 of such Code, the taxpayer's contribution base for such last taxable year shall be reduced by the amount of the taxpayer's qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) QUALIFIED CONTRIBUTIONS.—For purposes of this paragraph, the term ''qualified contributions'' means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term ''qualified inclusion amount'' means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraph (6) of section 864(f) is amended—

(1) by striking ''December 31, 2008'' and inserting ''December 31, 2018'',

(2) by striking ''An election'' and inserting: ''(A) IN GENERAL.—Except as provided in subparagraph (B), an election'', and

(3) by adding at the end the following new subparagraph:

''(B) EARLIER APPLICATION FOR CERTAIN GROUPS INCLUDING HOLDING COMPANIES.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of an applicable worldwide affiliated group—

''(I) the common parent of the applicable worldwide affiliated group may elect, for its first taxable year beginning after December 31, 2008, to have paragraphs (1), (2), and (3) apply to the applicable worldwide affiliated group as if it were a separate worldwide affiliated group, and

''(II) except as provided in clause (ii), such election shall apply to such applicable worldwide affiliated group for such taxable year and the 2 immediately succeeding taxable years unless revoked with the consent of the Secretary.

Such election shall not preclude an election under subparagraph (A) with respect to the worldwide affiliated group to which such applicable worldwide affiliated group relates.

''(ii) LIMITATION BASED ON FOREIGN ASSETS.—This subsection shall not apply to a taxable year for which the election under clause (i) is otherwise in effect if the ratio (expressed as a percentage) which the foreign assets of the applicable worldwide affiliated group bear to all the assets of the applicable worldwide affiliated group exceeds 3 percent at any time during such taxable year.

''(iii) APPLICABLE WORLDWIDE AFFILIATED GROUP.—For purposes of this subparagraph, the term 'applicable worldwide affiliated group' means, with respect to any worldwide affiliated group (as defined in paragraph (1)(C)) the common parent of which is an entity described in clause (i), (ii), or (iii) of paragraph (4)(C), a separate group consisting of those members of such worldwide affiliated group which—

''(I) are entities described in clause (i), (ii), or (iii) of paragraph (4)(C), or are subsidiaries of such entities substantially all of the activities of which are payroll, asset holding, or other activities which are integrally related to activities described in any such clause, and

''(II) were in existence, and were members of such group, as of October 21, 2004.

''(iv) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary to carry out the application of this subparagraph, including guidance with respect to the proper method for determining the ratio described in clause (ii) and guidance to prevent avoidance of the purposes of this subparagraph.''.

(b) CONFORMING AMENDMENT.—Paragraph (5)(D) of section 864(f) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2018''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 37.75 percentage points.

By Mr. COLEMAN:

S. 3126. A bill to provide for the development of certain tradional and alternative energy resources; and for other purposes; to the Committee on Finance.

Mr. COLEMAN. 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:

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 ''Energy Resource Development 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

Sec. 101. Revocation of withdrawal of certain areas of the outer Continental Shelf.
Sec. 102. State authority to protect certain coastal areas.
Sec. 103. Production of oil and natural gas in new producing areas.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

Sec. 201. Energy Independence Trust Fund.
Sec. 202. Loan guarantees for renewable fuel pipelines.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

Sec. 211. Definitions.
Sec. 212. Clean coal-derived fuel program.

Subtitle C—Nuclear Energy

Sec. 221. Incentives for innovative technologies.
Sec. 222. Authorization for Nuclear Power 2010 Program.
Sec. 223. Domestic manufacturing base for nuclear components and equipment.
Sec. 224. Nuclear energy workforce.
Sec. 225. Investment tax credit for investments in nuclear power facilities.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

SEC. 101. REVOCATION OF WITHDRAWAL OF CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

The ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, is revoked and no longer in effect regarding any area on the outer Continental Shelf covered by sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

SEC. 102. STATE AUTHORITY TO PROTECT CERTAIN COASTAL AREAS.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended by adding at the end the following:

''(f) APPROVAL BY CERTAIN AFFECTED STATES.—

''(1) DEFINITION OF AFFECTED STATE.—In this subsection, the term 'affected State' means a State that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines could be affected negatively by the potential environmental or economic impacts of a proposed lease sale or proposed development and production plan under this Act.

''(2) NOTICE TO AFFECTED STATES.—Not later than 30 days before the date of a proposed lease sale or the publication of a proposed development and production plan, the Secretary shall submit to the Governor of each affected State notice of the proposed sale or plan.

''(3) AUTHORITIES OF AFFECTED STATES.—Not later than 60 days after the date on which the Secretary provides to the Governor of an affected State notice under paragraph (2), the Governor of the affected State shall submit to the Secretary a written response to the proposed sale or plan that—

''(A) specifies whether the Governor—

''(i) accepts the sale or plan as proposed;

''(ii) accepts the sale or plan with modification; or

''(iii) vetoes the proposed sale or plan; and

''(B) in the case of subparagraph (A)(ii), includes a counterproposal that describes—

''(i) any proposed modifications to—

''(I) the proposed plan; or

''(II) the size, time, or location of the proposed sale; and

''(ii) any areas off the coast of the State that the Governor recommends for long-term protection in the form of a moratorium on leasing for a period of not more than 20 years based on—

''(I) any information in existence on the date of the counterproposal concerning the geographical, geological, and ecological characteristics of the areas proposed for protection;

''(II) an equitable sharing of developmental benefits and environmental risks among the areas;

''(III) the location of the areas with respect to—

''(aa) other uses of the sea and seabed in the areas, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports; and

''(bb) other anticipated uses of the resources and space of other areas of the outer Continental Shelf;

''(IV) any relevant laws, goals, and policies of the State; and

''(V) the relative environmental sensitivity and marine productivity of other areas of the outer Continental Shelf.

''(4) SECRETARIAL RESPONSE.—

''(A) IN GENERAL.—As soon as practicable after the Secretary receives a counterproposal under paragraph (3)(B), the Secretary, in consultation with the Secretary of Defense, shall—

''(i) approve the counterproposal without modification;

''(ii) attempt to enter into an agreement with the Governor to modify the counterproposal; or

''(iii) deny the counterproposal.

''(B) APPROVAL OF AGREEMENT.—To be valid, an agreement entered into under subparagraph (A)(ii) requires the approval of the Governor, the Secretary, and the Secretary of the Defense.''.

SEC. 103. 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).

''(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 beyond the submerged land of a new producing State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has received notice of a proposed lease sale for a new producing area under section 19(f)(2).

''(5) 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) AVAILABILITY FOR LEASING.—On approval by the new producing State of a proposed lease sale for a new producing area under section 19(f), the Secretary shall conduct the proposed lease sale for the new producing area.

''(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—

''(i) in the fund established by section 201 of the Energy Resource Development Act of 2008; or

''(ii) if the Secretary of the Treasury determines that the fund described in clause (i) is fully funded, 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. 4601 –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. 4601–5).

''(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, and hurricane protection.

''(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 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. 460l–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.

''(e) DUE DILIGENCE REQUIRED.—

''(1) NEW PRODUCING AREA LEASES.—Each lease entered into under this section shall provide that if a lessee fails to initiate development of the oil or gas resources in the new producing area subject to the lease by the date that is 2 years after the date of the issuance of the lease—

''(A) the lease shall terminate; and

''(B) the Secretary shall conduct a new lease sale for the new producing area that was subject to the terminated lease.

''(2) EXISTING LEASES.—

''(A) IN GENERAL.—Any lease entered into under any other section of this Act that is in effect on the date of enactment of this section shall terminate at the end of the 10–year lease period specified in the lease.

''(B) AVAILABILITY FOR LEASING.—The Secretary shall conduct a new lease sale for any area subject to a lease terminated under subparagraph (A) in accordance with this Act.

''(C) LEASE REQUIREMENTS.—Any lease issued under a lease sale conducted under subparagraph (B) shall provide that if a lessee fails to initiate development of the oil or gas resources in the area subject to the lease by the date that is 2 years after the date of the issuance of the lease—

''(i) the lease shall terminate; and

''(ii) the Secretary shall conduct a new lease sale for the area that was subject to the terminated lease.''.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. ENERGY INDEPENDENCE TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Energy Independence Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are deposited in the Fund under section 32(c)(1)(A)(i) of the Outer Continental Shelf Lands Act (as added by section 102).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out the following:

(A) Section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

(B) Title V of the Toxic Substances Control Act (15 U.S.C. 2695 et seq.).

(C) Sections 211(r), 212, and 329 of the Clean Air Act (42 U.S.C. 7545(r), 7546, 7628).

(D) The following provisions of the Energy Policy and Conservation Act:

(i) Section 324A (42 U.S.C. 6294a).

(ii) Section 337(c) (42 U.S.C. 6307(c)).

(iii) Section 365(f) (42 U.S.C. 6325(f)).

(iv) Part E of title III (42 U.S.C. 6341 et seq.).

(v) Section 399A (42 U.S.C. 6371h–1).

(E) The following provisions of the Energy Policy Act of 2005:

(i) Section 107 (42 U.S.C. 15812).

(ii) The amendments made by section 123 (119 Stat. 616).

(iii) Sections 124 through 127 (42 U.S.C. 15821 through 15824).

(iv) The amendments made by section 128 (119 Stat. 619).

(v) Sections 133 and 134 (42 U.S.C. 15831, 15832).

(vi) Section 140 (42 U.S.C. 15833).

(vii) Section 201 (42 U.S.C. 15851).

(viii) The amendments made by section 202 (119 Stat. 651).

(ix) The amendments made by section 206 (119 Stat. 654).

(x) Section 207 (119 Stat. 656).

(xi) Sections 208 and 210 (42 U.S.C. 15854, 15855).

(xii) Sections 242 and 243 (42 U.S.C. 15881, 15882).

(xiii) The amendments made by section 251 (119 Stat. 679).

(xiv) Section 252 (42 U.S.C. 15891).

(xv) Sections 706, 712, 721, and 731 (42 U.S.C. 16051, 16062, 16071, 16081).

(xvi) Subtitle C of title VII (42 U.S.C. 16091 et seq.).

(xvii) Sections 751 and 755 through 758 (42 U.S.C. 16101, 16103 through 16106).

(xviii) Section 771 (119 Stat. 834).

(xix) Sections 782 and 783 (42 U.S.C. 16122, 16123).

(xx) Sections 805, 808, 809, and 812 (42 U.S.C. 16154, 16157, 16158, 16161).

(xxi) Sections 911, 917, 921, and 931 (42 U.S.C. 16191, 16197, 16211, 16231).

(xxii) The amendments made by section 941 (119 Stat. 873).

(xxiii) Sections 942, 944 through 947, and 963 (42 U.S.C. 16251, 16253 through 16256, 16293).

(xxiv) Sections 1510, 1514, and 1516 (42 U.S.C. 16501, 16502, 16503).

(F) The following provisions of the Energy Independence and Security Act of 2007:

(i) Sections 131 and 135 (42 U.S.C. 17011, 17012).

(ii) Sections 207, 223, 229, 230, 234, 244, and 246 (42 U.S.C. 17022, 17032, 17033, 17034, 17035, 17052, 17053).

(iii) Section 243 (121 Stat. 1540).

(iv) Section 411 (42 U.S.C. 6872 note; Public Law 110–140).

(v) Sections 422, 440, 452, 491, and 495 (42 U.S.C. 17082, 17096, 17111, 17121, 17124).

(vi) Section 501 (121 Stat. 1655).

(vii) Section 502 (2 U.S.C. 2169).

(viii) The amendments made by section 505 (121 Stat. 1656).

(ix) Section 517 (42 U.S.C. 17131).

(x) Subtitle E of title V (42 U.S.C. 17151 et seq.).

(xi) Section 602 (42 U.S.C. 17171).

(xii) Sections 604 through 607 (42 U.S.C. 17172 through 17175).

(xiii) Subtitles B through E of title VI (42 U.S.C. 17191 et seq.) (other than section 653).

(xiv) Sections 703, 705, 707, 708, 711, and 712 (42 U.S.C. 17251, 17253, 17255, 17256, 17271, 17272).

(xv) Sections 805 and 807 (42 U.S.C. 17284, 17286).

(xvi) Sections 912, 913, 916, 917, 925, and 927 (42 U.S.C. 17332, 17333, 17336, 17337, 17355, 17357).

(G) Section 202.

(H) Subtitle C.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(c) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 202. LOAN GUARANTEES FOR RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—In this section:

(1) COST.—The term ''cost'' has the meaning given the term ''cost of a loan guarantee'' in section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

(2) ELIGIBLE PROJECT.—The term eligible project means a project described in subsection (b)(1).

(3) GUARANTEE.—

(A) IN GENERAL.—The term ''guarantee'' has the meaning given the term ''loan guarantee'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(B) INCLUSION.—The term ''guarantee'' includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(4) RENEWABLE FUEL.—The term ''renewable fuel'' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) (as in effect on January 1, 2009).

(5) RENEWABLE FUEL PIPELINE.—The term ''renewable fuel pipeline'' means a common carrier pipeline for transporting renewable fuel.

(b) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary shall make guarantees under this section for projects

that provide for the construction of new renewable fuel pipelines.

(2) ELIGIBILITY.—In determining the eligibility of a project for a guarantee under this section, the Secretary shall consider—

(A) the volume of renewable fuel to be moved by the renewable fuel pipeline;

(B) the size of the markets to be served by the renewable fuel pipeline;

(C) the existence of sufficient storage to facilitate access to the markets served by the renewable fuel pipeline;

(D) the proximity of the renewable fuel pipeline to ethanol production facilities;

(E) the investment of the entity carrying out the proposed project in terminal infrastructure;

(F) the experience of the entity carrying out the proposed project in working with renewable fuels;

(G) the ability of the entity carrying out the proposed project to maintain the quality of the renewable fuel through—

(i) the terminal system of the entity; and

(ii) the dedicated pipeline system;

(H) the ability of the entity carrying out the proposed project to complete the project in a timely manner; and

(I) the ability of the entity carrying out the proposed project to secure property rights-of-way in order to move the proposed project forward in a timely manner.

(3) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary under this section shall not exceed an amount equal to 90 percent of the eligible project cost of the renewable fuel pipeline that is the subject of the guarantee, as estimated at the time at which the guarantee is issued or subsequently modified while the eligible project is under construction.

(4) TERMS AND CONDITIONS.—Guarantees under this section shall be provided in accordance with section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512), except that subsections (b) and (c) of that section shall not apply to guarantees under this section.

(5) EXISTING FUNDING AUTHORITY.—The Secretary shall make a guarantee under this section under an existing funding authority.

(6) FINAL RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a final rule directing the Director of the Department of Energy Loan Guarantee Program Office to initiate the loan guarantee program under this section in accordance with this section.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide $4,000,000,000 in guarantees under this section.

(2) USE OF OTHER APPROPRIATED FUNDS.—To the extent that the amounts made available under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) have not been disbursed to programs under that title, the Secretary may use the amounts to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. 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—

(I) at least 50 percent of the carbon dioxide emissions that would otherwise be released at the facility; or

(II) if the Secretary determines that it is commercially feasible to capture a higher percentage of carbon dioxide emissions, a percentage equal to or greater than the percentage of carbon dioxide emissions determined by the Secretary to be commercially feasible of being captured.

(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. 212. 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	.075
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 Administrator of the Environmental Protection Agency, shall implement a credit program to manage the clean coal-derived fuel requirement of this section in a manner consistent with the credit 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).

(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—Nuclear Energy

SEC. 221. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

''(6) PROJECT COST.—

''(A) IN GENERAL.—The term 'project cost' means any cost associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, start-up, shakedown, and financing of a facility.

''(B) INCLUSIONS.—The term 'project cost' includes—

''(i) reasonable escalation and contingencies;

''(ii) the cost of and fees for a guarantee;

''(iii) reasonably required reserve funds;

''(iv) initial working capital; and

''(v) interest accrued during construction.''.

(b) TERMS AND CONDITIONS; AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsections (b) and (c) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) the Secretary has received from the borrower and deposited in the Treasury a payment in full for the cost of the obligation;

''(B) an appropriation for the cost has been made in lieu of a payment being made; or

''(C) a combination of actions described in subparagraphs (A) and (B) has been carried out such that, when combined, the actions are sufficient to cover the cost of the obligation.

''(2) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan guarantee made in accordance with paragraph (1)(B).

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee 100 percent of the obligation for a facility that is the subject of the guarantee, or a lesser amount if requested by the borrower.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury, to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

(d) REPORT TO CONGRESS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

''(k) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and annually thereafter, the Secretary shall submit to Congress a report that summarizes the applications for loan guarantees received, loan guarantees approved and rejected, and justifications for rejections of loan guarantees, under this title.

''(2) TERMINATION OF AUTHORITY.—Beginning with fiscal year 2018, the Secretary shall provide, in the annual report submitted for each fiscal year under paragraph (1), a recommendation on whether all or part of the loan guarantee program under this title should be terminated.''.

SEC. 222. AUTHORIZATION FOR NUCLEAR POWER 2010 PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsection (c) and inserting the following:

''(c) NUCLEAR POWER 2010 PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a Nuclear Power 2010 Program to position the United States to commence construction of new nuclear power plants by not later than—

''(A) calendar year 2010; or

''(B) such first calendar year after calendar year 2010 as is practicable.

''(2) SCOPE OF PROGRAM.—The Nuclear Power 2010 Program shall support the objectives of—

''(A) demonstrating the licensing process for new nuclear power plants, including the

Nuclear Regulatory Commission process for obtaining—

''(i) early site permits;

''(ii) combined construction or operating licenses; and

''(iii) design certifications; and

''(B) conducting first-of-a-kind design and engineering work on at least 2 advanced nuclear reactor designs sufficient to bring those designs to a state of design completion sufficient to allow development of firm cost estimates.

''(3) COST-SHARING.—The Nuclear Power 2010 Program shall be carried out through the use of cost-sharing with the private sector.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

''(A) $182,800,000 for fiscal year 2009;

''(B) $159,600,000 for fiscal year 2010;

''(C) $135,600,000 for fiscal year 2011;

''(D) $46,900,000 for fiscal year 2012; and

''(E) $2,200,000 for fiscal year 2013.''.

SEC. 223. DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) ESTABLISHMENT OF INTERAGENCY WORKING GROUP.—

(1) PURPOSES.—The purposes of this section are—

(A) to increase the competitiveness of the United States nuclear energy products and services industries;

(B) to identify the stimulus or incentives necessary to cause United States manufacturers of nuclear energy products to expand manufacturing capacity;

(C) to facilitate the export of United States nuclear energy products and services;

(D) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(E) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(F) to integrate the objectives described in subparagraphs (A) through (E), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(G) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—There is established an interagency working group (referred to in this section as the ''Working Group'') that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(B) COMPOSITION.—The Working Group shall be composed of—

(i) the Secretary (or a designee), who shall serve as Chairperson of the Working Group; and

(ii) representatives, appointed by the head of each applicable agency or department, of—

(I) the Department of Energy;

(II) the Department of Commerce;

(III) the Department of Defense;

(IV) the Department of Treasury;

(V) the Department of State;

(VI) the Environmental Protection Agency;

(VII) the United States Agency for International Development;

(VIII) the Export-Import Bank of the United States;

(IX) the Trade and Development Agency;

(X) the Small Business Administration;

(XI) the Office of the United States Trade Representative; and

(XII) other Federal agencies, as determined by the President.

(3) DUTIES OF WORKING GROUP.—The Working Group shall—

(A) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services—

(i) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(ii) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(iii) enhance the safe treatment, handling, storage, and disposal of used nuclear fuel;

(B) not later than 180 days after the date of enactment of this Act, identify—

(i) mechanisms (including tax stimuli for investment, loans and loan guarantees, and grants) necessary for United States companies to increase—

(I) the capacity of the companies to produce or provide nuclear energy products and services; and

(II) exports of nuclear energy products and services; and

(ii) administrative or legislative initiatives that are necessary—

(I) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(II) to provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(III) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(IV) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(C) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under subparagraphs (A) and (B), including recommendations for new legislative authority, as necessary; and

(D) encourage the agencies represented by membership in the Working Group—

(i) to provide technical training and education for international development personnel and local users in other countries;

(ii) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(iii) to develop nuclear energy projects in foreign countries;

(iv) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States, and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(v) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(vi) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(4) PERSONNEL AND SERVICE MATTERS.—The Secretary and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group, with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $20,000,000 for each of fiscal years 2009 and 2010.

(b) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—

(1) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year—

''(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment;

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer; or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer;

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable; and

''(D) which is placed in service on or before December 31, 2015.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section:

''(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.''.

(2) CONFORMING AMENDMENTS.—

(A) ADDITIONAL INVESTMENT CREDIT.—Section 46 of such Code is amended by—

(i) striking ''and'' at the end of paragraph (3);

(ii) striking the period at the end of paragraph (4) and inserting '', and''; and

(iii) inserting after paragraph (4) the following new paragraph:

''(5) the qualifying nuclear power manufacturing credit.''.

(B) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code is amended by—

(i) striking ''and'' at the end of clause (iii);

(ii) striking the period at the end of clause (iv) and inserting '', and''; and

(iii) inserting after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualifying nuclear power equipment manufacturing project under section 48C.''.

(C) TABLE OF SECTIONS.—The table of sections for such subpart E is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Qualifying nuclear power manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which of began after the date of enactment of this Act, or

(2) which was acquired by the taxpayer on or after the date of enactment of this Act and not pursuant to a binding contract which was in effect on the day prior to the date of enactment.

SEC. 224. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary of Energy, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, and organized labor, concerning skills that are needed in those industries.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Energy, to carry out this subsection $20,000,000 for each of fiscal years 2009 through 2012.''.

SEC. 225. INVESTMENT TAX CREDIT FOR INVESTMENTS IN NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986, as amended by this title, is amended by—

(1) striking ''and'' at the end of paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting '', and''; and

(3) inserting after paragraph (5) the following new paragraph:

''(5) the nuclear power facility construction credit.''.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by inserting after section 48C the following new section:

''SEC. 48D. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

''(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

''(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

''(2) COORDINATION WITH SUBSECTION (C).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 50(a)(2)(C), by the lessee), to the extent any amount so taken into account has not been required to be recaptured under section 50(a).

''(c) PROGRESS EXPENDITURES.—

''(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures–

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, in the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility; and

''(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, in the taxable year in which such expenditures are paid.

''(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)–

''(A) COMPONENT PARTS, ETC.—Property which is not self-constructed property and which is to be a component part of, or is otherwise to be included in, any facility to which this subsection applies shall be taken into account in accordance with paragraph (1)(B);

''(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility; and

''(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

''(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the facility or component of a facility which is properly attributable to the portion of the facility or component which is completed during such taxable year.

''(ii) CARRY-OVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self-constructed, if for the taxable year—

''(I) the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the limitation of clause (i), then the amount of such excess shall be taken into account under paragraph (1)(B) for the succeeding taxable year; or

''(II) the limitation of clause (i) exceeds the amount taken into account under paragraph (1)(B), then the amount of such excess shall increase the limitation of clause (i) for the succeeding taxable year.

''(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C)(i) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records. Unless the taxpayer establishes otherwise by clear and convincing evidence, the construction shall be deemed to be completed not more rapidly than ratably over the normal construction period.

''(E) NO PROGRESS EXPENDITURES FOR CERTAIN PRIOR PERIODS.—No qualified nuclear facility expenditures shall be taken into account under this subsection for any period before the first day of the first taxable year to which an election under this subsection applies.

''(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR IT IS PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

''(i) the taxable year in which the facility is placed in service; or

''(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility, or for any taxable year thereafter.

''(3) SELF-CONSTRUCTED.—For purposes of this subsection–

''(A) The term 'self-constructed facility' means any facility if it is reasonable to believe that more than half of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

''(B) A component of a facility shall be treated as not self-constructed if the cost of the component is at least 5 percent of the expected cost of the facility and the component is acquired by the taxpayer.

''(4) ELECTION.—An election shall be made under this section for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on a tax return filed by the due date for such return (taking into account extensions). Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section–

''(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear power facility, as defined in section 45J, the construction of which was approved by the Nuclear Regulatory Commission on or before December 31, 2013.

''(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

''(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount properly chargeable to capital account—

''(i) with respect to a qualified nuclear power facility;

''(ii) for which depreciation is allowable under section 168; and

''(iii) which are incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

''(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2007, unless such expenditures constitute less than 20 percent of the total qualified nuclear power facility expenditures (determined without regard to this subparagraph) for the qualified nuclear power facility.

''(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

''(A) IN GENERAL.—For purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease to be treated as a facility that will be a qualified nuclear power facility as of the earlier of—

''(i) the date on which the taxpayer decides to terminate construction of the facility; or

''(ii) the last day of any 24 month period in which the taxpayer has failed to incur qualified nuclear power facility expenditures totaling at least 20 percent of the expected total cost of the nuclear power facility.

''(B) AUTHORITY TO WAIVE.—The Secretary may waive the application of clause (ii) of subparagraph (A) if the Secretary determines that the taxpayer intended to continue the construction of the qualified nuclear power facility and the expenditures were not incurred for reasons outside the control of the taxpayer.

''(C) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases to be a qualified nuclear power facility by reason of paragraph (2) and work is subsequently resumed on the construction of such facility—

''(i) the date work is subsequently resumed shall be treated as the date that construction began for purposes of paragraph (1); and

''(ii) if the facility is a qualified nuclear power facility, the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.''.

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48D(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.''.

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or paragraph (2) of section 48D(b)'' after ''paragraph (2) of section 47(b)'';

(ii) inserting ''or section 48D(b)(1)'' after ''section 47(b)(1)''; and

(iii) inserting ''or facility'' after ''building''.

(C) AMENDMENT OF SALE AND LEASEBACK RULE.—Subparagraph (C) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or section 48D(c)'' after ''section 47(d)''; and

(ii) inserting ''or qualified nuclear power facility expenditures'' after ''qualified rehabilitation expenditures''.

(D) OTHER AMENDMENT.—Subparagraph (D) of section 50(a)(2) of such Code is amended by inserting ''or section 48D(c)'' after ''section 47(d)''.

(d) NO BASIS ADJUSTMENT.—Section 50(c) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

''(6) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Paragraphs (1) and (2) shall not apply to the nuclear power facility construction credit.''.

(e) TECHNICAL AMENDMENTS.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this subtitle, is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Nuclear power facility construction credit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective for expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

By Mr. KYL:

S. 3128. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, today I am pleased to introduce the White Mountain Apache Tribe Rural Water System Loan Authorization Act. This legislation would authorize a Federal loan to the White Mountain Apache Tribe for the planning, engineering, and design of a dam and reservoir, which will be used to provide drinking water to the tribe.

The White Mountain Apache Tribe, which is located on the Fort Apache Indian Reservation in eastern Arizona, has approximately 15,000 members. The majority of the reservation's residents are currently served by a relative small well field. According to the tribe, well production has significantly decreased over the last few years, leading to summer drinking water shortages.

A small rural development funded diversion project on the North Fork of the White River on the tribe's reservation is planned for construction this year. The tribe indicates that when the project is completed it will replace most of the lost production from the existing well field, but will not produce enough water to meet the demand of the tribe's growing population. Consequently, in order to meet the basic drinking water needs of the tribe, a longer-term solution is needed. The most likely and best solution is a relatively small dam and reservoir located on the tribe's reservation—the Miner Flat Dam.

The legislation I am introducing today would authorize the Secretary of the Interior to provide a Federal loan to the tribe for the planning, engineering, and design of the Miner Flat Dam. A portion of the funds set aside in the Arizona Water Settlements Act for future Arizona Indian water settlements would be used to repay the loan. Although Congress specifically set aside money in the Arizona Water Settlements Act for this purpose, the money will not be available until 2013. If the tribe were to wait until then to access these funds, the cost of Miner Flat Dam would increase $5 million to $7 million a year. Therefore, providing a loan to the tribe to expedite the planning of the dam would ultimately decrease the project's costs.

Any Federal funding for the actual construction of the project would be conditioned on the settlement of the tribe's water rights claims, which would have to be confirmed by Congress. The tribe is in the process of settling its water claims in the State of Arizona, and it is my understanding that the parties involved in negotiating the tribe's water claims will likely reach a settlement with the tribe this summer. Once the parties reach an agreement, I intend to introduce legislation confirming their settlement.

The legislation I am introducing today would bring the tribe one step closer to having a reliable source of drinking water. Consequently, I urge my colleagues to support this legislation.

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. 3128

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 ''White Mountain Apache Tribe Rural Water System Loan Authorization Act''.

SEC. 2. DEFINITIONS.

(a) MINER FLAT PROJECT.—The term ''Miner Flat Project'' means the White Mountain Apache Rural Water System, comprised of the Miner Flat Dam and associated domestic water supply components, as described in the project extension report dated February 2007.

(b) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation (or any other designee of the Secretary).

(c) TRIBE.—The term ''Tribe'' means the White Mountain Apache Tribe, a federally recognized Indian tribe organized pursuant to section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476 et seq.).

SEC. 3. MINER FLAT PROJECT LOAN.

(a) LOAN.—Subject to the condition that the Tribe and the Secretary have executed a cooperative agreement under section 4(a), not later than 90 days after the date of enactment of this Act, the Secretary shall provide to the Tribe a loan in an amount equal to $9,800,000, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out planning, engineering, and design of the Miner Flat Project in accordance with section 4.

(b) TERMS AND CONDITIONS OF LOAN.—

(1) INTEREST; TERM.—The loan provided under subsection (a) shall—

(A) be at a rate of interest of 0 percent; and

(B) be repaid over a term of 10 years, beginning on January 1, 2013.

(2) FUNDS FOR REPAYMENT.—

(A) IN GENERAL.—For each of fiscal years 2013 and 2014, in lieu of direct repayment by the Tribe of the loan provided under subsection (a), the amount described in subparagraph (B) shall be credited toward repayment of the loan.

(B) DESCRIPTION OF AMOUNT.—The amount referred to in subparagraph (A) is a portion of the funds in the Lower Colorado River Development Fund pursuant to section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)) equal to—

(i) for fiscal year 2013, 50 percent of the outstanding balance of the loan under subsection (a) as of October 1, 2012; and

(ii) for fiscal year 2014, the remaining balance of the loan as of October 1, 2013.

(c) ADMINISTRATION.—Subject to section 4, the Secretary shall administer the planning, engineering, and design of the Miner Flat Project.

SEC. 4. PLANNING, ENGINEERING, AND DESIGN.

(a) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall offer to enter into a cooperative agreement with the Tribe for the planning, engineering, and design of the Miner Flat Project in accordance with this Act.

(2) MANDATORY PROVISIONS.—A cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Tribe, the rights, responsibilities, and liabilities of each party to the agreement.

(b) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Each activity for the planning, engineering, or design, of the Miner Flat Project shall be subject to the requirements of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DORGAN, and Mr. BINGAMAN):

S. 3129. A bill to amend the Commodity Exchange Act to prevent price manipulation and excessive speculation and to increase transparency with respect to energy trading on foreign exchanges conducted within the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, today I am introducing, along with Senators FEINSTEIN, DURBIN, and DORGAN, the Close the London Loophole Act. This legislation would ensure that the Commodity Futures Trading Commission, CFTC, has the same authority to detect, prevent, and punish manipulation and excessive speculation for traders in the United States who trade crude U.S. oil or other energy commodities on foreign commodity exchanges as the CFTC has for traders who trade on U.S. exchanges.

Today, U.S. crude oil and gasoline futures are traded primarily on exchanges in New York and London. While the CFTC—our cop on the beat—has clear authority to go after trading abuses on the New York exchange, its authority is less clear when it comes to U.S. energy commodities traded on the London exchange. The bill we are introducing today would close the London loophole by ensuring the CFTC has all the information and authority it needs to stop price manipulation or excessive speculation involving U.S. energy trades on foreign exchanges.

Under current law, the CFTC obtains the information it needs to detect price manipulation and excessive speculation involving U.S. energy trades on foreign exchanges only through voluntary data-sharing agreements it arranges with the relevant foreign regulators. In many instances, the CFTC can take action against a U.S. trader on a foreign exchange to prevent manipulation or excessive speculation only with the cooperation and consent of the foreign regulator.

Our bill would strengthen CFTC oversight by providing the CFTC with clear legal authority, as well as a clear legal obligation, to obtain trading data from foreign exchanges operating in the United States through direct trading terminals. In addition, the bill would enable the CFTC to act on its own authority and initiative to prevent manipulation or excessive speculation by U.S. traders directing trades through foreign exchanges. This new authority would ensure that our own government has the information and ability to protect American markets from manipulation and excessive speculation, no matter where U.S. energy commodities are traded. U.S. traders will no longer be able to avoid the cop on the beat by routing their trades through a foreign exchange.

This legislation would complement a recent legislative initiative I have long worked on to ensure that U.S. commodity markets are free from manipulation and excessive speculation. Last month the Congress passed, over the President's veto, legislation to close the Enron loophole. This loophole, enacted into law in 2000 at the behest of Enron and other commodity traders, had allowed large traders to buy and sell energy commodities on U.S. electronic markets without CFTC oversight. The legislation passed last month as part of the farm bill gave the CFTC the authority and mandate to police U.S. electronic exchanges to stop price manipulation and excessive speculation. No longer will these electronic commodity exchanges be able to operate in the dark, as they had under the Enron loophole.

Closing the Enron loophole is a major advance in U.S. energy market oversight as a whole, and for our natural gas markets in particular, but it is not enough. Because over the last two years, energy traders have begun trading U.S. crude oil, gasoline, and home heating oil on the London exchange, beyond the direct reach of U.S. regulators, we have to address that second loophole too. I call it closing the London loophole.

There are currently two key energy commodity markets for U.S. crude oil, gasoline, and heating oil trading. The first is the New York Mercantile Exchange or NYMEX, located in New York City. The second is the ICE Futures Europe exchange, located in London and regulated by the British agency called the Financial Services Authority.

British regulators do not oversee their energy markets the same way we do. They don't place limits on speculation like we do, they don't monitor trader positions like we do, and they do not require the same type of data to be reported to regulatory authorities. That means that traders can avoid U.S. crude oil speculation limits on the New York exchange by trading on the London exchange. It also makes the London exchange less transparent than the New York exchange. The legislation I introduced last year to close the Enron loophole would have required U.S. traders on the London exchange to provide U.S. regulators with the same type of trading information that they are already required to provide when they trade on the New York Mercantile Exchange. Unfortunately, this provision was dropped from the close-the-Enron-loophole legislation in the farm bill.

The Consumer-First Energy Act, S. 3044, which the Majority Leader and others introduced recently to address high prices and reduce speculation, included at my request a provision to curb rampant speculation, increase our access to foreign exchange trading data, and strengthen oversight of the trading of U.S. energy commodities no matter where that trading occurs. This provision would require the CFTC, prior to allowing a foreign exchange to establish direct trading terminals located in this country, to obtain an agreement from that foreign exchange to impose speculative limits and reporting requirements on traders of U.S. energy commodities comparable to the requirements imposed by the CFTC on U.S. exchanges. This issue is so important that I introduced this section of the package as a separate bill, S. 2995, along with Senator FEINSTEIN.

Following the introduction of our legislation, the CFTC finally moved to address some of the gaps in its ability to oversee foreign exchanges operating in the United States. Specifically, the CFTC, working with the United Kingdom Financial Services Authority and the ICE Futures Europe exchange, announced that it will now obtain the following information about the trading of U.S. crude oil contracts on the London exchange: daily large trader reports on positions in West Texas Intermediate or WTI contracts traded on the London exchange; information on those large trader positions for all futures contracts, not just a limited set of contracts due to expire in the near future; enhanced trader information to permit more detailed identification of end users; improved data formatting to facilitate integration of the data with other CFTC data systems; and notification to the CFTC of when a trader on ICE Futures Europe exceeds the position accountability levels established by NYMEX for the trading of WTI crude oil contracts.

These new steps will strengthen the CFTC's ability to detect and prevent manipulation and excessive speculation in the oil and gasoline markets. It will ensure that the CFTC has the same type of information it receives from U.S. exchanges in order to detect and prevent manipulation and excessive speculation on the London exchange.

However, in order to fully close the London loophole, better information is not enough. The CFTC must also have clear authority to act upon this information to stop manipulation and excessive speculation.

That is why I have been working with the sponsors of the Consumer-First Energy Act to develop additional language to ensure that the CFTC has the authority to act upon the information obtained from the London exchange to prevent price manipulation and excessive speculation. This new provision would make it clear that the CFTC has the authority to prosecute and punish manipulation of the price of a commodity, regardless of whether the trader within the United States is trading on a U.S. or on a foreign exchange. It would also make it clear that the CFTC has the authority to require traders in the United States to reduce their positions, no matter where the trading occurs—on a U.S. or foreign exchange—to prevent price manipulation or excessive speculation in U.S. commodities. Finally, it would clarify that the CFTC has the authority to require all U.S. traders to keep records of their trades, regardless of which exchange the trader is using.

This new provision is included in the bill we are introducing today. I hope that it will also be included in the Consumer-First Energy Act when Senate debate is allowed to go forward on that bill.

In closing the London loophole, we will ensure there is a cop on the beat for all U.S. energy commodity traders, no matter whether they are trading on an exchange in New York or in London. It will ensure that our regulators have the information and the tools to detect, prevent, and punish manipulation and excessive speculation.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEVIN, Mr. BINGAMAN, Mr. DORGAN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. BROWN, Mr. CASEY, Mr. KERRY, Mr. LEAHY, Mrs. MURRAY, Ms. MIKULSKI, Mr. OBAMA, and Mr. REED):

S. 3130. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I came to the floor at the beginning of this week to make a simple point: as oil prices have reached $139 per barrel in recent days, the truth is that no one—not the oil industry, not the futures exchanges, not the regulators, not even this United States Senator—knows exactly what's going on here.

But with the economy in a tailspin and with the average price for a gallon of gas surpassing $4 and even higher across the country, it is time to find out.

The chairman of the chief regulator of the futures markets, the Commodity Futures Trading Commission, doesn't seem to know either. In a recent appropriations subcommittee hearing I chaired, Chairman Lukken stated that ''CFTC staff analysis indicates that the current higher futures prices are generally not a result of manipulative forces.''

Yet last Thursday and Friday the futures price of a barrel of oil shot up $16. In 2 days. Unless there was a massive pipeline explosion late last week that I somehow missed, there is simply no supply or demand justification for that kind of price increase.

Something more is going on here.

Is it rampant speculation that is causing the rise in oil prices?

Is it illegal market manipulation?

Is it the fact that the stock markets are not providing investors with decent returns at the moment, and so big investors are now pouring money into the futures markets instead?

Is it the hugely deflated dollar exchange rate that is behind this?

Is it that investors are worried about inflation and are using oil to hedge against that risk like they use to use gold?

Is it really the rising demand of emerging economies like China and India that is causing the price of oil to rise?

Is it the lack of true oversight into these markets that has encouraged institutional traders to take large speculative positions through overseas markets or over-the-counter trades, positions that they can't take in other markets?

Is it the lack of portfolio caps that are in place for some futures contracts but not for oil that has encouraged institutional traders to take large speculative positions?

The questions go on and on. And the answers are scarce. Given the importance of the price of gas to families in Illinois and across the country, I think that is scandalous.

That's why I'm introducing a bill today entitled the ''Increasing Transparency and Accountability in Oil Prices Act.'' This bill would provide more people and better technology to the CFTC to help them better understand this situation. It also would give the CFTC far greater visibility to the traders and the transactions that are involved here.

Specifically, this bill would:

Authorize the CFTC to hire an additional 100 FTEs, and express the Sense of the Senate for the need for an emergency supplemental request from the President for this funding;

Close the ''London loophole'' by treating oil traders located in London as if they were trading in the U.S. for regulatory purposes, so that the CFTC has access to oil trades on all exchanges rather than just the trades that take place physically in the U.S.;

Require more detailed reporting to the CFTC for index funds and swap dealers who typically take long positions that might drive up the price of oil;

Move the CFTC Inspector General out of the CFTC Chairman's office, to ensure its objectivity; and

Initiate a GAO study of the existing international regulatory regime that should be preventing excessive speculation and manipulation of oil prices.

Many of these ideas are not new. Senators LEVIN, FEINSTEIN, CANTWELL, and DORGAN have all been very active on these issues as have many others, and of course Chairman BINGAMAN and Chairman HARKIN have been leaders on these regulatory issues for years.

For my part, I intend to use my Chairmanship of the Appropriations Subcommittee on Financial Services and General Government to increase the funding and capacity of the CFTC. We will expect the agency to use these resources to get to the bottom of this.

Quickly.

These ideas—more regulatory resources and more market transparency—are ideas that many of my colleagues might agree with. I encourage my colleagues on both sides of the aisle to support this important legislation.

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. 3130

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 ''Increasing Transparency and Accountability in Oil Prices Act of 2008''.

SEC. 2. SENSE OF SENATE ON ADDITIONAL EMERGENCY FUNDING FOR COMMISSION.

(a) FINDINGS.—The Senate finds that—

(1) excessive speculation may be adding significantly to the price of oil and other energy commodities;

(2) the public and Congress are concerned that private, unregulated transactions and overseas exchange transactions are not being adequately reviewed by any regulatory body;

(3) an important Federal overseer of commodity speculation, the Commodity Futures Trading Commission, has staffing levels that have dropped to the lowest levels in the 33-year history of the Commission; and

(4) the acting Chairman of the Commission has said publicly that an additional 100 employees are needed in light of the inflow of trading volume.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should immediately send to Congress a request for emergency appropriations for fiscal year 2008 for the Commodity Futures Trading Commission in an amount that is sufficient—

(1) to help restore public confidence in energy commodities markets and Federal oversight of those markets;

(2) to potentially impose limits on excessive speculation that is increasing the price of oil, gasoline, diesel, and other energy commodities;

(3) to significantly improve the information technology capabilities of the Commission to help the Commission effectively regulate the energy futures markets; and

(4) to fund at least 100 new full-time positions at the Commission to oversee energy commodity market speculation and to enforce the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SEC. 3. ADDITIONAL COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this subparagraph, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of enactment of this subparagraph)—

''(i) to increase the public transparency of operations in energy futures markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

SEC. 4. INSPECTOR GENERAL.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

''(13) INSPECTOR GENERAL.—

''(A) OFFICE.—There shall be in the Commission, as an independent office, an Office of the Inspector General.

''(B) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

''(C) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(D) ADMINISTRATION.—The Inspector General shall exert independent control of the budget allocations, expenditures, and staffing levels, personnel decisions and processes, procurement, and other administrative and management functions of the Office.''.

SEC. 5. STUDY OF INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(b) ANALYSIS.—The study shall include an analysis of, at a minimum—

(1) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement;

(2) agreements and practices for sharing market and trading data;

(3) the use of position limits or thresholds to detect and prevent price manipulation, excessive speculation, or other unfair trading practices;

(4) practices regarding the identification of commercial and noncommercial trading and the extent of market speculation; and

(5) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States from the effects of excessive speculation and energy price volatility.

SEC. 6. 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. 7. COMMISSION AUTHORITY OVER TRADERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 6) is amended by adding at the end the following:

''(f) COMMISSION AUTHORITY OVER TRADERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section or any determination made by the Commission to grant relief from the requirements of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, in the case of a person located within the United States, or otherwise subject to the jurisdiction of the Commission, trading on a foreign board of trade, exchange, or market located outside the United States (including the territories and or possessions of the United States), the Commission shall have authority under this Act—

''(A) to apply and enforce section 9, including provisions relating to manipulation or attempted manipulation, the making of false statements, and willful violations of this Act;

''(B) to require or direct the person to limit, reduce, or liquidate any position to prevent or reduce the threat of price manipulation, excessive speculation, price distortion, or disruption of delivery or the cash settlement process; and

''(C) to apply such recordkeeping requirements as the Commission determines are necessary.

''(2) CONSULTATION.—Prior to the issuance of any order under paragraph (1) to reduce a position on a foreign board of trade, exchange, or market located outside the United States (including the territories and possessions of the United States), the Commission shall consult with the foreign board of trade, exchange, or market and the appropriate regulatory authority.

''(3) ADMINISTRATION.—Nothing in this subsection limits any of the otherwise applicable authorities of the Commission.''.

SEC. 8. INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 7) is amended by adding at the end the following:

''(g) INDEX TRADERS AND SWAP DEALERS.—Not later than 60 days after the date of enactment of this subsection, the Commission shall—

''(1) routinely require detailed reporting from index traders and swap dealers in markets under the jurisdiction of the Commission;

''(2) reclassify the types of traders for regulatory and reporting purposes to distinguish between index traders and swaps dealers; and

''(3) review the trading practices for index traders in markets under the jurisdiction of the Commission—

''(A) to ensure that index trading is not adversely impacting the price discovery process; and

''(B) to determine whether different practices or regulations should be implemented.''.

SEC. 9. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 8) is amended by adding at the end the following:

''(h) DISAGGREGATION OF INDEX FUNDS AND DATA IN ENERGY MARKETS.—The Commission shall disaggregate and make public monthly—

''(1) the number of positions and total value of index funds and other passive, long-only positions in energy markets; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets.''.

By Mrs. FEINSTEIN (for herself and Mr. STEVENS):

S. 3131. A bill to amend the Commodity Exchange Act to ensure the application of speculation limits to speculators in energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise to introduce The Oil Speculation Control Act, a bill to reduce the impact of excessive speculation in the oil markets.

The legislation is cosponsored by Senator TED STEVENS.

Last week the price of oil hit $138 per barrel. A commodity that used to be priced at $11 a barrel is now swinging $11 in a single day. Yesterday it jumped $5—supposedly in response to a single Department of Energy report.

Gasoline prices now average more than $4.50 in California. Some gas stations have to charge by the half gallon. Their pumps cannot calculate in prices this high.

There seems to be no relief in sight for consumers as we enter the summer travel season.

In the Farm Bill Congress finally closed the ''Enron Loophole,'' and placed all major electronic trades that could drive energy prices under the watchful eye of the Commodity Futures Trading commission, CFTC.

Today I and Senator LEVIN introduced the Close the London Loophole Act to close another loophole. This bill would bring oversight to American energy commodities being traded beyond our borders.

I also joined Senator DURBIN in calling for the President to add 100 I enforcement professionals to the ranks of the CFTC.

However, these steps are not enough.

I believe we must do more to reduce the excessive speculation of institutional investors in oil markets.

So today I am introducing the Oil Speculation Control Act.

Let me explain what this bill would do.

First, it requires CFTC to review the trading practices of institutional investors and their dealers within 30 days:

It ensures that their trading is not adversely impacting the market price.

It determines whether different regulations are necessary:

It proposes to Congress regulations and legislation necessary to prevent the dramatic increase of fuel costs in the futures markets.

Second, the bill establishes reporting requirements. It requires institutional investors, such as pension funds or endowments, to report their energy market positions to the CFTC, even when trades are executed by a third party broker.

To further increase transparency, it would force CFTC regulations and reports to begin distinguishing between the institutional investors and the ''swaps dealers'' or ''index traders'' who broker their trades.

Third, the bill would force CFTC to limit institutional investor and index trader positions, as CFTC limits the positions of more traditional market speculators.

Fourth, it prevents CFTC from considering the positions of institutional investors or their brokers to be ''bone fide hedges'' that would be exempt from speculative position limits.

Finally, it requires that the Office of the CFTC's Inspector General be removed from the CFTC Chairman's Office and established as an independent office.

This bill is necessary because I believe that speculation in oil futures by large institutional investors and index funds is inflating the price of oil.

The unconstrained and overwhelming entrance of these new commodity investors, who have bet more than 99 percent of their funds on prices rising, must be controlled.

Recent testimony before numerous Congressional Committees indicates that between 2000 and 2002, major institutional investors began to view commodity futures markets as a new ''asset class'' suitable to be used in large financial portfolios. Since 2000, investment fund managers have come to believe that investing in commodities balances a stock portfolio.

As Daniel Yergin, one of the Nation's leading energy market experts put it: ''Oil has become the 'new gold'—a financial asset in which investors seek refuge as inflation rises and the dollar weakens.''

Never before have so many institutional investors made large scale investments in commodity markets, but from 2003 to 2008, investments in commodity index funds rose from $13 billion to $260 billion.

The implications for consumers of this shift are potentially devastating. Unlike gold, energy and agricultural commodities meet essential needs in the everyday lives of average Americans, and the potential risk that investment strategies will push the price of these goods higher during economic downturns presents a threat to the public welfare. I do not believe this is in the best interest of the American public.

Under the Commodity Exchange Act, the CFTC must impose speculation limits on the size of energy trader positions. Crude oil speculative positions are limited to a total of 20 million barrels of oil and 3 million barrels of oil in the last three days of a contract.

However, it is CFTC's practice to exempt institutional investors from such limits when investors execute their trades through brokers or dealers.

This is a mistake.

They are not hedging against the risk of changing oil prices, as airlines or utilities frequently must do.

They never take delivery of the product.

They participate in the oil markets only on paper.

This bill will assure that the existing speculation limit powers will constrain the market distortion resulting from this massive influx of capital. It will ensure a regulatory system that limits the size and influence of institutional investor positions in energy markets.

Even CFTC has realized that its policy may be mistaken.

Last month it announced that it will review the trading practices for index traders in the futures markets to ensure that this type of trading activity is not adversely impacting the price discovery process. They also plan to determine whether different practices should be employed.

Today's markets evolve quickly, and we need to make sure our market oversight responds just as quickly.

We now know that over the last few years a whole new kind of investor has entered oil markets. Institutional investors only bet that the price will go up. No matter how high the price goes, they pour into the market to push it higher.

We have ways to control this. We have speculation limits. But we are not using them. I am introducing this bill to make sure we use the tools we have.

As the markets continue to evolve, so must our regulation. I believe the Oil Speculation Control Act takes this step, and I encourage my colleagues to support it.

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. 3131

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 ''Oil Speculation Control Act of 2008''.

SEC. 2. DEFINITION OF INSTITUTIONAL INVESTOR.

(a) DEFINITION.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (22) through (34) as paragraphs (23) through (35), respectively; and

(2) by inserting after paragraph (21) the following:

''(22) INSTITUTIONAL INVESTOR.—The term 'institutional investor' means a long-term investor in financial markets (including pension funds, endowments, and foundations) that—

''(A) invests in energy commodities as an asset class in a portfolio of financial investments; and

''(B) does not take or make physical delivery of energy commodities on a frequent basis, as determined by the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(2) Section 402(d)(1)(B) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27(d)(1)(B)) is amended by striking ''section 1a(33)'' and inserting ''section 1a''.

SEC. 3. INSPECTOR GENERAL.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

''(13) INSPECTOR GENERAL.—

''(A) OFFICE.—There shall be in the Commission, as an independent office, an Office of the Inspector General.

''(B) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

''(C) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(D) ADMINISTRATION.—The Inspector General shall exert independent control of the budget allocations, expenditures, and staffing levels, personnel decisions and processes, procurement, and other administrative and management functions of the Office.''.

SEC. 4. TRADING PRACTICES REVIEW WITH RESPECT TO INDEX TRADERS, SWAP DEALERS, AND INSTITUTIONAL INVESTORS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) TRADING PRACTICES REVIEW WITH RESPECT TO INDEX TRADERS, SWAP DEALERS, AND INSTITUTIONAL INVESTORS.—

''(1) REVIEW.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of this subsection, the Commission shall carry out a review of the trading practices of index traders, swap dealers, and institutional investors in markets under the jurisdiction of the Commission—

''(i) to ensure that index trading is not adversely impacting the price discovery process;

''(ii) to determine whether different practices or regulations should be implemented; and

''(iii) to gather data for use in proposing regulations to limit the size and influence of institutional investor positions in commodity markets.

''(B) EMERGENCY AUTHORITY.—For the 60-day period described in subparagraph (A), in accordance with each applicable rule adopted under section 5(d)(6), the Commission shall exercise the emergency authority of the Commission to prevent institutional investors from increasing the positions of the institutional investors in—

''(i) energy commodity futures; and

''(ii) commodity future index funds.

''(2) REPORT.—Not later than 30 days after the date described in paragraph (1)(A), the Commission shall submit to the appropriate committees of Congress a report that contains recommendations for such legislation as the Commission determines to be necessary to limit the size and influence of institutional investor positions in commodity markets.''.

SEC. 5. BONA FIDE HEDGING TRANSACTIONS OR POSITIONS.

Section 4a(c) of the Commodity Exchange Act (7 U.S.C. 6a(c)) is amended by striking ''(c) No rule'' and inserting the following:

''(c) BONA FIDE HEDGING TRANSACTIONS OR POSITIONS.—

''(1) DEFINITION OF BONA FIDE HEDGING TRANSACTION OR POSITION.—The term 'bona fide hedging transaction or position' means a transaction or position that represents a hedge against price risk exposure relating to physical transactions involving an energy commodity.

''(2) APPLICATION WITH RESPECT TO BONA FIDE HEDGING TRANSACTIONS OR POSITIONS.—No rule''.

SEC. 6. SPECULATION LIMITS RELATING TO SPECULATORS IN ENERGY MARKETS.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended by adding at the end the following:

''(f) SPECULATION LIMITS RELATING TO SPECULATORS IN ENERGY MARKETS.—

''(1) DEFINITION OF SPECULATOR.—In this subsection, the term 'speculator' includes any institutional investor or investor of an investment fund that holds a position through an intermediary broker or dealer.

''(2) ENFORCEMENT OF SPECULATION LIMITS.—The Commission shall enforce speculation limits with respect to speculators in energy markets.''.

SEC. 7. LARGE TRADER REPORTING WITH RESPECT TO INDEX TRADERS, SWAP DEALERS, AND INSTITUTIONAL INVESTORS.

Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended by adding at the end the following:

''(g) LARGE TRADER REPORTING WITH RESPECT TO INDEX TRADERS, SWAP DEALERS, AND INSTITUTIONAL INVESTORS.—

''(1) IN GENERAL.—Each recordkeeping and reporting requirement under this section relating to large trader transactions and positions shall apply to index traders, swaps dealers, and institutional investors in markets under the jurisdiction of the Commission.

''(2) PROMULGATION OF REGULATIONS.—As soon as practicable after the date of enactment of this subsection, the Commission shall promulgate regulations to establish separate classifications for index traders, swaps dealers, and institutional investors—

''(A) to enforce the recordkeeping and reporting requirements described in paragraph (1); and

''(B) to enforce position limits and position accountability levels with respect to energy commodities under section 4a(f).''.

SEC. 8. INSTITUTIONAL INVESTOR SPECULATION LIMITS.

(a) CORE PRINCIPLES APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(C)(ii)(IV) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by inserting after ''speculators'' the following: ''(including institutional investors that do not take delivery of energy commodities and that hold positions in energy commodities through swaps dealers or other third parties)''.

(b) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by inserting after ''speculators'' the following: ''(including institutional investors that do not take delivery of energy commodities and that hold positions in energy commodities through swaps dealers or other third parties)''.

By Mr. DODD (for himself, Mr. DURBIN, and Mr. MENENDEZ):

S. 3133. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to introduce the Responsible Ownership of Public Land Act. I thank my friends Congressmen RAHM EMANUEL, ED MARKEY, MAURICE HINCHEY, and NICK RAHALL for their leadership on this issue in the other chamber. With the issue of oil and gas prices at the forefront of our national consciousness, this bill is timely and critically needed.

As gas prices across the Nation soar to shocking, unprecedented levels, we can all agree that the time has come to end our dependence on oil. But that can't happen unless we also commit to something the Bush administration and its allies in Congress have refused to:

End our dependence on the oil companies—on letting them hold the American people and economy hostage to rising prices that have no end in sight.

In my home State of Connecticut, a gallon of regular unleaded gasoline today reached $4.36. That is an increase of 41 cents from just a month ago—and $1.12 from only a year ago. For reasons that economists seem at a loss to explain, my State today has the second-highest gas prices in the Nation. It seems that every single day we turn on the television or open a newspaper, we hear about new records being set for the price of a barrel of oil or how much people are paying at the pump.

The rising price of gas only begins at the pump. It is also causing prices to rise at the grocery store and elsewhere. Wherever they go, families are feeling economic pressure like never before—finding themselves forced to make difficult decisions and cut down on spending in other areas simply so they can afford to commute to work or take their kids to school. Too often they are forced to choose between food, gas, utilities, and lifesaving medications.

In my view there are many things we need to do to address this pressing issue. In the long term we need to develop clean, renewable energy sources that will alleviate our dependence on foreign oil that often comes from unstable, hostile regimes and create new green jobs here at home. But in the short term, we need to take steps to help out families who are hurting and angry and need relief.

One idea we hear time and again from President Bush and his Republican allies is that the answer to our energy problems is to open up environmentally fragile areas of the Arctic National Wildlife Refuge to more drilling. In response, I would point out that there are already 44 million offshore acres that have been leased by oil companies, who have only put 10.5 million of those acres into production. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production.

Combined, oil and gas companies hold leases to 68 million acres of Federal land and waters that they are not producing any oil and gas on. This is compared to the 1.5 million acres that make up ANWR that proponents of drilling there would like to see opened up. Instead of putting pristine wilderness in grave peril, these companies should first be producing on acres already under lease. The vast majority of oil and natural gas resources on Federal land are already open for drilling and are not being tapped, and the oil and gas resources available in the unused land under lease far outstrips what is available in ANWR and other areas closed to drilling.

Therefore, I am offering this legislation as a solution to this problem—a production incentive fee for acres under lease that are not in production. This fee would rise with the number of years the land has been under lease but not used. The revenue raised by these fees could be used to fund the development of clean, renewable energy, energy efficiency, and programs such as LIHEAP that help families struggling with sky-high energy prices.

Over the last 8 years, President Bush, Vice President CHENEY and their allies in this body have done all they can to block any progress toward energy independence. They have belittled and undermined policies and technologies that, had they been adopted, would have helped consumers avoid the deplorable situation they find themselves in today.

As a result, American families are now at the mercy of foreign dictators, market speculators, and big oil companies reaping enormous profits—the largest profits in corporate history.

As a result, every time the price of a gallon of gas reaches a new record, Americans are the ones paying the price of this administration's inaction.

It is time to end our dependence on the oil companies. This bill would start that process by saying the time has come to put the American people first.

It is my hope that with the introduction of the Responsible Ownership of Public Land Act, we can begin again to work toward delivering the kind of change American families are desperate for. I ask that my colleagues join me in supporting this commonsense effort to responsibly address the Nation's desperate energy needs.

By Mr. NELSON of Florida:

S. 3134. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Florida. Mr. President, many experts have concluded that the skyrocketing price of oil reflects not just the realities of supply and demand but also the influence of speculators and futures traders. Many of these speculators work for funds and investment banks with no actual inventory of oil, and thus no business need to hedge against an increase in the price of oil. Put simply, they enter the energy futures market to make a profit by gambling on the price per barrel.

Last month, with passage of the Farm Bill, the Congress finally succeeded in bringing a measure of oversight and transparency to this market, requiring the Commodities Future Trading Commission, CFTC, to review all contracts to determine which ones should be regulated as though traded on a major public exchange.

While this was a step in the right direction, and the result of much thoughtful discussion and debate, it could be improved upon and strengthened. I am basing this on testimony heard by the Commerce Committee on June 3 from Michael Greenberger, former director of CFTC's Division of Trading and Markets. Mr. Greenberger has emerged as a leading expert on the current state of our Nation's energy markets.

In light of these developments and to add to the growing debate about how to protect consumers and our economy from rampant speculation, I'm now introducing a bill to shut down the unregulated oil futures markets created by the now-infamous ''Enron loophole.'' It also removes energy from the list of exempt commodities; requires energy to be traded on a regulated market, and creates a new definition of what constitutes an energy commodity.

As the Senate continues to debate and ultimately consider proposals related to energy market speculation, the influence of large investors, regulated and unregulated exchanges, I would ask that my colleagues also consider the ideas put forward in this bill.

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. 3134

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

SECTION 1. REGULATION OF ENERGY COMMODITIES.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively;

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' includes—

''(A) crude oil;

''(B) natural gas;

''(C) heating oil;

''(D) gasoline;

''(E) metals;

''(F) construction materials;

''(G) propane; and

''(H) other fuel oils.''; and

(3) by striking paragraph (15) (as redesignated by paragraph (1)) and inserting the following:

''(15) EXEMPT COMMODITY.—The term 'exempt commodity' means a commodity that is not—

''(A) an agricultural commodity;

''(B) an energy commodity; or

''(C) an excluded commodity.''.

(b) CURRENT AGRICULTURAL COMMODITIES.—Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking ''agricultural commodity enumerated in section 1a(4)'' and inserting ''agricultural commodity or an energy commodity''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

By Mr. NELSON of Florida:

S. 3135. A bill to amend the Outer Continental Shelf Lands Act to provide for the establishment of a production incentive fee for nonproducing leases; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, today I have introduced legislation which will impose a fee of no less than $5 per acre per year for Federal lands leased in the Outer Continental Shelf, specifically within the Gulf of Mexico.

It is my hope this legislation will improve the management of the nation's oil and gas leasing program, a program that has greatly expanded in recent years. Since the 1990s, the federal government has consistently encouraged the development of its oil and gas resources and drilling on federal lands has steadily increased during this time. The number of drilling permits issued for lands on and offshore has exploded in recent years, going from 3,802 five years ago to 7,561 in 2007.

Let me also share some statistics prepared by the House Resources Committee regarding offshore energy resources. On the Outer Continental Shelf, 82 percent of federal natural gas and 79 percent of Federal oil is located in areas that are currently open for leasing. Offshore, only 10.5 million of the 44 million leased acres are currently producing oil or gas.

It is simply, unfair, dishonest, and disingenuous to try to persuade the American people that all we need to do is drill. In fact, I have concerns the oil companies are hoarding a resource that belongs to the United States of America and sitting upon it until the price is right for them to drill. Before we open up more areas for leasing, we must first use what we have. That makes sense to me.

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. 3135

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 ''Outer Continental Shelf Production Incentive Fee Act''.

SEC. 2. PRODUCTION INCENTIVE FEE.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) PRODUCTION INCENTIVE FEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, by regulation, a fee for any nonproducing oil or gas leases on outer Continental Shelf land in the Gulf of Mexico that are in effect on the date of enactment of this subsection.

''(2) AMOUNT.—The amount of the fee established under paragraph (1) shall be at a rate established by the Secretary by regulation, but shall be not less than $5 per acre per year.

''(3) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee established under paragraph (1) on an annual basis, in accordance with procedures established by the Secretary by regulation.

''(4) DISPOSITION.—Notwithstanding section 9, any amounts collected under paragraph (3) shall be—

''(A) available to the Secretary of the Interior for use in accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

''(B) treated as offsetting receipts.''.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BIDEN, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mrs. DOLE, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. ISAKSON, Mr. LEAHY, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. SMITH, Ms. SNOWE, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BINGAMAN, and Mr. BROWN):

S.J. Res. 41. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise to introduce the Burmese Freedom and Democracy Act. This legislation continues the sanctions that are already in place against the illegitimate

ruling Burmese regime, the State Peace and Development Council, or SPDC.

Last month, the whole world got a close look at the SPDC's contempt for human life when a devastating cyclone hit Burma. No one can say with certainty what the full toll of death and destruction is from the storm—but we do know the junta greatly compounded matters through inaction and its utter disregard for the Burmese people.

The SPDC severely restricted the entry of relief workers into the country. Four U.S. Navy ships carrying much-needed supplies for the Burmese people were turned away time and again by the regime.

Estimates put as many as 135,000 people dead or missing after the cyclone hit on May 3, and many of those deaths must lie at the feet of the SPDC for its outrageous acts of criminal neglect.

These sanctions, if enacted, would make clear to the SPDC that the United States continues to stand squarely with the long-suffering people of Burma and against the morally bankrupt junta.

This bill is the same legislation the Senate has passed in prior years. If enacted, it would extend import sanctions for another year unless the regime takes a number of tangible steps toward democracy and reconciliation.

I and many others believe these sanctions should be tightened even further, but those efforts will be pursued at a later date in separate legislation.

I am joined, as always, by two colleagues who are both steadfast and longtime advocates for the freedom of the Burmese people: Senator DIANNE FEINSTEIN and Senator JOHN MCCAIN. I am proud to stand alongside these two friends in support of this important legislation.

Before I close I want to clarify one important point for my colleagues. This bill would in no way hinder or block America's continuing efforts to provide humanitarian aid to the people in Burma in the wake of the cyclone. This bill imposes sanctions on trade, not humanitarian aid.

America is a friend to the people of Burma. That is why we stand against Burma's tyrannical ruling regime. I hope my colleagues will continue to support this bill and continue to send that message to the SPDC.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 592—COMMENDING THE TENNESSEE VALLEY AUTHORITY ON ITS 75TH ANNIVERSARY

Mr. ALEXANDER (for himself, Mr. CORKER, Mr. COCHRAN, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 592

Whereas May 18, 2008, marks the 75th anniversary of the Tennessee Valley Authority;

Whereas the Tennessee Valley Authority was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of flood damage, provide electric power, and promote agricultural and industrial development in the region;

Whereas the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) was signed into law by President Franklin D. Roosevelt on May 18, 1933;

Whereas the Tennessee Valley Authority continues to serve the Tennessee Valley, providing reliable and affordable electricity, managing the Tennessee River system, and stimulating economic growth;

Whereas the Tennessee Valley Authority provides more electricity than any other public utility in the Nation and has competitive rates and reliable transmission;

Whereas the Tennessee Valley Authority is expanding its environmental policy to increase its renewable energy sources, improve energy efficiency, and provide clean energy in the Tennessee Valley region;

Whereas the Tennessee Valley Authority continues to reduce power plant emissions and is working to further improve air quality for the health of individuals in the Tennessee Valley region;

Whereas the Tennessee Valley Authority is a leader in the nuclear power industry, with multi-site nuclear power operations that provide approximately 30 percent of the Tennessee Valley Authority's power supply;

Whereas, as part of NuStart Energy Consortium, the Tennessee Valley Authority submitted one of the first combined operating license applications for a new nuclear power plant in 30 years;

Whereas the Tennessee Valley Authority's integrated management of the Tennessee River system provides a wide range of benefits that include providing electrical power, reducing floods, facilitating freight transportation, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the Tennessee Valley Authority builds business and community partnerships that foster economic prosperity, helping companies and communities attract investments that bring good jobs to the Tennessee Valley region and keep them there; and

Whereas the Tennessee Valley Authority no longer receives appropriations to help fund its activities in navigation, flood control, environmental research, and land management, because the Tennessee Valley Authority pays for all its activities through power sales and issuing bonds: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tennessee Valley Authority on its 75th anniversary;

(2) recognizes the Tennessee Valley Authority for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes 7 States;

(3) honors the accomplishments of the Board of Directors, retirees, staff, and supporters of the Tennessee Valley Authority who were instrumental during the Tennessee Valley Authority's first 75 years; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Chairman of the Board of the Tennessee Valley Authority, Bill Sansom, and the Chief Executive Officer of the Tennessee Valley Authority, Tom Kilgore, for appropriate display.

SENATE RESOLUTION 593—HONORING THE DETROIT RED WINGS ON WINNING THE 2008 NATIONAL HOCKEY LEAGUE STANLEY CUP CHAMPIONSHIP

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 593

Whereas, on June 4, 2008, the Detroit Red Wings defeated the Pittsburgh Penguins, 3 to 2 in game 6 of the National Hockey League Stanley Cup Finals;

Whereas that triumph marks the 11th Stanley Cup Championship in the history of the Red Wings, bringing the total number of Stanley Cup Championships won by the Red Wings to more than the number won by any other professional hockey team in the United States;

Whereas that triumph also marks the fourth Stanley Cup Championship for the Red Wings in 11 seasons, building on the team's reputation as one of the greatest dynasties in the history of the National Hockey League;

Whereas the championship win caps a historic season in which the Red Wings set a National Hockey League record for the most victories during the first half of the regular season (30-8-3), captured a seventh consecutive division title, earned a berth in the Stanley Cup playoffs for the 17th consecutive season, and won a sixth Presidents' Cup Trophy for the best regular season record in the National Hockey League;

Whereas, led by Captain Nicklas Lidstrom, the Red Wings, employing a combination of both youth and experience, became National Hockey League champions through pure grit and determination;

Whereas Nicklas Lidstrom, born in Västerås, Sweden, became the first European-born National Hockey League player to captain a Stanley Cup Championship team;

Whereas Henrik Zetterberg, through his hard work and skill on both ends of the ice, won the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Nicklas Lidstrom, Kris Draper, Kirk Maltby, Tomas Holmstrom, and Darren McCarty have all been members of the team for the last 4 Stanley Cups won by the Red Wings, and Chris Osgood, Chris Chelios, and Brian Rafalski have each earned their third Stanley Cup Championship;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Michigan, have once again returned Lord Stanley's Cup to the city of Detroit;

Whereas Red Wings head coach Mike Babcock, following in the footsteps of the great Scotty Bowman, has won his first Stanley Cup Championship;

Whereas the Red Wings, who have played in Detroit since 1926, continue to be prized and cherished by all Michiganders and Red Wing fans across the country;

Whereas, since 1952, Red Wings fans have continued the tradition of the ''Legend of the Octopus'', throwing octopi onto the ice, each of the 8 tentacles symbolizing the original 8 games needed to win the Stanley Cup;

Whereas Detroit, otherwise known as ''Hockeytown, U.S.A.'', is home to the most loyal fan base in the world;

Whereas the passion and support of all Red Wings fans have assisted the team through this long and difficult season, enabling the players to achieve the greatest prize in all of hockey, the Stanley Cup;

Whereas each Red Wings player made a valuable contribution to the team's success and will be remembered on the most illustrious sports trophy, the Stanley Cup; and

Whereas those Red Wings players are Chris Chelios, Dan Cleary, Pavel Datsyuk, Aaron Downey, Dallas Drake, Kris Draper, Jonathan Ericsson, Valtteri Filppula, Johan Franzen, Mark Hartigan, Dominik Hasek, Tomas Holmstrom, Jimmy Howard, Jiri Hudler, Tomas Kopecky, Niklas Kronwall, Brett Lebda, Nicklas Lidstrom, Andreas Lilja, Justin Abdelkader, Kirk Maltby, Darren McCarty, Derek Meech, Chris Osgood, Kyle Quincey, Brian Rafalski, Mikael Samuelsson, Mattias Ritola, Darren Helm, Jakub Kindl, Brad Stuart, and Henrik Zetterberg: Now, therefore, be it

Resolved, That the Senate congratulates the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship.

SENATE RESOLUTION 594—DESIGNATING SEPTEMBER 2008 AS ''TAY-SACHS AWARENESS MONTH''

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 594

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called beta-hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease and the disease is always fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in 1881 and 1887, respectively;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease, which means approximately 1,200,000 Americans are carriers;

Whereas these unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas, if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and all people in the United States, especially those citizens who are members of high-risk populations, should be screened; and

Whereas raising awareness of Tay-Sachs disease is the best way to fight this horrific disease: Now, therefore, be it

Resolved, That the Senate designates September 2008 as ''Tay-Sachs Awareness Month''.

SENATE CONCURRENT RESOLUTION 90—HONORING THE MEMBERS OF THE UNITED STATES AIR FORCE WHO WERE KILLED IN THE JUNE 25, 1996, TERRORIST BOMBING OF THE KHOBAR TOWERS UNITED STATES MILITARY HOUSING COMPOUND NEAR DHAHRAN, SAUDI ARABIA

Mr. MARTINEZ (for himself, Mr. BURR, Mr. WICKER, Mr. INHOFE, Mr. SUNUNU, Mr. NELSON of Florida, Mr. BAYH, and Mr. PRYOR) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 90

Whereas June 25, 2008, marks the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other citizens of the United States were injured, and 297 innocent citizens of Saudi Arabia or Bangladesh were killed or injured in the terrorist attack;

Whereas the 19 members of the United States Air Force killed while serving the United States were Captain Christopher J. Adams, Staff Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airman Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fennig, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families of those brave members of the Air Force still mourn their loss;

Whereas 3 months after the terrorist bombing, on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200, 104th Congress, honoring the victims of the terrorist bombing;

Whereas, on June 25, 2001, the fifth anniversary of the terrorist bombing, the House of Representatives agreed to House Concurrent Resolution 161, 107th Congress, which was concurred in by the Senate on July 12, 2002, further honoring the victims of the bombing;

Whereas, on December 11, 2001, the Senate agreed to Senate Concurrent Resolution 55, 107th Congress, also marking the fifth anniversary of the terrorist bombing and honoring the victims of the bombing;

Whereas, on June 27, 2005, the House of Representatives agreed to House Concurrent Resolution 188, 109th Congress, further honoring the victims of the terrorist bombing;

Whereas those guilty of carrying out the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, on the occasion of the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who died in the attack;

(2) calls upon the people of the United States to pause and pay tribute to those brave members of the Air Force;

(3) extends its continued sympathies to the families of those who died; and

(4) assures all members of the Armed Forces serving anywhere in the world that their well-being and interests will at all times be given the highest priority.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4980. Mr. NELSON of Florida (for himself, Mr. REID, Mr. JOHNSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; which was ordered to lie on the table.

SA 4981. Mr. REID (for himself, Mr. LEVIN, Mr. BROWN, Ms. STABENOW, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3101, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4980. Mr. NELSON of Florida (for himself, Mr. REID, Mr. JOHNSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASING THE MEDICARE CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(1) in clause (i), by inserting ''clause (iii) and'' after ''subject to''; and

(2) by adding at the end the following new clause:

''(iii) INCREASE IN CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.—

''(I) IN GENERAL.—For cost reporting periods beginning on or after the date that is 16 months after the date of the enactment of this clause, the Secretary shall increase the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine determined under clause (i) with respect to a qualifying hospital in an eligible State by an amount determined appropriate by the Secretary. Such increase shall be phased-in over a period of 5 cost reporting periods beginning with the first cost reporting period in which the increase is applied under the previous sentence to the hospital. For each eligible State the aggregate number of such increases shall be—

''(aa) not less than 15; and

''(bb) not greater than the State resident cap increase.

''(II) QUALIFYING HOSPITAL.—In this clause, the term 'qualifying hospital' means a hospital located in an eligible State that the Secretary determines should receive an increase under this clause in the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine.

''(III) ELIGIBLE STATE.—In this clause, the term 'eligible State' means a State for which the National median medical resident ratio exceeds the State medical resident ratio.

''(IV) STATE RESIDENT CAP INCREASE.—In this clause, the term 'State resident cap increase' means, with respect to a State, ¼ of the product of—

''(aa) the difference between the National median medical resident ratio and the State medical resident ratio; and

''(bb) the State population (as determined for purposes of subclause (VI)).

''(V) NATIONAL MEDIAN MEDICAL RESIDENT RATIO.—In this clause, the term 'National median medical resident ratio' means the median of all State medical resident ratios.

''(VI) STATE MEDICAL RESIDENT RATIO.—In this clause, the term 'State medical resident ratio' means, with respect to any State, the ratio of full-time equivalent residents in the State in approved medical residency training programs as of the date of the enactment of this clause to the population of the State as of such date, as determined by the Secretary.

''(VII) STATE.—In this clause, the term 'State' means a State and the District of Columbia.

''(VIII) CONSIDERATIONS IN DETERMINING RESIDENT CAP INCREASES.—In determining whether a hospital is a qualifying hospital, and how much of an increase in the resident cap a qualifying hospital shall receive under subclause (I), the Secretary shall take into consideration the demonstrated likelihood of the hospital filling resident positions that would be made available as a result of such increase within the first 3 cost reporting periods beginning on or after the date that is 16 months after the date of the enactment of this clause. The Secretary shall also take into consideration whether the new resident positions will be in primary care, preventive medicine, or geriatrics programs.''.

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

''(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.''.

SA 4981. Mr. REID (for himself, Mr. LEVIN, Mr. BROWN, Ms. STABENOW, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF CERTAIN CANCER HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(1) of the Social Security Act (42 U.S.C. 1395ww(d)(1)) is amended—

(1) in subparagraph (B)(v)—

(A) by striking ''or'' at the end of subclause (II); and

(B) by adding at the end the following:

''(IV) a hospital that is a nonprofit corporation, the sole member of which is affiliated with a university that has been the recipient of a cancer center support grant from the National Cancer Institute of the National Institutes of Health, and which sole member (or its predecessors or such university) was recognized as a comprehensive cancer center by the National Cancer Institute of the National Institutes of Health as of April 20, 1983, if the hospital's articles of incorporation specify that at least 50 percent of its total discharges have a principal finding of neoplastic disease (as defined in subparagraph (E)) and if, of December 31, 2005, the hospital was licensed for less than 150 acute care beds, or

''(V) a hospital (aa) that the Secretary has determined to be, at any time on or before December 31, 2011, a hospital involved extensively in treatment for, or research on, cancer, (bb) that is (as of the date of such determination) a free-standing facility, (cc)(aaa) for which the hospital's predecessor provider entity was University Hospitals of Cleveland with medicare provider number 36–0137, or (bbb) received the designation on June 10, 2003, as the official cancer institute of its State;'';

(2) in subparagraph (B), by inserting after clause (v) the following new clause:

''(vi) a hospital that—

''(I) is located in a State that as of December 31, 2006, had only one center under section 414 of the Public Health Service Act that has been designated by the National Cancer Institute as a comprehensive center currently serving all 21 counties in the most densely populated State in the nation (U.S. Census estimate for 2005: 8,717,925 persons; 1,134.5 persons per square mile), serving more than 70,000 patient visits annually;

''(II) as of December 31, 2006, served as the teaching and clinical care, research and training hospital for the Center described in subclause (II), providing significant financial and operational support to such Center;

''(III) as of December 31, 2006, served as a core and essential element in such Center which conducts more than 130 clinical trial activities, national cooperative group studies, investigator-initiated and peer review studies and has received as of 2005 at least $93,000,000 in research grant awards;

''(IV) as of December 31, 2006, includes dedicated patient care units organized primarily for the treatment of and research on cancer with approximately 125 beds, 75 percent of which are dedicated to cancer patients, and contains a radiation oncology department as well as specialized emergency services for oncology patients; and

''(V) as of December 31, 2004, is identified as the focus of the Center's inpatient activities in the Center's application as a NCI-designated comprehensive cancer center and shares the NCI comprehensive cancer designation with the Center;''; and

(3) in subparagraph (E)—

(A) by striking ''subclauses (II) and (III)'' and inserting ''subclauses (II), (III), and (IV)''; and

(B) by inserting ''and subparagraph (B)(vi)'' after ''subparagraph (B)(v)''.

(b) EFFECTIVE DATES; PAYMENTS.—

(1) APPLICATION TO COST REPORTING PERIODS.—

(A) Any classification by reason of section 1886(d)(1)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(vi)), as inserted by subsection (a), shall apply to cost reporting periods beginning on or after January 1, 2006.

(B) The provisions of section 1886(d)(1)(B)(v)(IV) of the Social Security Act, as added by subsection (a), shall take effect on January 1, 2008.

(2) BASE TARGET AMOUNT.—Notwithstanding subsection (b)(3)(E) of section 1886 of the Social Security Act (42 U.S.C. 1395ww), in the case of a hospital described in subsection (d)(1)(B)(vi) of such section, as inserted by subsection (a)—

(A) the hospital shall be permitted to resubmit the 2006 Medicare 2552 cost report incorporating a cancer hospital sub-provider number and to apply the Medicare ratio-of-cost-to-charge settlement methodology for outpatient cancer services; and

(B) the hospital's target amount under subsection (b)(3)(E)(i) of such section for the first cost reporting period beginning on or after January 1, 2006, shall be the allowable operating costs of inpatient hospital services (referred to in subclause (I) of such subsection) for such first cost reporting period.

(3) DEADLINE FOR PAYMENTS.—Any payments owed to a hospital as a result of this subsection for periods occurring before the date of the enactment of this Act shall be made expeditiously, but in no event later than 1 year after such date of enactment.

(c) APPLICATION TO CERTAIN HOSPITALS.—

(1) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The provisions of section 412.22(e) of title 42, Code of Federal Regulations, shall not apply to a hospital described in section 1886(d)(1)(B)(v)(V) of the Social Security Act, as added by subsection (a).

(2) APPLICATION TO COST REPORTING PERIODS.—If the Secretary makes a determination that a hospital is described in section 1886(d)(1)(B)(v)(V) of the Social Security Act, as added by subsection (a), such determination shall apply as of the first cost reporting period beginning on or after the date of such determination.

(3) BASE PERIOD.—Notwithstanding the provisions of section 1886(b)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(E)) or any other provision of law, the base cost reporting period for purposes of determining the target amount for any hospital for which a determination described in paragraph (2) has been made shall be the first full 12-month cost reporting period beginning on or after the date of such determination.

(4) RULE.—A hospital described in subclause (V) of section 1886(b)(1)(B)(v) of the Social Security Act, as added by subsection (a), shall not qualify as a hospital described in such subclause for any cost reporting period in which less than 50 percent of its total discharges have a principal finding of neoplastic disease. With respect to the first cost reporting period for which a determination described in paragraph (2) has been made, the Secretary shall accept a self-certification by the hospital, which shall be applicable to such first cost reporting period, that the hospital intends to have total discharges during such first cost reporting period of which 50 percent or more have a principal finding of neoplastic disease.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 June 12, 2008 at 10 a.m. to conduct a hearing entitled ''Condition of Our Nation's Infrastructure: Perspectives From Mayors.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. 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 Thursday, June 12, 2008, at 10 a.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. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized meet during the session of the Senate on Thursday, June 12, 2008, at 2:15 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. 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 an executive business meeting on Thursday, June 12, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 2:30 p.m. to conduct a hearing entitled, ''Addressing the U.S.-Pakistan Strategic Relationship.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that the privilege of the floor be granted to Rebecca Gilman, Jessica Kazmierczak, Kate Williams, and Kevin Simpson.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. DURBIN. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 6049 occur on Monday, June 16, at 5:30 p.m., and that following morning business on Monday, the Senate resume the motion to proceed with all time until 5:30 p.m. equally divided and controlled between the leaders or their designees, with the 20 minutes immediately prior to the vote controlled between the majority and Republican leaders, with the majority leader controlling the final 10 minutes, and that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

75TH ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 592, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 592) commending the Tennessee Valley Authority on its 75th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 592) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 592

Whereas May 18, 2008, marks the 75th anniversary of the Tennessee Valley Authority;

Whereas the Tennessee Valley Authority was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of flood damage, provide electric power, and promote agricultural and industrial development in the region;

Whereas the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) was signed into law by President Franklin D. Roosevelt on May 18, 1933;

Whereas the Tennessee Valley Authority continues to serve the Tennessee Valley, providing reliable and affordable electricity, managing the Tennessee River system, and stimulating economic growth;

Whereas the Tennessee Valley Authority provides more electricity than any other public utility in the Nation and has competitive rates and reliable transmission;

Whereas the Tennessee Valley Authority is expanding its environmental policy to increase its renewable energy sources, improve energy efficiency, and provide clean energy in the Tennessee Valley region;

Whereas the Tennessee Valley Authority continues to reduce power plant emissions and is working to further improve air quality for the health of individuals in the Tennessee Valley region;

Whereas the Tennessee Valley Authority is a leader in the nuclear power industry, with multi-site nuclear power operations that provide approximately 30 percent of the Tennessee Valley Authority's power supply;

Whereas, as part of NuStart Energy Consortium, the Tennessee Valley Authority submitted one of the first combined operating license applications for a new nuclear power plant in 30 years;

Whereas the Tennessee Valley Authority's integrated management of the Tennessee River system provides a wide range of benefits that include providing electrical power, reducing floods, facilitating freight transportation, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the Tennessee Valley Authority builds business and community partnerships that foster economic prosperity, helping companies and communities attract investments that bring good jobs to the Tennessee Valley region and keep them there; and

Whereas the Tennessee Valley Authority no longer receives appropriations to help fund its activities in navigation, flood control, environmental research, and land management, because the Tennessee Valley Authority pays for all its activities through power sales and issuing bonds: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tennessee Valley Authority on its 75th anniversary;

(2) recognizes the Tennessee Valley Authority for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes 7 States;

(3) honors the accomplishments of the Board of Directors, retirees, staff, and supporters of the Tennessee Valley Authority who were instrumental during the Tennessee Valley Authority's first 75 years; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Chairman of the Board of the Tennessee Valley Authority, Bill Sansom, and the Chief Executive Officer of the Tennessee Valley Authority, Tom Kilgore, for appropriate display.

HONORING THE DETROIT RED WINGS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 593, submitted earlier today by Senator LEVIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 593) honoring the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I am delighted to submit this resolution today, along with my Michigan colleague, Senator STABENOW, congratulating the Detroit Red Wings on a

hard-fought victory over the Pittsburgh Penguins in the 2008 Stanley Cup finals. Last Wednesday night, the Red Wings captured Lord Stanley's Cup for the fourth time in 11 years, marking the 11th Stanley Cup Championship in the Red Wings' storied 81-year history.

The 2008 Championship was secured through grit, and the strength of team work. As Kris Draper said after the series clinching win, ''Once again, our resolve came through.'' This resolve, and the winning tradition that spans every level of the Red Wings organization, has been fostered over the years by the Ilitch family, whose commitment to winning championships and to the Detroit community are second to none.

The Red Wings season was defined by a physically dominating team that was able to control play at both ends of the ice. After winning three difficult playoff series on the road, the Red Wings followed up a heart-wrenching, triple-overtime loss at Joe Louis Arena in Detroit, with an equally epic 3–2 heart-stopping cup-clinching victory in Pittsburgh. Moments after cutting Detroit's lead in half with a power-play goal with just 1:27 remaining, Pittsburgh swiftly pushed the puck back deep into the Red Wings' zone. As time seemingly slowed, Red Wings fans tensely watched, hoping their team would be able to withstand this final onslaught. With the final seconds ticking away, a Pittsburgh player launched a backhander toward the goal, goalie Chris Osgood dove to the ice, stretching his pad to the post trying to block any rebound attempt. Another Penguin slapped at it, and almost unimaginably, the puck slithered all the way along the goal line, daring to throw the game into yet another overtime inferno. And with that, the horn sounded, giving Red Wings fans everywhere the sweet taste of victory. I immediately called my daughter Erica to share in her joy as a Red Wing fanatic. Knowing that for her, those last few seemed like an eternity.

This euphoria spilled out into the streets of Detroit last Friday, where over a million fans joined the Red Wings organization in celebration. Unfazed by the 92-degree heat, the Red Wings faithful flaunted their red and white, swelling with pride over victoriously navigating the difficult path to the cup.

Throughout the season, each member of the Red Wings organization worked tirelessly toward their ultimate goal to bring the Cup home to Hockeytown. The members of the 2008 Red Wings include Andrea Lilja, Kyle Quincey, Niklas Lidstrom, Justin Abdelkader, Dan Cleary, Pavel Datsyuk, Derek Meech, Dallas Drake, Kirk Maltby, Aaron Downey, Brett Lebda, Brad Stuart, Chris Chelios, Darren McCarty, Jiri Hudler, Brian Rafalski, Kris Draper, Mikael Samuelsson, Henrik Zetterberg, Mattias Ritola, Darren Helm, Mark Hartigan, Jakub Kindl, Valtteri Flippula, Jonathan Ericsson, Niklas Kronwall, Thomas Kopecky, Johan Franzen, Thomas Holmstrom, Chris Osgood, Jimmy Howard, Dominik Hasek, Head Coach Mike Babcock, and Assistant Coaches Paul McLean and Todd McLellan.

The Red Wings are one of the original six teams of the National Hockey League, and since their inception in 1926, have been a constant source of pride and inspiration for hockey fans throughout Michigan. The Red Wings have won the third most Stanley Cup Championships in the NHL, earning the distinction as one of the NHL's most successful franchises, and the most dominating over the past decade and a half. The Red Wings excellence, along with the undying love and support of the fans in Michigan and the enormous popularity of hockey in Michigan, make it clear why Detroit is widely known as Hockeytown, U.S.A.

Veterans such as Nicklas Lidstrom, Chris Chelios, Darren McCarty, Kris Draper and Kirk Maltby have remained integral figures on the ice and positive role models in the community for many years. Dearborn native Brian Rafalski, and Northern Michigan Alum Dallas Drake further deepen the team's Michigan roots. Drake returned this year to the team that drafted him and can now add a Stanley Cup championship to the one he earned as a member of the 1991 Northern Michigan University NCAA hockey championship team.

While this is first and foremost a team accomplishment, I would be remiss not to highlight a couple of individuals who contributed mightily to the team's overall success. Henrick Zetterberg, the Conn Smythe trophy winner, set a Red Wings playoff record with 27 points, including a remarkable six goal effort in the finals, the last of which proved to be the series clincher. In addition, Captain Nicklas Lidstrom, with his calm demeanor and unshakable nerve, became the first European born player to captain an NHL team to a Stanley Cup championship.

The Red Wings continue to set the standard for championship-caliber hockey and teamwork. From long-time members of the Red Wings organization, to veteran additions to the roster, to new, young talent that helped to energize the team, the 2008 team united and won in classic Red Wings fashion. In doing so, the Red Wings have once again taken hockey fans across the country on a tremendous journey.

Let the record reflect a symbolic gesture as if to throw an octopus onto the floor of the Senate. Go Wings! I know my colleagues join me in congratulating the players, owners, and fans of the Detroit Red Wings on capturing the Stanley Cup once again.

Mr. DURBIN. Mr. President, I 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 any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 593) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 593

Whereas, on June 4, 2008, the Detroit Red Wings defeated the Pittsburgh Penguins, 3 to 2 in game 6 of the National Hockey League Stanley Cup Finals;

Whereas that triumph marks the 11th Stanley Cup Championship in the history of the Red Wings, bringing the total number of Stanley Cup Championships won by the Red Wings to more than the number won by any other professional hockey team in the United States;

Whereas that triumph also marks the fourth Stanley Cup Championship for the Red Wings in 11 seasons, building on the team's reputation as one of the greatest dynasties in the history of the National Hockey League;

Whereas the championship win caps a historic season in which the Red Wings set a National Hockey League record for the most victories during the first half of the regular season (30–8–3), captured a seventh consecutive division title, earned a berth in the Stanley Cup playoffs for the 17th consecutive season, and won a sixth Presidents' Cup Trophy for the best regular season record in the National Hockey League;

Whereas, led by Captain Nicklas Lidstrom, the Red Wings, employing a combination of both youth and experience, became National Hockey League champions through pure grit and determination;

Whereas Nicklas Lidstrom, born in Västerås, Sweden, became the first European-born National Hockey League player to captain a Stanley Cup Championship team;

Whereas Henrik Zetterberg, through his hard work and skill on both ends of the ice, won the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Nicklas Lidstrom, Kris Draper, Kirk Maltby, Tomas Holmstrom, and Darren McCarty have all been members of the team for the last 4 Stanley Cups won by the Red Wings, and Chris Osgood, Chris Chelios, and Brian Rafalski have each earned their third Stanley Cup Championship;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Michigan, have once again returned Lord Stanley's Cup to the city of Detroit;

Whereas Red Wings head coach Mike Babcock, following in the footsteps of the great Scotty Bowman, has won his first Stanley Cup Championship;

Whereas the Red Wings, who have played in Detroit since 1926, continue to be prized and cherished by all Michiganders and Red Wing fans across the country;

Whereas, since 1952, Red Wings fans have continued the tradition of the ''Legend of the Octopus,'' throwing octopi onto the ice, each of the 8 tentacles symbolizing the original 8 games needed to win the Stanley Cup;

Whereas Detroit, otherwise known as ''Hockeytown, U.S.A.,'' is home to the most loyal fan base in the world;

Whereas the passion and support of all Red Wings fans have assisted the team through this long and difficult season, enabling the players to achieve the greatest prize in all of hockey, the Stanley Cup;

Whereas each Red Wings player made a valuable contribution to the team's success and will be remembered on the most illustrious sports trophy, the Stanley Cup; and

Whereas those Red Wings players are Chris Chelios, Dan Cleary, Pavel Datsyuk, Aaron Downey, Dallas Drake, Kris Draper, Jonathan Ericsson, Valtteri Filppula, Johan Franzen, Mark Hartigan, Dominik Hasek,

Tomas Holmstrom, Jimmy Howard, Jiri Hudler, Tomas Kopecky, Niklas Kronwall, Brett Lebda, Nicklas Lidstrom, Andreas Lilja, Justin Abdelkader, Kirk Maltby, Darren McCarty, Derek Meech, Chris Osgood, Kyle Quincey, Brian Rafalski, Mikael Samuelsson, Mattias Ritola, Darren Helm, Jakub Kindl, Brad Stuart, and Henrik Zetterberg: Now, therefore, be it

Resolved, That the Senate congratulates the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship.

CELEBRATING 50TH ANNIVERSARY OF MACKINAC ISLAND'S HISTORIC PRESERVATION AND MUSEUM PROGRAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 325 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 325) celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historic Preservation and Museum Program, which began on June 15, 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. 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 related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 325) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 5749

Mr. DURBIN. Mr. President, I understand H.R. 5749 has been received from the House and 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 assistant legislative clerk read as follows:

A bill (H.R. 5749) to provide for a program of emergency unemployment compensation.

Mr. DURBIN. Mr. President, I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDER FOR MEASURE TO BE PLACED ON THE CALENDAR—H.R. 5749

Mr. DURBIN. Mr. President, notwithstanding an adjournment of the Senate on Friday, June 13, I ask unanimous consent that H.R. 5749 be considered to have received a second reading and objection made to further proceedings and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 16, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, June 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, under a previous order, following morning business on Monday, the Senate will resume consideration of the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. At 5:30 p.m., the Senate will proceed to a cloture vote on the motion to proceed to the bill.

ADJOURNMENT UNTIL MONDAY, JUNE 16, 2008, AT 2 P.M.

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Monday, June 16, 2008, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

FEDERAL ELECTION COMMISSION

MATTHEW S. PETERSEN, OF UTAH, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE HANS VON SPAKOVSKY.

EXTENSIONS OF REMARKS

HONORING MONROE BANK & TRUST ON THEIR ONE HUNDRED AND FIFTIETH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor Monroe Bank & Trust as they celebrate their one hundred and fiftieth year serving the people in and around Monroe County, Michigan.

One hundred and fifty years ago, Monroe Bank & Trust derived its humble origins from the courage of two innovative entrepreneurs who recognized the need for a place where community residents could safely keep their savings while also entering into a financial partnership to help them prosper. Beginning in the rear of a dry goods store, the focus of founders Benjamin Dansard and Louis LaFountain never waivered. Through many economic periods of boom and bust, the American Civil War, two World Wars and the Great Depression, MB&T has not only endured, but flourished.

Mr. Dansard and Mr. LaFountain understood the needs of the largely farming area and from a small space in the Dansard General Store, took on a major role in the progress ahead. Sound financial management has led MB&T to become one of the largest community banks in the State of Michigan; however, the legacy of Dansard and LaFountain is more than just numbers. It is a story of courage and hard work and just as in the year 1858, today's team of professionals continues to provide service, convenience and the personal touch.

MB&T's contribution to the community goes far beyond the outstanding financial services they offer. Their charitable financial support of organizations such as the American Red Cross, United Way, Community Foundation of Monroe, the Guidance Center, the River Raisin Center for the Arts and many others exceeds $200,000 annually. Additionally, with over 80 percent employee participation, MB&T's "Employees Now Linked in Service Together" (ENLIST) program boasts over 120,000 man-hours of volunteer support provided over its 20-plus-year history to nonprofit organizations.

With great respect and admiration for this tremendous corporate citizen, I ask that you join me in recognizing the many contributions of Monroe Bank & Trust over the past 150 years.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

SPEECH OF

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes:

Mr. POE. Mr. Chairman, I rise in support of H.R. 6003 and commend the bipartisan leadership of our House Transportation & Infrastructure Committee for taking the first steps towards developing true high speed rail service in America. This bill takes a historic step in the right direction towards developing additional transportation options for Americans faced with congested roads and airspace. It will also bring us up to par with European and Asian high speed rail networks.

High speed rail will have ways of connecting people to their place of business, homes, and commercial centers in ways never thought imaginable. I especially support Section 503 of this bill which calls for a study that may consider expanding the existing South Central Corridor that goes through Texas to include the greater Houston region. One day, it could be a reality that 70 percent of Texans, those who live in the greater Houston, Dallas, or San Antonio regions could commute reasonably, perhaps as quick as an hour and a half each way, between those cities to work, visit family, attend entertainment venues, sporting events, fairs, universities, museums, hospitals, and connect to international airports in ways often more timely and efficient than airline travel.

And that's just the way it is.

RECOGNIZING EMERGENCY MANAGERS IN RUSH COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district devastated by the recent severe weather in Indiana.

I wish particularly to honor these outstanding individuals in Rush County: 1. Mike Ooley, Director, Emergency Management Agency; 2. Jeff Sherwood, Sheriff; 3. Brad Smith, CEO, Rush Memorial Hospital; 4. Merv Bostic, Mayor, Rushville.

These areas suffered greatly from tornadoes, heavy rains and flooding, creating a catastrophe that awaits a presidential response. But the catastrophe did not await the efforts of these individuals. And in response, they went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

I also commend Governor Mitch Daniels and the many State government authorities who have been so instrumental in leading the State through this crisis. I strongly support Indiana's three requests for Federal aid and renew my request to the President of the United States, the Federal Emergency Management Agency, and the U.S. Department of Agriculture to act promptly, make assessments, and declare an expedited major disaster for all 44 counties in the State of Indiana affected by the severe weather.

We need to speed the necessary relief to the families who have fallen victim to Mother Nature's fury and extend full Federal assistance to Hoosier families, businesses and farms to include direct assistance to individuals, Small Business Administration Disaster Loans and emergency assistance loans from the Farm Service Agency.

Madam Speaker, Hoosier families and communities are hurting and need to know that help is on the way. I urge this Administration and my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

MAJOR CAESAR CITIVELLA HONORED WITH BULL SIMONS AWARD

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. YOUNG of Florida. Madam Speaker, I rise today to honor Retired Army MAJ Caesar J. Citivella, of St. Petersburg, Florida, for receiving the Bull Simons Award for a lifetime of Special Operations Forces achievements.

The Bull Simons Award is given to those who have made significant contributions and demonstrated steadfast support for Special Operations Forces. Recipients must hold the highest ethical standards and embody the spirit, values, and skills of a special operations warrior. Major Citivella has demonstrated all of these.

Starting in the Army, Major Citivella joined the Office of Strategic Services in 1943, where he parachuted behind enemy lines in France and Italy, earning him a Bronze Star as well as U.S. and foreign unit awards.

Next, Major Citivella served with the 82nd Airborne Division and was one of the first pioneers selected for the Special Forces Department at the Psychological Warfare Center and School, where he wrote doctrine, tactics, techniques, procedure, lesson plans, and taught the first Special Forces classes. He then joined the 77th Special Forces Group, before transferring to the 10th Special Forces Group, where he helped run escape and evasion, and unconventional warfare exercises in Bad Tölz, Germany.

In 1961 and '62 Major Citivella trained and organized irregular indigenous forces in South Vietnam. He retired from military service at Ft. Bragg on the 31st of August, 1964, joining the Central Intelligence Agency the next day.

Major Citivella completed two tours of duty in Vietnam with the CIA and received accolades for the valuable intelligence he provided on enemy intentions. In 1976 Major Citivella became the CIA liaison officer to the Pentagon

● 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.

for Special Operations. He provided key support for Operation Eagle Claw, America's military response to the Iran hostage crisis. Major Citivella retired from the CIA on August 31, 1983, and was awarded the CIA's Intelligence Medal of Merit.

Major Citivella continues to be involved in the Special Operations community as an active member of the OSS Society and the Special Forces Association.

Madam Speaker, Major Citivella represents the best our Nation has to offer. He continues to serve our Nation in and out of uniform to protect our freedom and liberty as he has for the past 65 years. Please join me in saying thank you to him for his actions and his lifetime of services.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. HOLT. Madam Speaker, I was unable to be present for votes on June 9 or 10. For the information of my constituents and my colleagues, I want the RECORD to reflect how I would have voted on the following votes I missed.

On rollcall 388, on H. Res. 1255 expressing support for designation of June 2008 as National Safety Month, I would have voted ''yes.''

On rollcall 389, on H. Res. 1243 expressing the immeasurable contributions of fathers in healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day, I would have voted ''yes.''

On rollcall 390, on H. Res. 127 recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State, I would have voted ''yes.''

On rollcall 391, ordering the previous question on H. Res. 1253, I would have voted ''yes.''

On rollcall 392, on agreeing to H. Res. 1253 the rule providing for consideration of the Passenger Rail Investment and Improvement Act for 2008, H.R. 6003, I would have voted ''yes.''

On rollcall 393, on H.R. 6028 the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act, I would have voted ''yes.''

On rollcall 394, on H. Res. 1063 marking the 225th anniversary of the treaty of Paris of 1783, which ended the Revolutionary War, I would have voted ''yes.''

On rollcall 395, on H. Con. Res. 318 supporting the goals and ideals of the International Year of Sanitation, I would have voted ''yes.''

On rollcall 396, on H. Con Res. 336 honoring the sacrifices and contributions made by disabled American veterans, I would have voted ''yes.''

HONORING THE 50TH ANNIVERSARY OF EDWARDS LIFESCIENCES CORPORATION

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. CAMPBELL of California. Madam Speaker, I rise to congratulate Edwards Lifesciences Corporation on their 50th anniversary. Edwards Lifesciences is a leader in cardiovascular disease treatments and I am proud to recognize them on this occasion.

Edwards Lifesciences Corporation traces its roots back to 1958, when Miles ''Lowell'' Edwards set out to build the first artificial heart. Throughout its 50-year history, the company has continued its legacy of heart valve innovation. Today, the company's line of tissue heart valves, provided under the Carpentier-Edwards brand name, have become the choice of surgeons worldwide due to their durability, performance and positive quality-of-life benefits for patients, making Edwards Lifesciences the world's number-one heart valve company.

From its success in replacement valve therapies, Edwards Lifesciences applied this experience to developing products for heart valve repair. Today, the company is one of the world's leading manufacturers of products for the surgical repair procedure—called annuloplasty—and its Carpentier-Edwards and Cosgrove-Edwards annuloplasty products are among the most sought-after by surgeons around the globe.

In addition to its heart valve therapies, the Edwards organization is credited with pioneering many other medical innovations, including the Swan-Ganz catheter, the first technology ever used for hemodynamic monitoring of critically ill patients, and the Fogarty line of embolectomy catheters, the first catheter-based technologies used to remove blood clots from the arms and legs.

In 2004, the Edwards Lifesciences Fund was established out of the company's commitment to strengthen its communities and to support advancements in cardiovascular disease awareness and knowledge. The fund has already awarded approximately $5 million in grants to 115 charitable organizations.

I am pleased the original vision of Lowell Edwards continues today. Edwards Lifesciences is a global company with revenues exceeding $1 billion and 5,600 employees strong, all dedicated to furthering Lowell Edwards' original vision to help clinicians, patients and their families work together as a united community fighting cardiovascular disease.

Madam Speaker I would like to congratulate Edwards Lifesciences on their 50 years.

TRIBUTE TO PETER B. RAMOS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BACA. Madam Speaker, I stand here today to honor a dedicated civic leader, loyal friend, loving father and husband, adoring grandfather and doting great-grandfather—Peter B. Ramos.

Born in El Paso, Texas, Pete moved to San Bernardino, California where he grew up to become a longstanding member of the community, including his participation at San Salvador Church in Colton and Sacred Heart Church in Palm Dessert.

After graduating from San Bernardino High School in 1955, Pete proudly served in the U.S. Army and was stationed in Germany until 1958. Returning to San Bernardino, Pete was hired by the San Bernardino Unified School District, remaining a devoted employee for thirty years.

In 1973, Pete was an instrumental founding member of the GENTS Organization, a community-based association whose purpose is directed at helping today's youth become tomorrow's leaders. The leadership of Pete within the GENTS Organization has contributed to it's successful fundraising events, generating thousands of dollars in scholarships, donations to charitable organizations and the sponsorship of sports activities for the youth.

In addition to his service to the San Bernardino Unified School District, Pete was also a part-time employee of the San Bernardino Golf Club. An avid golf player, his fervent passion for both the sport and the community was demonstrated by all of the golf clubs he helped establish. These include the Gents Golf Association, San Bernardino County Twilight Golf League, Golf Buddies, Colton Golf Club, and San Bernardino Golf Club.

Pete was an empowering leader within the San Bernardino community, an excellent role model who set his sights on helping others have a better life. He lived by example, saying to me, ''Joe, you can change life and attitudes by believing and giving others a chance.''

Having always enjoyed his company on the green, he was also a strong supporter of my political endeavors. More then anything, Pete was a true friend to my family and I, especially in his great support of my sons, City Councilman Joe Baca Jr. and Jeremy Baca.

Pete is survived by his wife of 49 years, Helen Ramos, former City Councilwoman, whom he deeply loved. Pete is also survived by his daughter, Roseanne Reyes; his son, Armando; grandchildren, Raylene Soto, Leandra Soto, Bree Reyes, Michael Reyes; great-grandchild, Noelle Tavie; his sisters, Connie Hernandez, Lucy Zamora; brothers, Louis, Daniel, Joe; and many nieces, nephews and godchildren.

Let us take a moment to remember this great man and his admirable dedication to instilling positive change and leading an exemplary life, one in whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

God Bless Pete Ramos for love of country and mankind.

IN RECOGNITION OF SAN MATEO CITY MANAGER ARNE CROCE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. SPEIER. Madam Speaker, I rise to express my deep appreciation and gratitude for the exemplary service to the City of San Mateo by Arne Croce, who is retiring as City Manager after 18 exemplary years.

Arne Croce has consistently impressed all who worked with him in his role as City Manager. During his tenure and through his efforts, San Mateo has continued to evolve and advance. In recent years, the city has added a new train station, state-of-the-art downtown movie theater, a fully-interactive new library, and will soon cut the ribbon on a true 21st century police station. Arne also oversees a program that provides scholarships to students pursuing studies in local government. His unceasing dedication to finding fresh, innovative ideas was a powerful force in keeping San Mateo solvent and thriving during economic hardships.

Madam Speaker, Arne Croce has served not only his city, but all of California as the dean of city managers. In this role he has been a bulldog when fighting for cities and a stellar role model for anyone considering a career in municipal government.

Arne is one of our best and brightest, a graduate of the University of California at Berkeley, where he earned his MBA by attending night school. He worked for the Legislative Analyst in Sacramento, the Sacramento Area Council of Governments and the City of Visalia, where he held the positions of Solid Waste Manager, Director of Transportation and Deputy City Manager. In 1984, he became City Manager of Los Altos and in 1990, assumed the same job in San Mateo.

All who know Arne regret that he is leaving, especially me, but local government's loss is the world's gain. His passion for service and commitment to helping people is not retiring. Arne wants to help teach developing countries the finer points of local government and developing citizen participation. He also plans to relocate to a village in Tanzania to work on restoring the local ecosystem with a reforestation project.

Madam Speaker, it is this dedication, this drive to act and think both locally and globally, that has earned Arne Croce such widespread respect and admiration. He will be missed in San Mateo and throughout the 12th Congressional District. Even those who've never met Arne are forever in his debt.

HONORING MONSIGNOR JOHN BRENKLE OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Monsignor John Brenkle on the occasion of the 50th anniversary of his ordination. Monsignor Brenkle has been a pillar of the community in my hometown, St. Helena, California, for 25 years.

Monsignor Brenkle has had a long and distinguished career in the church. He attended St. Patrick's Seminary in Menlo Park, California, and was ordained on June 14, 1958 through the Archdiocese of San Francisco. He received his Doctorate in Canon Law from The Catholic University of America in 1962. He served as Chancellor of the Diocese in Santa Rosa until 1971, followed by two years of teaching in Zambia. He came to the Napa Valley in 1979 as Parish Administrator at Our Lady of Perpetual Health in Calistoga before being assigned as Pastor of St. Helena Catholic Church in 1983, where he has been ever since.

Monsignor Brenkle stands out in the larger Napa Valley community as an example of the best aspects of his faith. He serves on numerous local boards, including Catholic Charities, the Board of Directors of Justin-Siena High School, Catholic Community Foundation, Community Foundation of Napa Valley, California Human Development Corporation and the St. Helena Mayor's Multi-cultural Committee.

Monsignor Brenkle never fails to answer the call for the working poor and less fortunate in our community. He is a champion for Napa Valley farm workers and low-income individuals. He was a driving force to create a successful farm worker program for day laborers, and helped establish low income housing at three major sites in the Valley. Father Brenkle also founded a Hispanic Scholarship Program which has raised tens of thousands of dollars over the years. Father Brenkle continues to be a significant advocate for worker's rights and social justice, particularly in hospitals and vineyards throughout the region.

Madam Speaker and colleagues, it is my distinct pleasure to congratulate Monsignor John Brenkle for his 50 years of service to the Catholic Church and the people around him, and to thank him for his innumerable contributions to our community. I join all those whose lives he has touched in wishing him many more years of fulfillment.

IN TRIBUTE TO TENNYSON HIGH SCHOOL'S 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to the fiftieth Anniversary of Tennyson High School, located in Hayward, California. On June 7th, students, staff and alumni gathered at the school to celebrate this milestone anniversary.

"Be proud to be a Tennyson Lancer" is the message educators passed along to current students at Tennyson High. "Many former students take pride and have so much respect for their alma mater and we want that to transcend into today's student," activities director Monique Walton said in commemoration of the fiftieth anniversary.

Alumni were on hand for the event, which featured acknowledgements of the ten-, twenty-, thirty-, and forty-year reunions, recognition of sports championships and an alumni-versus-students skills competition.

Staff and former campus educators were also honored during the dedication ceremony for those who have made an impact on the school community. Norm Prince, a former football coach, and Victor Serrano, a former soccer coach who now serves as the school's technology coordinator, had the multi-use athletic field named after them.

Paula Banchero, who began her teaching career at Tennyson before becoming a longtime administrator, was also honored with the school's administrative hall being named Paula Banchero Way. Banchero spent nearly 40 years at Tennyson High School before being transferred to another school.

Teacher Dan Morrison, who helped organize the fiftieth anniversary celebration, hopes this celebratory event will help lay the groundwork for an alumni association. The goal of the alumni association is to assist Tennyson students in fundraising for sports programs, band, and other programs.

I extend my heartiest congratulations to all who have contributed to the success of Tennyson High School since its opening in 1958 and I send my best wishes to all who continue to work for the well being of Tennyson students.

41ST ANNIVERSARY OF LOVING V. VIRGINIA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. SCOTT of Virginia. Madam Speaker, I rise today to commemorate a milestone in the struggle for equality and civil rights. On this day 41 years ago, the Supreme Court ruled that the United States would no longer allow race-based restrictions on marriage to deprive Americans of their rights. Today, on the anniversary of the Supreme Court's decision in Loving v. Virginia, we are once again reminded that America is a place of equality and freedom.

As an interracial couple, Mildred and Richard Loving challenged laws in effect in Virginia and 15 other states which prohibited interracial marriage. On June 12, 1967 the Supreme Court recognized the merits of Mr. and Mrs. Loving's claims and overturned all race-based restrictions on marriage.

The Court ruled unanimously that Virginia's prohibition against interracial marriage violated both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. In its decision, the Court held that, "The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discrimination. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State."

On this day, I would like to celebrate the lives and audacity of both Mr. and Mrs. Loving, whose vision paved the way for a freer and more colorblind society in America. Richard Loving died in a car accident in 1975 and we lost Mildred Loving to pneumonia only last month. It is the courage and the spirit of the Lovings and others like them that continue to give us hope that Americans from all walks of life will be free from discrimination.

There have been recent efforts in Congress to strip the courts of jurisdiction by legislative means. This is ill-advisable and I hope the example of Loving v. Virginia serves as a reminder to us all that this is a precarious path. Should the Court have been stripped of jurisdiction to hear this case, as some have proposed for certain controversial issues, this landmark case would have never been possible. What was once highly controversial is now accepted as commonplace thanks to those judges who were, at the time, disparaged for being "activist judges". Today we are a better, stronger and fairer nation thanks to their jurisprudence.

I would also like to pay tribute to a colleague and friend who played an integral part in the Loving v. Virginia case. I had the honor of serving with Attorney Bernard S. Cohen in the Virginia House of Delegates for 3 years. As Mr. and Mrs. Loving's attorney, Mr. Cohen worked tirelessly for the protection of the Fourteenth Amendment, and I think it is appropriate to recognize him for all of his efforts and his commitment to civil rights.

Madam Speaker, I ask my colleagues to join with me in remembering this historic case, and urge our nation to keep in mind the equality and freedom for which the Court's decision stands.

RECOGNIZING LOUISE BOTZEK FOR EXTRAORDINARY SERVICE AT THE ST. CLOUD VA MEDICAL CENTER

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mrs. BACHMANN. Madam Speaker, I rise to honor one of my constituents, a true community servant, Ms. Louise Botzek.

Ms. Botzek has volunteered at the St. Cloud VA Medical Center for over 30 years, totaling more than 5,000 hours of service. As a wife and sister of men who served in our Nation's armed forces, Ms. Botzek has made it a priority to give her time to those who have fought to protect our Nation's freedom.

While at the VA Medical Center, Ms. Botzek plays card games with the patients and transports them to medical appointments and chapel services. Her dedication to service has made a difference in the lives of many treated at the Center. A simple task like taking someone outside to enjoy the weather makes a world of difference to these veterans.

Our Nation's heroes sacrificed their comforts and safety so that Americans can enjoy their continued freedoms. For their great efforts, veterans deserve much from the American people. It's efforts like those of Ms. Botzek that truly show our appreciation for these heroes.

Madam Speaker, it is my honor to recognize and congratulate Ms. Louise Botzek for her exemplary service to our Nation's heroes. The time that she has sacrificed to serve the military men and women of our great state of Minnesota will not be forgotten.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. ANDREWS. Madam Speaker, I was not present on June 4, 2008. Had I been present, I would have voted ''yea'' on the following rollcall votes: rollcall 370, rollcall 371, rollcall 372, rollcall 373, rollcall 374, rollcall 375, rollcall 376, and rollcall 377.

I would have voted ''nay'' on the following: rollcall 378 and rollcall 379.

HONORING EVAN MILLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate and express my pride in former staffer Evan Miller upon her graduation, magna cum laude, from the T.C. Williams School of Law at the University of Richmond.

Ms. Miller grew up in Sanger, California, and graduated from Sanger High School in 1998. She attended University of California, San Diego, and, upon graduation in 2002, worked closely with constituents in my Fresno district office from July through December 2002. Ms. Miller then moved to Washington, DC, and served as staff assistant, administrative assistant, and legislative assistant, and left to attend law school at the University of Richmond in 2005.

Ms. Miller contributed to the office through her legislative work in the areas of health care, transportation, appropriations, education, and judiciary issues. In addition to legislative responsibilities, Ms. Miller was active in the California State Society and was crowned the Cherry Blossom Princess for the 19th district of California in the annual Cherry Blossom Festival competition.

Ms. Miller was an extremely active member of her law school class and received many accolades and honors due to her diligence, intellect, and enthusiasm. She was the editor-in-chief of the University of Richmond Law Review, and a member of the Honor Council, McNeill Law Society, and Christian Legal Fellowship. In addition, she served as the University of Richmond Federalist Society Vice President. Another significant accomplishment by Ms. Miller included being one of two winners in the 2006 Carrico Moot Court Competition.

At her May 2008 graduation, Ms. Miller received the Charles T. Norman Award, given to the best all-around graduating student. Additionally, she was awarded the T.C. Williams Law School Scholarship Award, which is given to the student who made the most significant contribution to overall legal scholarship.

Ms. Miller received a competitive and prestigious position to clerk for Judge James R. Spencer, Chief Judge of the Eastern District of Virginia in Richmond. She will begin the one-year clerkship beginning in August 2008.

Madam Speaker, I rise today to commend and congratulate Evan Miller on her graduation from the T.C. Williams School of Law at the University of Richmond. I invite my colleagues to join me in wishing Ms. Miller success in her future endeavors. I am certain that her judicial career will allow her to continue the significant achievements she has worked toward for public policy in my office as well as in her own legal work thus far. I truly believe Ms. Miller's character, work ethic, and values will recommend her for positions of influence for the rest of her life.

THE DAILY 45: SAM'S CLUB

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. And while I normally highlight a death related to guns, I thought this next incident was worth mentioning.

In Columbia, South Carolina, a 4-year-old girl, while at a Sam's Club, took a gun from her grandmother's purse and shot herself in the chest. The grandmother has a valid permit to carry a concealed weapon. She was not charged with a crime. The child underwent emergency surgery and apparently, thankfully, will survive.

Americans of conscience must come together to stop the senseless death of ''The Daily 45'' and the dozens more unnecessary accidents and injuries related to guns. When will we say ''enough is enough, stop the killing!''

RECOGNIZING THE TENTH ANNIVERSARY OF THE ADA JOBS FOUNDATION OF ADA, OKLAHOMA

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. COLE of Oklahoma. Madam Speaker, it is my privilege today to rise in recognition of an organization that has done tremendous work in helping bring jobs and prosperity to central Oklahoma. The Ada Jobs Foundation is celebrating ten years of fostering economic and career development in the Ada area. Working closely with local and state and tribal government, the Ada Jobs Foundation has helped make Ada's unemployment rate among the state's lowest.

Focusing on three main goals, the Ada Jobs Foundation strives to assist businesses in retaining their existing jobs, recruiting new firms to relocate to Ada, and encouraging and supporting new start-up firms. It has a very impressive and successful track record of working closely with the Ada Area Chamber of Commerce, the Ada Industrial Development Corporation, the city of Ada, the Ponotoc County Commissioners, East Central University, the Science and Natural Resources Foundation, and the Chickasaw Nation.

Madam Speaker, this non-profit organization seeks to reach out and build lasting connections between hard-working Oklahomans and the communities in which they live. This mutually beneficial relationship is a testament to the positive changes that can occur when business and government work together for the economic wellbeing of their community. With over 19,000 people currently employed in the Ada area, it currently has one of the lowest unemployment rates in the state of Oklahoma. I am proud to represent the city of Ada, and I am especially proud of the initiative taken by Ada's civic leaders to create and continue a program as successful as the Ada Jobs Foundation. Creating a diverse pool of

jobs, focusing on developing local infrastructure, and strategic planning sessions to create long-term, sustainable progress in the Ada community is something that generations of citizens will surely benefit from for years to come.

It is my honor to stand here before you and celebrate an organization which has been the source of great pride and progress in central Oklahoma. I congratulate the Ada Jobs Foundation on ten years of bringing economic development to their community, and wish them many more years of success.

IN HONOR OF THE 233RD ANNIVERSARY OF UNITED STATES ARMY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise in recognition of an important anniversary—the birthday of the United States Army.

Just shy of 233 years ago the people of our nation came together as volunteers to meet the demands of the American Revolutionary War. On June 14, 1775, the United States Army was born. I believe that on that day, the defense of our freedom and the American spirit of democracy was born.

Since the birth of our Army, we've battled through 24 major engagements including the War of 1812, the Mexican-American War, the American Civil War, two World Wars, the Korean War, the Vietnam War, and more recently, Operations Enduring and Iraqi Freedom.

The Army's senior leadership said it best in their birthday message to the force at large. They stated, ''Our sacrifices have preserved our way of life, built a better future for others, and led our nation to victory over our enemies. We are the best in the world at what we do, and because of our values, our ethos, and our people—especially our people. Our Army is hugely resilient, professional, and battle-hardened.'' The men and women I've met in my travels to our bases in Iraq and at home in Kansas reassure me that the United States Army is still made up of the finest people our country has to offer.

On the anniversary of the United States Army, I encourage everyone to take a moment to think about the bravery of our men and women that serve. These sons and daughters of America take an oath that could mean the ultimate sacrifice. Not a day goes by that I don't think about the priceless gift they give our nation, and each day I pray for everyone's safe return. Spirit, patriotism and courage shine through in the faces of today's members of the Army, in just the same way I imagine it did in 1775.

Happy Birthday—U.S. Army!

HONORING THE SERVICE OF MARIE McELLIGOTT TO THE COMMUNITY OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize Ms. Marie O. McElligott, for her outstanding service to the community of Guam, and her countless contributions to its people. As an active member of our island community, Marie has been a great leader in both her volunteer and public service capacities.

Marie has served our country for 26 years as an officer in the U.S. Navy in various capacities including communications officer, administrative officer, commanding officer for personnel support and director of family service centers and at many different ports, in Long Beach, California; London, England; Pearl Harbor, Hawaii; and Naples, Italy. From 1981 through 1983, Marie led the coordination of a Navy logistics support and mobilization plan, which was used during Operation Desert Storm. During the latter part of her career serving as director of Navy Family Centers in Bangor, Washington and Guam, Marie was instrumental in developing a violence protection program for the submarine community, training programs for the prevention of sexual harassment, and an affirmative action plan. In the Guam Navy Family Center, Marie led military and civilian personnel in providing counseling and other family services for as many as 15,000 military personnel and their dependents. While on Guam Marie became an active member of the community off base, and served the community for many years in various government and private non-profit organizations. Marie was the Navy ex-officio member of the then Territorial Board of Education, the cochairman of the ''Just Say No Task Force,'' a member of the Mental Health Five-Year Planning Committee on Aging, a member of the Guam Chapter of the American Red Cross Board of Directors, and the executive director of the Navy-Marine Corps Relief Society.

After retiring from the Navy in 1991, Marie returned to Guam as a civilian, and making our island her home. Since then, she has dedicated herself to the people of Guam in both government and community organizations. For 13 years she worked as the administrator of client services and family counseling for the Superior Court of Guam. Under her guidance, a law to create policies for diversion and family violence prevention was passed. She also chaired the committee that created guidelines for Guam's only family visitation center. Her efforts have been recognized through numerous awards and accolades, including an induction into the Ancient Order of the Chamorri—the highest honor bestowed upon non-native residents of Guam; resolutions of commendation from the Guam Territorial Board of Education; Legislative Resolutions from the Twentieth, Twenty-Sixth and Twenty-Eighth Guam Legislatures; and a Resolution of Commendation from the Judiciary of Guam.

For the last 3 years, Marie worked as the director of Guam's Lighthouse Recovery Center under the Salvation Army, managing a staff of 10 to provide food and shelter to the homeless and counseling and rehabilitation to those suffering from drug addiction on Guam. Her work has resulted in the implementation of a quarterly ''clean and sober'' event for Lighthouse Recovery Center residents, members of Alcoholics Anonymous, and supportive Aftercare clients. She has also been instrumental in growing the financial base for the Lighthouse Recovery Center with military chapels and non-profit organizations.

Marie's knowledge and expertise has been a significant contribution to the operations of Guam's community service organizations. Over the years she has served as president and vice chair of the Guam Women's Club, and has also been an active member and chairperson of the Guam American Cancer Society, Guam American Red Cross, and the Guam Humanities Council, amongst many others. To date, Marie has given over 10 years of her personal time and commitment to advancing the issues and objectives of local nonprofit organizations.

Marie has been a part of our community for over 20 years and our island will be saddened by her departure, we will remain forever grateful for the service she has given to Guam. On behalf of the people of Guam, I extend our sincere appreciation to Marie O. McElligott for her service to our Nation and to our community. We wish her the best as she embarks on a new journey in life.

HONORING THE UNIVERSITY OF MICHIGAN C.S. MOTT CHILDREN'S HOSPITAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. DINGELL. Madam Speaker, I rise today to congratulate the University of Michigan C.S. Mott Children's Hospital, located in Ann Arbor, Michigan, for being honored as one of the U.S. News and World Report's Top 30 Hospitals in the Nation for pediatric care. This achievement recognizes all of the hard work they have done providing outstanding medical services not only to the children of Michigan's 15th Congressional District, but also across the State.

Some specific honors they achieved deserve mention. The magazine ranked C.S. Mott Children's Hospital 4th nationwide in the area of pediatric heart care and surgery, and 27th for general pediatric care. They were the only hospital in Michigan to be nationally ranked for all seven pediatric specialty areas. I commend them for this fine achievement.

Since C.S. Mott Children's Hospital opened in 1969, it has been at the forefront of providing innovative, high-quality pediatric care. Surgeons at the hospital were among the first in the Nation to perform open heart surgery on children. Specialists at Mott also pioneered an in-house education system that allows patients to keep up with their school work, now a commonplace feature of hospitals across the Nation. Small wonder that Mott has treated over 170,000 patients from across the United States and the world.

Pediatric care is one of the most important aspects of our Nation's health care system. We should always make it a priority to provide treatment for the youngest and most vulnerable in our society. It is clear that the doctors and nurses at Mott have taken this ideal to heart by providing such outstanding care in the community. The University of Michigan should be proud of the achievements it has made. It is an honor to represent this fine institution here in Congress. I look forward to seeing their sterling efforts recognized on the list again next year.

THE FATHERS OF THE GREATEST GENERATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. POE. Madam Speaker, this year the Poe folks welcomed two new Texans to our brood, making me a proud grandfather of seven. With each new addition, I think back to my grandfathers and the influences they had on me growing up. While they came from very different backgrounds, their impressions on me as a child set an example of what a father, grandfather and man should be.

My mom's father was a lanky, fiery redheaded German who was as hard-headed as he was strong. Theodore Otto Herman Hill, or ''Thunderhead'' as he was more appropriately known, was born in 1899. His Prussian grandparents immigrated to the United States through Galveston in the early 1800's and settled in the growing German community in Texas to begin a new life.

I remember him as being very set in his ways, very militaristic in his daily routines. He was meticulous in everything he did and as a result, he did most everything well. Like the Army, he did more before 6 a.m. than most anyone I knew. He arose early, worked hard with his hands all day and reared three girls, he called ''the boys'' to work the cotton fields with him.

Papa was a hunter, a taxidermist and a Teddy Roosevelt conservationist. He found hundreds of Apache and Comanche arrowheads on his land that he organized and that were later donated to the Texas Ranger Museum.

He was the frontiersman type. He could tell the type of tree by looking at the bark or observing the leaves and predicted the weather by just looking at the sky and watching the habits of the animals. And as most men of his generation, he was tough. The only thing I think he was ever scared of was my grandmother—an equally fiery German. Theodore is a long time family name that has been passed on to my son and grandson.

My dad's father was of Scots-Irish descent and a man of many hats. He was adopted by a neighboring family at the age of six after his single father decided to move on without him. As a young teenager, he ran away from the only real family he knew and set out to start a life for himself. I loved hearing his stories, some sounded like tall tales. Grandpa, a snake-oil salesman of sorts, rode the rails all over the country, selling anything and everything to earn a buck.

After meeting my grandmother in his late teens, the two married and he settled down to raise a family. He became the local Assistant Postmaster, worked on the railroad and was a barber. He opened his own barber shop next door to the local bank and became so involved in the banking business that he ended up running the place. During the Depression he loaned farmers money on a hand shake. That job took him to Pearland, TX, where he started another local bank and sold real estate on the side. Interesting enough, although he was a banker he always paid cash and thought credit cards were a bad idea for average Americans. The concept of rest and relaxation was not one he could appreciate. He was tinkering with something every day of his life. He was an electrician, plumber, made furniture and had a huge garden. He was a leader in the local Church of Christ and never missed a service until his death.

He never let the fact of his abandonment as a child be an excuse for anything.

Grandpa lived to be 88 years old and he and my grandmothers were a large part of my life and my kids' lives. Papa was tragically killed by a drunk driver in the 1950s while laying asphalt for the Texas Highway Department. Because people married so young back then and their kids married young, I got to spend far more time with my grandparents than most kids do today.

Neither of my grandfathers made it past 7th grade, but were far wiser than most men I know. While both very different, they both embodied the very traits that define men of their generation. They were the fathers of the Greatest Generation. They believed in hard work and providing for their families even in the depression—no excuses. They taught their children and their children's children the value of an earned dollar, pride in hard work, respect for their elders and a love of God and country.

I am so thankful to have known these two men and wish there were more like them today. They were good men, good examples, good fathers and inspiring grandfathers. Happy Father's Day.

And that's just the way it is.

RECOGNIZING EMERGENCY MANAGERS IN SHELBY COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district devastated by the recent severe weather in Indiana.

I wish particularly to honor these outstanding individuals in Shelby County: Mike Schantz, Director, Emergency Management Agency; Mike Bowlby, Sheriff; Tony Lennen, President and CEO, Major Hospital; Scott Furgeson, Mayor, Shelbyville.

These areas suffered greatly from tornadoes, heavy rains and flooding, creating a catastrophe that awaits a presidential response. But the catastrophe did not await the efforts of these individuals. And in response, they went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

I also commend Governor Mitch Daniels and the many State government authorities who have been so instrumental in leading the State through this crisis. I strongly support Indiana's three requests for Federal aid and renew my request to the President of the United States, the Federal Emergency Management Agency, and the U.S. Department of Agriculture to act promptly, make assessments, and declare an expedited major disaster for all 44 counties in the State of Indiana affected by the severe weather.

We need to speed the necessary relief to the families who have fallen victim to Mother Nature's fury and extend full Federal assistance to Hoosier families, businesses and farms to include direct assistance to individuals, Small Business Administration Disaster Loans and emergency assistance loans from the Farm Service Agency.

Madam Speaker, Hoosier families and communities are hurting and need to know that help is on the way. I urge this administration and my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 1477 TOPS NATION IN FOOD COLLECTION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. YOUNG of Florida. Madam Speaker, for the second straight year, the men and women of the National Association of Letter Carriers Branch 1477 of St. Petersburg, Florida, led the Nation in food collection as part of the national ''Stamp Out Hunger'' food drive.

Their chapter alone collected a local record of 1,718,218 pounds of food that has been distributed to Pinellas County food banks. St. Petersburg Branch 1477, combined with two other local branches: Clearwater Branch 2008 and Tampa Branch 599, collected in the Tampa Bay area 4,289,416 pounds, more food than in any other geographic area in the Nation. In fact, these three chapters accounted for three of the top five branch totals nationally.

Having spent Memorial Day with many members of Branch 1477, I know of the great pride they have in serving their community. They acknowledge that the ''Stamp Out Hunger'' food drive was an outstanding partnership between the National Association of Letter Carriers, the United States Postal Services, the American Postal Workers Union, the National Rural Letter Carrier's Association, and local businesses including Valpak, a major sponsor in my area. Most importantly though, the level of success of this annual drive is due to the compassion and support of the residents of our local communities who place bag after bag of food out at their mail box on this one day of the year to help their neighbors in need.

Madam Speaker, please join me in thanking the National Association of Letter Carriers for taking the initiative to sponsor the ''Stamp Out Hunger'' program for these past 16 years and in congratulating the letter carriers of Branch 1477 who serve from Dunedin through Largo, Pinellas Park, St. Petersburg and south to Punta Gorda, Florida, for once again topping the Nation in the collection of food. This program is in the finest American tradition of neighbor helping neighbor.

INTODUCTION OF THE RESPONSIBLE OWNERSHIP OF PUBLIC LANDS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. MARKEY. Madam Speaker, today I am introducing the Responsible Ownership of Public Lands Act with Representatives EMANUEL, RAHALL and HINCHEY. At a time when our constituents are paying more than $4 per gallon at the pump, oil companies are sitting on millions of acres of land that they hold the drilling rights to but are not producing on. They need to either use it or lose it.

There's a myth that Republicans and Big Oil are perpetuating: that oil companies don't have access to enough places to drill for oil, that we need to allow drilling off our beaches on the East and West coast and in our most pristine places such as the Arctic National Wildlife Refuge. However, this argument is nothing more than a drilling decoy.

The reality is that roughly 80 percent of offshore oil and gas reserves are located in areas where drilling is already allowed. Moreover, oil and gas companies right now own the drilling rights to 68 million acres offshore and onshore that they are not even using. These oil companies, who are raking in record profits, are not producing oil or gas on the vast majority of public land under their control. Offshore, Big Oil is producing on only about 23 percent of the land they hold, while onshore, companies are producing on roughly 27 percent of the acres to which they hold the drilling rights. Apparently Big Oil is more interested in pumping up prices and pumping up their own profits rather than pumping more oil.

Indeed, while Exxon Mobil has increased spending on exploration and drilling by $3 billion over the last five years, it has increased spending on schemes to prop up the price of its stock by nearly $26 billion per year during that same time period. Meanwhile, Exxon spent only $10 million investing in developing renewable technologies last year.

The Responsible Ownership of Public Lands Act would assess an escalating fee over time on land energy companies have leased but are not using for production. This fee would be a mere $5 per acre per year for the first three years of non-production but then increase to $25 per acre for the fourth year and $50 per acre in the fifth year and any subsequent years, providing a strong incentive for the oil companies to stop hoarding these leases and start using them.

The revenue raised from these fees will go towards developing renewable energy and investing in energy efficiency that will reduce our dependence on oil and reduce energy prices for American Consumers. The revenue will also be used to fund the Low Income Home Energy Assistance Program and the Weatherization Assistance Program, which helps permanently reduce energy bills for low income families by making their homes more energy efficient.

With oil companies continuing to sit on these millions of acres as the price of gas skyrockets, it is time to tell Big Oil to start producing or start paying. Big Oil is trying to play Uncle Sam for Uncle Sucker and we're not going to allow it.

THE PASSING OF PAT TOBIN, FOUNDER OF TOBIN & ASSOCIATES

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. WATSON. Madam Speaker, it was with great sorrow that I learned of the loss of my dear friend, Pat Tobin.

Pat was the Founder and CEO of Tobin and Associates, one of the most prominent minority, female-owned public relations firms whose clientele included celebrities, entertainment companies, non-profit/political organizations and national/international corporations.

Pat was more than an astute business woman, she was a ''people person.'' She always had a big, beautiful smile that graced her face at all times. She was the epitome of ''grace under pressure.''

Pat was a mover and shaker in the public relations industry. She was a founder of the National Black Public Relations Society and a committed member of the National Association of Black Journalists.

She was a dedicated activist for causes that impacted minorities, women and youth and she secured financial support from corporations and philanthropic organizations for a variety of important initiatives. She was selfless and dedicated in everything she did. She was regarded as a standard bearer for public relations professionals of all races due to her innovative, hard working and compassionate nature.

One of her NABJ colleagues wrote the following poem about Pat:

I will not mourn Pat Tobin.
I will not be sad.
I will not let her passing depress me.
Instead I will continue to use the model she shared for life's personal journey.
I will take the attitude that personal and professional setbacks are an opportunity to make one-self stronger.
I will look at seemingly insurmountable road-blocks as mental, emotional and sometimes physical challenges as opportunities to become a force to be reckoned with.
I will choose to be what she believed all of us are capable of.

I extend my most heartfelt condolences to Pat's family, her colleagues, her many close friends in Los Angeles and around the country. She will be sorely missed.

A TRIBUTE TO ROSEMARIE LANE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. MICHAUD. Madam Speaker, I rise today to recognize and honor the dedication, unwavering service and steadfast commitment of Rosemarie Lane to the veterans of Maine.

Rosemarie was born in Brooklyn, New York. She joined the Army at age 19. She served in France and Germany, and volunteered to serve in Vietnam. She retired in 1986 as a Master Sergeant.

Her service to our country is not limited to the military. She recently retired from the Internal Revenue Service after many years of dedicated public service.

As a Life Member of the Veterans of Foreign Wars, Rosemarie has served as Post Commander and District 9 Commander. She was elected the 2003–2004 State Commander for the VFW Department of Maine, giving her the distinction as the first female VFW State Commander in New England. Since completing her term as State Commander, she has continued to serve the VFW on its National Legislative Committee.

Rosemarie is a staunch advocate for veterans, working tireless hours defending the rights and benefits she and her fellow veterans have earned. She embodies the spirit, commitment, and passion that all veterans' advocates should possess.

I can always trust that Rosemarie will tell me exactly what she believes. I value her guidance, her candor, and her friendship. Through her work, she has brought honor and credit to herself, her family, her community, the VFW and her Nation. I extend my sincere thank you to her for her many years of service on behalf of our veterans.

TRIBUTE TO MAJOR GENERAL RANDAL R. CASTRO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. SKELTON. Madam Speaker, let me recognize the service of Major General Randal R. Castro as his career comes to an end after 33 years of dedicated service in the United States Army.

Major General Castro began his distinguished career upon graduation from the United States Military Academy, West Point, New York in 1975, where he received his bachelor's degree. In addition to a master's degree in civil engineering from Stanford University, his military education includes the Engineer Officer Basic and Advanced Courses, the U.S. Marine Corps Command and Staff College, and the U.S. Naval War College where he earned a master's degree in national security and strategic studies and subsequently served as a Professor.

During his 33 years of service to the nation, Major General Castro held a variety of command and staff assignments. These range from the platoon to the army level, held engineer battalion and brigade command, served as Commanding General, U.S. Army Pacific and South Atlantic Engineer Divisions, and served as Special Assistant to the Commanding General, U.S. Army Training and Doctrine Command. Prior to assuming his current duties, Major General Castro served concurrently as Commandant, U.S. Army Engineer School, Fort Leonard Wood, Missouri, and Commanding General, U.S. Army Maneuver Support Center, also at Fort Leonard Wood, Missouri, where he oversaw the Army's Engineer, Military Police and Chemical Schools.

Major General Castro's decorations and awards include: the Distinguished Service Medal; Legion of Merit (with three oak leaf clusters); Meritorious Service Medal (with two oak leaf clusters); Army Commendation Medal (with four oak leaf clusters); Navy Commendation Medal; Army Achievement Medal; and the Parachutist Badge.

Major General Castro currently serves as the Deputy Director, Defense Threat Reduction Agency. In this capacity, Major General Castro helps safeguard America and its allies from Weapons of Mass Destruction by providing capabilities to reduce, eliminate, and respond to the threats posed by such weapons. I'm certain that the Members of the House will join me in honoring Major General Randal R. Castro for his outstanding service to our country.

ALEXANDER ''SANDY'' NININGER

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor the memory of Second Lieutenant Alexander ''Sandy'' Nininger, a heroic American soldier and the first United States recipient of the Medal of Honor in World War II.

Lieutenant Nininger entered service in Fort Lauderdale, Florida, and bravely served his country during the Second World War as a member of the 57th Infantry Regiment of the Philippine Scouts. He gave his life near Abucay, Bataan, Philippine Islands in January of 1942. He fought valiantly into relentless enemy fire even after sustaining three wounds.

In his hometown of Fort Lauderdale stands a Sandy Nininger statue and WWII memorial where annual Memorial Day services are held in recognition of his service and that of his fellow veterans. Their efforts have provided Americans with security and peace of mind, and I join all Americans in gratitude for their sacrifices.

On June 14th, which has been designated as National Flag Day, Americans honor those who fought to protect this country and the ideals for which the American flag stands. Sandy Nininger fought for America, and I think it is only appropriate to pay respects to him on Flag Day.

Madam Speaker, I believe that America owes its military heroes the utmost appreciation and I am honored to represent thousands that served our country honorably in our nation's military, just as Sandy Nininger did. On this Flag Day, I am proud to remember a distinguished local and national hero, Sandy Nininger.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, today I was unavoidably delayed and missed the vote on Final Passage of H.R. 6003, the Passenger Rail Investment and Improvement Act (rollcall 400). H.R. 6003 passed by a vote of 311–104; Had I been present I would have voted ''yea'' on rollcall 400.

I would also like to offer my firm support for the Passenger Rail and Improvement Act, H.R. 6003. At a time when gas prices have reached a national average of $4.05 a gallon, this bipartisan legislation is both timely and necessary to provide travelers with alternative transportation. This bill would authorize nearly $15 billion in funding for the national passenger railroad over the next five years. It encourages the development of new and improved intercity passenger rail services by creating a new grant program for intercity passenger rail services. It also paves the way for a high-speed rail system between Washington and New York City.

Today it is increasingly evident that the United States cannot rely solely upon further massive construction of highways and airports to meet its transportation needs. To handle the tremendous tide of travelers, auto, air and bus system must be supplemented by a swift and efficient rail passenger service. It is vital to restore an essential balance to the total transportation complex.

For nearly 40 years, Amtrak has provided intercity passenger railroad service, operating approximately 44 routes and over 22,000 miles of track. A record of 25.8 million passengers took Amtrak in the last fiscal year. With the climbing costs of driving, Amtrak expects ridership to approach 28 million this fiscal year. The passage of this legislation allows Amtrak to meet the increased demand by bringing much needed improvements to its infrastructure. In an effort to address our energy problems, enhanced intercity railway provides a cost-efficient solution. I support this legislation as we seek to offer relief from high fuel costs and alternatives to the American people.

HONORING MR. LI KA-SHING, GLOBAL PHILANTHROPIST, ENTREPRENEUR, CORPORATE LEADER

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to pay special tribute to Mr. Li Ka-shing of Hong Kong and to celebrate his extraordinary life, service, and achievements on the occasion of his 80th birthday.

The vast accomplishments in business of this global icon place him easily among the most successful and respected entrepreneurs of our day—Gates, Buffett, Branson and others. But his contributions in philanthropy, a new concept Mr. Li is introducing in China, also rank him among those business giants—Carnegie, Rockefeller, and Vanderbilt—who understood the benevolent, ennobling uses of wealth to strengthen and lift others.

No one who examines the life of Mr. Li Ka-shing can help but appreciate the power of purpose not only in shaping one's life but destiny as well. He has shown what a life guided by deep, constant purpose and fueled by optimism, determination, and industry can achieve—despite odds and obstacles that may appear insurmountable. With purpose, he has built companies and changed lives with compassionate giving.

As a child, in 1940, Li Ka-shing fled China with his family to escape the Japanese invasion. The family arrived destitute in Hong Kong, with little prospects for the future. His father was an educator, his mother a loving and noble influence in his life. As a young boy, Mr. Li showed great academic promise. But circumstances and necessity—his father was stricken with tuberculosis and later died—forced him to abandon his dream of receiving an education. At 12, he had to leave school to work in a factory to support his family. Despite his young age, the power of purpose had taken hold of him as he pushed himself to endure grueling 16-hour workdays. By 22, Mr. Li's hard work and perseverance had earned him the ownership of his own plastics factory, Cheung Kong Industries.

He was known for his honesty, his loyalty and customer service. There is a well-known story in Hong Kong how on one occasion, a large contract with a U.S. business was cancelled after Mr. Li had completed the manufacturing. The business had decided to change direction in what it wanted. Mr. Li not only did not charge the U.S. businessman who had changed his mind, but proceeded to complete the second order as directed. This single act later opened the door to Mr. Li and his company becoming one of the key producers of toys and home decorations for American companies. In fact, to this day, some still refer to him as G.I. Joe, as it was Mr. Li and his company that manufactured that popular line of toys in the '60s and '70s.

Building on this foundation, Mr. Li expanded into real estate investment, creating a company that was listed on the Hong Kong Stock Exchange in 1972. Meanwhile, Cheung Kong continued its rapid growth trajectory with acquisitions of Hutchison Whampoa, a British trading company that has been active in Hong Kong since the 1820's, and Hong Kong Electric Holdings Limited in 1979 and 1985, respectively.

Today, Mr. Li leads a vast global business empire as chairman of Cheung Kong Holdings Limited and Hutchison Whampoa Limited. Cheung Kong Holdings Limited is the flagship of the Cheung Kong Group, which has business operations in 57 countries around the world and employs about 260,000 staff. In Hong Kong alone, the Group includes eight listed companies with a combined market capitalization of approximately US$122 billion.

The Cheung Kong Group's businesses encompass such diverse areas as property development and investment, real estate agency and estate management, hotels, telecommunications and e-commerce, finance and investments, retail, ports and related services, energy, infrastructure projects and materials, media, and biotechnology. Hutchison Whampoa Limited is a Fortune Global 500 company.

Mr. Li's personal holdings confer the distinction of being Asia's richest man. But his deep humility and gratitude—coupled with an intrinsic understanding of the true value of money and the good it can do—have never allowed him to flaunt his wealth or his position. True to the lessons of his humble beginnings and hardships and his Horatio Alger story, he has found that wealth, when used to serve others and not self, can be employed with great purpose and power.

Mr. Li believes that an equitable society can only be achieved if individuals are ready to do their part. In 1980, he established a charitable foundation—the Li Ka Shing Foundation. Its mission is to enhance the impact of its philanthropy through two strategic objectives: to nurture a culture of giving and to foster creativity, constructive engagement, and sustainability

through supporting capacity empowerment focused projects. To date, the Li Ka Shing Foundation and other private charitable foundations established by Mr. Li have supported numerous charitable activities with grants, sponsorships and commitments in the billions of dollars.

The Hong Kong entrepreneur's giving heart is novel and legendary in a part of the world that has no tradition of philanthropy. Mr. Li has not only given away far in excess of US$1 billion to support a host of worthwhile causes and programs, but his giving continues with hundreds of millions of dollars each year. And his giving transcends country boundaries and nationalities. He has sponsored children's centers, church buildings, cancer research centers, scholarships in the United Kingdom, the School of Medicine at Stanford University, as well as medical research projects at the University of California at Berkeley, among other initiatives. He has created a hospice program throughout China that brings pain relief for patients terminally ill with cancer. He has built hospitals and eye clinics where rural Chinese can receive cataract surgery free of charge. When the tragic tsunami hit Indonesia, Mr. Li was the world's first businessman to provide immediate and personal relief, just as he did more recently with the deadly earthquakes in China.

He has provided millions of dollars in aid to wage a global battle against hepatitis, avian flu, and degenerative diseases. Despite his own thwarted hope of an education, Mr. Li has placed this dream within the reach of thousands of young and aspiring Chinese. In 1981, he endowed and established Shantou University in Guangdong Province. The university has nine colleges, including a medical college with five affiliated hospitals. Enrollment is open to students across China. Today, the university has 6,500 undergraduate and 1,500 graduate students. It is the centerpiece of his philanthropy, the very heart of his giving. Last year, Chairman JOHN CONYERS of the House Committee on the Judiciary, Congresswoman DIANE WATSON, and I spoke at Shantou University, and I cannot adequately explain the spirit that exists on that campus, where students who would otherwise receive no education are given an opportunity that opens to them the doors of world.

Shantou has internships and educational relationships throughout the world—in Europe and Canada, here in the United States with such prestigious institutions as my alma mater, Berkeley, as well as Stanford, the University of Utah, and others. Its curriculum is cutting edge, bringing a whole new and exciting learning paradigm to traditional Chinese education. In addition to Shantou University, Mr. Li supports other major educational projects such as Hong Kong Polytechnic University, the Open University of Hong Kong, Singapore Management University, Foundation Primary Schools, University of Calgary, and the University of Hong Kong, to name a few.

Mr. Li's generosity is not limited to health care and education. He is also a committed patron of culture—art, dance, music, literature, sports, and the preservation of artifacts—as well as community welfare. In fact, Madam Speaker, he is a patron of the John F. Kennedy Center for the Performing Arts. His support even has gone so far as the Dance Theatre of Harlem.

No less of a business authority than Forbes magazine has taken note of Mr. Li's magnanimity and dedication to improving the lives of people around the world. For his past and present philanthropy, it conferred upon him the first-ever Lifetime Achievement Award at a gathering of many of Asia's top business leaders in Singapore.

From his businesses to his service, to his generosity, to his countless acts of compassion toward others—all these flow from a heart stayed upon a single purpose, a guiding ideal for life: to love others by serving and lifting them. For those who have had the privilege of meeting Mr. Li, they feel the bright, generous, benevolent, yet humble spirit of this man through his broad and warm smile. He radiates good will, genuine concern, and humanity for all—regardless of station of life. And he delights in being a servant of no man in particular but of all men in general. This has been his life's purpose.

Mr. Li's example can teach us much about the things of the heart, those invisible powers and energies of the spirit that can be summoned for good. His is and has been a remarkable life and legacy that remind all of us that we can aim a little higher and do a little more to lift lives and strengthen others through service—whatever our own gifts may be, no matter how meager we think them. And the best time to begin is now.

Madam Speaker, in recognition of his achievements as a global philanthropist, entrepreneur, and corporate leader, I am deeply honored to insert into the CONGRESSIONAL RECORD a letter signed by 20 Members of the U.S. House of Representatives commemorating Mr. Li's 80th birthday. By making this letter a part of American history, we salute this great man and honor the occasion of his birth on June 13, 1928.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 13, 2008.

Mr. LI KA-SHING,
Chairman, Cheung Kong Holdings, Ltd., Queen's Road Central, Hong Kong.

DEAR MR. LI: On the occasion of your 80th birthday, we are writing to honor and recognize your extraordinary life, distinguished career, humanitarian service, achievements, and legacy as a global philanthropist and entrepreneur who leads a vast business empire as chairman of Cheung Kong Holdings Limited and Hutchison Whampoa Limited (a Fortune Global 500 company) with operations in 57 countries, a workforce of 260,000, and a combined market capitalization of nearly US$122 billion.

We especially commend you for using your wealth to serve others. Believing that an equitable society can only be achieved if individuals are ready to do their part, you established a charitable foundation—the Li Ka Shing Foundation. Backed by your personal initiative and example, and sustained by the Foundation's mission, you introduced a broad-based philanthropy to a part of the world that has no tradition of it. Promoting what you affectionately call your ''third son''—the notion of giving beyond the confines of family to others in need—you have established and nurtured a culture of giving in China and throughout Asia to underwrite worthwhile efforts supporting charitable aims.

While donating more than US$1 billion to support a host of worthwhile causes and programs worldwide, including sponsorship of children's centers, church buildings, cancer research centers, scholarships in the United Kingdom, the School of Medicine at Stanford University, as well as medical research projects at the University of California at Berkeley, you have also provided millions of dollars in aid to wage a global battle against hepatitis, avian flu, and degenerative diseases, and, more recently, nearly US$20 million in disaster relief to the victims of the Sichuan earthquake. We are touched by your work to alleviate pain for those suffering from cancer through your remarkable hospice program, as well as your efforts to build hospitals and provide eyes surgeries for those unable to pay.

Despite your own thwarted hope of pursuing an education, you are also fulfilling the dreams of thousands of young and aspiring Chinese through numerous universities, including Shantou University, which you endowed and established in 1981, with nine colleges, including a medical college, serving 6,500 undergraduate and 1,500 graduate students.

As a patron of culture, your generosity extends to art, dance, music, literature, sports, and the preservation of artifacts. We thank you, specifically, for being a significant patron of the John F. Kennedy Center for the Performing Arts in Washington, DC, and for also embracing the Dance Theatre of Harlem.

We join with Forbes magazine, which conferred upon you the first-ever Lifetime Achievement Award at a gathering in Singapore of Asia's top business leaders, in recognizing your past and present philanthropy. Truly, your countless acts of compassion toward others flow from a heart stayed upon a single purpose, a guiding ideal for life—to love others by serving and lifting them.

Yours has been a remarkable life and legacy that reminds all of us that we can aim higher and do more to lift lives and strengthen others through service, and that the best time to begin is now.

We wish you a happy birthday and many more.

Sincerely,

Eni F.H. Faleomavaega, Chairman, Foreign Affairs' Subcommittee on Asia, the Pacific & the Global Environment; Diane E. Watson; Howard P. ''Buck'' McKeon, Ranking Member, Committee on Education & Labor; Eddie Bernice Johnson, Chairwoman, Transportation Subcommittee on Water Resources & Environment; Jim Moran; William J. Jefferson; Donna M. Christensen, Chairwoman, Natural Resources' Subcommittee on Insular Affairs; Grace F. Napolitano, Chairwoman, Natural Resources' Subcommittee on Water & Power; Albio Sires; Ed Pastor; Mike Honda, Chairman, Congressional Asian Pacific American Caucus (CAPAC); Dan Burton, Ranking Member, Foreign Affairs' Subcommittee on the Western Hemisphere; John Conyers, Jr., Chairman, House Committee on the Judiciary; Madeleine Z. Bordallo, Chairwoman, Natural Resources' Subcommittee on Fisheries, Wildlife & Oceans; Keith Ellison; Bennie G. Thompson, Chairman, Committee on Homeland Security; Joe Baca, Chairman, Agriculture Subcommittee on Departmental Operations, Oversight, Nutrition & Forestry; Raul M. Grijalva, Chairman, Natural Resources' Subcommittee on National Parks, Forests & Public Lands; Silvestre Reyes, Chairman, House Permanent Select Committee on Intelligence; and Luis V. Gutierrez, Chairman, Financial Services' Subcommittee on Domestic and International Monetary Policy, Trade & Technology.

HONORING THE LIFE AND SERVICE OF LT. GENERAL WILLIAM ODOM

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, born in Putnam County and raised in Cumberland County, Lt. General William E. Odom rose to great prominence in the U.S. military intelligence community and was a widely known expert on matters relating to the Soviet Union.

A natural born leader, Odom graduated from the U.S. Military Academy at West Point in 1954. Over the next twenty years Gen. Odom earned a Masters Degree and Ph.D. from Columbia University, was stationed in East Germany for a lengthy period of time, taught at West Point, and served at the U.S. Embassy in Moscow.

In 1977, he was appointed as the military assistant to President Carter's National Security Adviser Zbigniew Brzezinski. General Odom served in that position till 1981. Shortly after leaving the White House and for a little more than 3 years, Odom held the position of Assistant Chief of Staff for Army Intelligence. By 1985 General Odom was named the 11th Director of the National Security Agency, our nation's largest intelligence agency.

Retiring in 1988 from the Army and the National Security Agency, General Odom embarked in a career in academia. Over the next twenty years he taught at Yale University and Georgetown University and was a Senior Fellow at the Hudson Institute.

General Odom is a member of the Military Intelligence Hall of Fame at the United States Army Intelligence Center in Fort Huachuca, Arizona.

On behalf of Tennessee's Fourth Congressional District and a grateful nation, we thank General Odom for his service in defense of our country.

EDWARD WILLIAM BROOKE III CONGRESSIONAL GOLD MEDAL ACT

SPEECH OF

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Ms. TSONGAS. Mr. Speaker, I rise to express my strong support for S. 682, the ''Edward William Brooke III Congressional Gold Medal Act.'' It is my privilege to honor this most distinguished gentleman who broke barriers and tirelessly served his community and country with great conviction.

Edward Brooke was the first African American elected to the United States Senate by popular vote. I am proud that he accomplished this feat in my home state of Massachusetts, which he represented from January 1967 until January 1979. He has been Captain Brooke, Professor Brooke, and Attorney General Brooke. He has fought for civil rights in our country and against apartheid in South Africa. For his many accomplishments, he has received numerous medals and awards, most notably the Bronze Star and the Presidential Medal of Freedom.

Senator Brooke paved the way—his election to the United States Senate was a milestone in the march toward racial equality—and his impact continues today, as we watch the first African American nominee run for President, carrying Senator Brooke's legacy forward.

In a political world growing increasingly divisive and polarized, Senator Brooke has always had the distinct ability to separate the political from the personal. My husband, Paul, ran for the Senate against Senator Brooke in 1978. Although the race was tightly contested, Senator Brooke was always respectful, always warm, and Paul, in turn, greatly admired him.

It is appropriate that we express our gratitude with this legislation. Senator Brooke, in his life and through his service, broke barriers and created new opportunities for so many, and in so doing, moved our country further down the path towards the America that we all hope will someday be a reality.

INTRODUCTION OF THE HONORING OUR NATION'S OBLIGATION TO RETURNING WARRIORS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Honoring Our Nation's Obligation to Returning Warriors Act (HONOR Warriors Act), along with my colleague and friend Representative JOHN SALAZAR (D–CO). It is a companion bill to S. 3008, bipartisan legislation authored by Senator KIT BOND of Missouri and Senator BARBARA BOXER of California.

This legislation recognizes that our servicemembers returning from Iraq and Afghanistan need and deserve improved mental health care services. The HONOR Warriors Act will provide better mental health care treatment for these military members and veterans, enhance care for military families, and better prepare our troops to cope with stress related to combat.

The Pentagon acknowledged recently that Post-Traumatic Stress Disorder (PTSD) and major depression are affecting an ever greater number of U.S. troops. Nearly 40,000 troops have been diagnosed with PTSD since 2003, up 50 percent just last year. The RAND Corporation found even more disturbing statistics recently: Nearly 20 percent of all military servicemembers who have returned from Iraq and Afghanistan—300,000 total—have reported symptoms of PTSD or severe depression. More than 600,000 returning troops suffer from PTSD or Traumatic Brain Injury (TBI), or both. With many our servicemembers deploying for their third or fourth tours to Iraq, we can expect that these numbers will continue to rise.

Treating these mental health problems is in some ways more difficult than treating wounds we can see. PTSD is the ''invisible wound'' that some soldiers don't even know they have, and the onset of its symptoms can be delayed, making it even harder to recognize. In addition, because of the stigma attached to PTSD, estimates are that nearly 50 percent of troops don't seek treatment. They are ashamed to seek help or fear that a diagnosis of mental illness will harm their careers.

The recent RAND report also found that of those who do seek help for PTSD, only about half receive treatment that is considered to be ''minimally adequate.'' With its shortage of funds and trained staff, it is clear that our military mental health care system isn't prepared to deal with this growing mental health crisis.

This is unacceptable. If the Pentagon can't act to help these injured servicemembers who have sacrificed so much for our country, then Congress must. That's why I am introducing this legislation—to ensure that the mental health needs of our military members and veterans are addressed now. The legislation will:

Create a scholarship program to educate and train behavioral health care specialists to serve servicemembers and veterans;

Give active-duty servicemembers access to Vet Centers, which currently provide readjustment counseling, outreach, and mental health care services to veterans only;

Extend survivor benefits to families of military personnel who commit suicide and have a history of combat-related mental health conditions, PTSD, or TBI;

Provide grants to non-profit organizations to offer services to survivors of members of the Armed Forces and veterans;

Establish pilot programs to better prepare servicemembers for combat through a focus on improved prevention, early detection, intervention, and treatment of PTSD. The bill sets up two locations for these programs—Fort Carson in Colorado, and Fort Leonard Wood in Missouri.

With Veterans Affairs Secretary James Peake himself suggesting a few weeks ago that concerns about PTSD and TBI are overblown, it's clear that Congress needs to step in to ensure that our servicemembers and veterans suffering from the invisible wounds of PTSD and major depression are getting the support they deserve. They shouldn't have to fight another war to get proper care once they return home. Providing prompt and effective treatment to our returning troops can help prevent many of the negative effects related to PTSD and depression. It's the least we can do to repay them for the sacrifices they have made for our country.

INTRODUCTION OF LEGISLATION TO DELAY MEDICARE'S DME COMPETITIVE BIDDING DEMONSTRATION PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. STARK. Madam Speaker, I rise today to introduce the ''Medicare DMEPOS Competitive Acquisition Reform Act of 2008.'' I am pleased to be introducing this bill with my Ranking Member on the Ways and Means Health Subcommittee, Representative DAVE CAMP (R–MI); Ways and Means Committee Chairman CHARLES B. RANGEL (D–NY); House Minority Leader JOHN BOEHNER (R–OH); Energy and Commerce Chairman JOHN D. DINGELL (D–MI); and Energy and Commerce Committee Health Subcommittee Chairman FRANK PALLONE (D–NJ). In particular, I would like to thank Mr. CAMP for helping to craft this bipartisan legislation.

The Medicare Modernization Act mandated a competitive bidding program for durable

medical equipment in Medicare and allowed the program to be nationally implemented after a several year phase-in. Unfortunately, the Administration developed the program with blinders on to the needs of patients and the small companies who make up the durable medical equipment industry.

Our subcommittee held a hearing on implementation of the bidding program on May 6, 2008. We heard testimony from numerous stakeholders about the difficulties they encountered during the bidding process. For example, nearly two-thirds of applicants were disqualified because of improper documentation—when they had initially been promised that such documentation errors would be pointed out to them and they'd have an opportunity to correct any errors. We also heard from beneficiary organizations concerned about a number of issues, including maintaining access to benefits during what is likely to be a very tumultuous transition period.

Without Congressional intervention, the flawed program begins on July 1, 2008. The bill we're introducing today delays implementation of the competitive bidding program for 18 months to provide the Centers on Medicare and Medicaid Services (CMS) with the time to create an improved program based on standards laid out in this legislation. Importantly, this bill comes at no cost to the Federal Government. The cost of delaying the program is fully paid for by the DME industry.

Let me be clear from the outset in saying that I do not think this legislation goes far enough. If it were entirely up to me, I would be introducing legislation to repeal the current competitive bidding program and take far simpler approach to adjusting Medicare's DME payment rates.

The program has already proved useful. It has shown that companies are willing to take Medicare's business for far lower prices than the current fee schedule rates. Overall, the estimate is that Medicare would save 26 percent over the current fee schedule in these communities. That's a significant savings that we can't afford to ignore. However, instead of repeating the bidding process again and again in each and every community, I think Medicare might better be served—and significant administrative costs saved—by taking what we learned in this first round to change the fee schedule rates by which we pay for DME now. Those improvements could be done once and would immediately be in effect nationwide. That seems far simpler and far less disruptive to both suppliers and beneficiaries than the program that CMS is now phasing in.

One aspect of the competitive bidding program that I fully embrace is the requirement that DME suppliers meet quality standards through an accreditation process. Unfortunately, as the Government Accountability Office and Office of Inspector General have told us in numerous reports, the DME industry has a ripe history of waste, fraud and abuse.

The program's accreditation provisions are a good start in tackling these problems, and our bill strengthens those requirements. Specifically, the bill sets a hard deadline of October 2009 for all DME suppliers to be accredited. It also addresses a loophole that currently allows subcontractors to remain unaccredited. It closes that loophole by requiring that every company that supplies DME items to Medicare beneficiaries, whether they are the primary supplier or have a subcontract to supply DME, must be accredited as meeting quality standards. Just recently, additional concerns have been raised about the quality of some of the accreditation organizations. While we did not address that in this bill, I believe the administration has both the authority and the obligation to ensure that accreditation is meaningful.

This bill was developed with strong bipartisan support and with input from patient advocates and industry representatives—many of whom have endorsed the legislation. It is the true definition of a compromise. It doesn't eliminate the program as some of us would have liked, but it lays out the standards for a much more fair and appropriate competitive bidding program for the future.

Again, as the program has shown, Medicare is overpaying for durable medical equipment. Enactment of this legislation reduces such overpayments and simultaneously paves the way for a better competitive bidding program for patients and suppliers. I am proud that we were able to develop this compromise and require the industry themselves to come to the table to help pay for the delay. This bill is in the best interest of our senior citizens and people with disabilities who depend on this equipment to maintain independent lives. I urge my colleagues to join us in acting swiftly to enact this much needed legislation.

Organizations endorsing the bill include: American Academy of Physical Medicine and Rehabilitation, American Association for Homecare, American Podiatric Medical Association, American Society of Transplantation, Consortium for Citizens with Disabilities Health Task Force, Health Industry Distributors of America, Invacare, ITEM Coalition, National Coalition for Assistive and Rehab Technology, National Community Pharmacists Association, Orthotic and Prosthetic Alliance, Pedorthic Footwear Association, Rite Aid, the Endocrine Society, Vision Council of America, Wound Ostomy Continence Nurses Society, 3M Corporation.

A more detailed summary of the bill follows:

MEDICARE DMEPOS COMPETITIVE ACQUISITION REFORM ACT OF 2008

Introduced by Reps. Stark, Camp, Rangel, Boehner, Dingell, Pallone and others,

SUMMARY

The Medicare DMEPOS Competitive Acquisition Reform Act of 2008 delays implementation of the Medicare durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) competitive bidding program. It would also make improvements to the bidding process, establish quality measures for DME suppliers in Medicare, and make additional changes to the program. The cost of the delay would be offset by a reduction in current DMEPOS payment rates.

BACKGROUND

Durable Medical Equipment (DME) has historically been paid using a fee schedule. The Balanced Budget Act of 1997 established a demonstration program to test competitive bidding as a new way to set payment for DMEPOS. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 went further, requiring CMS to implement competitive bidding nationally for the following selected categories of items and services: oxygen supplies and equipment; standard power wheelchairs and scooters; complex rehabilitative wheelchairs; mail-order diabetic supplies; enteral nutrients and equipment; continuous positive airway pressure (CPAP) devices and Respiratory Assist Devices (RADs); hospital beds; negative pressure wound therapy devices; walkers; and support surfaces, including mattresses. Under the program, suppliers bid to provide items for one or more of the categories in a geographic area. Those whose bids are awarded are then permitted to supply the selected items to beneficiaries; organizations that are not awarded bids are precluded from providing Medicare beneficiaries with DMEPOS items targeted for bidding in the bidding area. Unless this or other legislation is enacted to delay the program, Round 1, which affects 10 metropolitan statistical areas is slated to start on July 1. The agency is required to begin implementation of Round 2, which will affect 70 communities, in 2009, although CMS has not released the exact schedule. After Round 2 is completed, competitive bidding may be expanded across the country and prices may be adjusted in non-bid areas using information from the bidding program.

LEGISLATION

Temporary Delay Rounds 1 & 2

Terminate contracts awarded under Round 1 and restart the contracting process in those areas in 2009.

Round 2 contracting process would begin in 2011.

Payment adjustments for DMEPOS in non-competitive bid areas may not take effect until Round 2 is completed.

OFFSET

In January 2009, eliminate the annual inflationary adjustment for all items covered by Round 1 of the competitive bidding program and reduce payment rates for those items by 9.5 percent nationwide. This policy does not affect diabetic supplies furnished by retail suppliers because they were not covered by the bidding program.

Items that had been subject to the reduction would receive a 2 percent payment increase in 2014, except in any area where a competitive bidding contract is in effect or CMS has otherwise adjusted payment rates.

BIDDING PROCESS IMPROVEMENTS

Require CMS to notify bidders about paperwork discrepancies and give suppliers the opportunity to correct within a reasonable time frame.

Provide CMS the authority to subdivide MSAs with more than 8 million people.

Exempt rural areas and MSAs with a population of less than 250,000 from competitive bidding for at least 5 years.

Require that suppliers who bid on diabetic testing supplies offer brands that cover at least 50% of the market by volume (does not apply to Round 1).

Before using its authority to adjust prices in non-bid areas, CMS must issue a regulation and consider how prices set through competitive bidding compare to costs for such items in non-bid areas.

Require HHS's Office of Inspector General to verify calculations used to determine the pivotal bid amount and winning bid amounts.

QUALITY MEASURES

Require all suppliers to be accredited by October 1, 2009. Ensure that all suppliers, whether they are billing Medicare directly or are a subcontractor to another supplier, be subject to accreditation.

Require contracting suppliers to disclose all subcontracting relationships to CMS.

Exclude physicians and other practitioners from DMEPOS accreditation requirements

until CMS develops provider-specific standards. Allow CMS to waive physician accreditation if the agency determines they are subject to other mandatory quality requirements.

Establish a separate ombudsman within CMS to handle supplier and beneficiary issues related to the competitive bidding program.

OTHER CHANGES

Exclude complex rehabilitation wheelchairs, and related accessories when furnished with such wheelchairs, from competitive bidding.

Exclude negative pressure wound therapy from Round 1 and require CMS to evaluate how these items are coded and paid.

Exclude Puerto Rico from Round 1 re-bidding (did not receive enough valid bids in original Round 1 for CMS to award any contracts).

Allow physicians and other treating practitioners to supply ''off-the-shelf orthotics'' to their patients without being awarded competitive bidding contracts.

Allow hospitals in bidding areas to supply the same DMEPOS items that physicians and other practitioners will be able to supply (those that are considered an integral part of professional services) without being awarded contracts for those items.

Ensure that podiatrists and other similar practitioners can prescribe DMEPOS items by using broader definition of physician in Social Security Act. (This relates to a drafting error in MMA that pointed to the wrong definition of physician in the Social Security Act when requiring face-to-face examination in order to prescribe DMEPOS items.)

Delay mandated GAO report to coincide with delay to Round 1 and expand scope of report.

Provides CMS implementation funding of $120 million.

IN REMEMBRANCE OF MARVIN HIRSCHBERG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Marvin Hirschberg, and in recognition of a life dedicated to his country, community and family.

Marvin Hisrchberg, a resident of Olmsted Falls since 1969, has a multifaceted and rich history of public service. He earned both his B.S. and M.S. degrees in Mechanical Engineering from the City College of New York in 1951 and from Case Institute of Technology in 1958. Marvin worked as a research scientist at NASA for forty-two years until his retirement in 1994. Despite his retirement from full-time work, he continued to be an active volunteer at NASA and in the Greater Cleveland Area. His dedication to the environment and to the Olmsted Falls community earned him recognition as Olmsted Falls Citizen of the Year in 1998. Marvin was imperative in initiating the city's recycling program and served on the Environmental Protection Board. He and his wife, Ann, worked together mentoring students through the American Field Service (AFS), a program which enables resident high school seniors to study abroad and students from around the world to study in Olmsted Falls.

Marvin was also a key member of the Olmsted Falls Airport Committee. He applied his knowledge as a NASA engineer to the civic efforts of Olmsted Falls residents to exercise oversight of the City of Cleveland's airport planning. As a result of his knowledge and research on sound, his dogged pursuit of a better way of planning airport expansions, and his dedication to citizenship as a resident and leader in his community, Marvin helped make Olmsted Falls a quieter place and helped make the City of Cleveland and Hopkins International Airport a better neighbor.

Mr. Hirschberg is survived by his loving wife, Ann, his children, Leslie Vickery, Eric and Lora Hirschberg, and his nine grandchildren; Daniel and Emily Olah, Benjamin and Samuel Vickery, Adam, Claire, and Valerie Hirschberg, and Eva and Alice Nowell.

Madam Speaker and colleagues, please join me in celebrating the life of Marvin Hirschberg, who committed his life to serving his country, community and family.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. COHEN. Madam Speaker, I rise to note that I would have voted in favor of both the Motion to Refer H. Res. 1258 to the Committee on the Judiciary (Roll. No. 401) and H. Res. 1235 (Roll No. 402). I was obligated to leave the House floor before the close of votes in order to speak with several important witnesses and supporters just prior to a committee hearing that was scheduled to commence immediately after that series of votes.

H.R. 6229 MAYOR WILLIAM ''BILL'' SANDBERG POST OFFICE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I have the pleasure of introducing H.R. 6229, legislation to name the Post Office located at 2523 7th Avenue East in North Saint Paul after Mayor William ''Bill'' Sandberg, the longtime Mayor of North Saint Paul, Minnesota.

Bill Sandberg was born in 1932 in the Selby-Grand neighborhood of Saint Paul. His family later moved to North Saint Paul, where he lived the remainder of his life. He graduated from North Saint Paul High School in 1950 and the University of Minnesota in 1954. After serving in the Army in the 1950s, Bill joined the family business, Sandberg Funeral Home in North St. Paul as funeral director. He later served as an associate of Johnson-Peterson Funeral Home of St. Paul and White Bear Lake and was active in the Minnesota Funeral Directors Association and a Heritage Club member of the National Funeral Directors Association (NFDA). Throughout his career, Bill was a well respected business owner and a leader in the small business community.

Bill Sandberg was first elected Mayor of North Saint Paul in 1978, reelected for seven more terms, and served with honor and distinction until his passing on April 20, 2008. Throughout his 30 year career as Mayor, he brought people together to solve divisive issues such as the reconstruction of Highway 36 because he always put public service, common sense, and the citizens of North Saint Paul first. As a man of strong religious faith, Bill organized Mayor's Prayer Breakfasts where people of all faiths could come together to celebrate community and support one another.

I want to thank the entire Minnesota Delegation for cosponsoring this legislation that pays tribute to a dedicated public servant, wonderful human being, and dear friend and mentor. Those of us who knew Bill also know well his loving devotion to his wife Dolores, daughter Karen, and grandchildren Carolyn and William.

EXPRESSING CONCERN ABOUT HIV/AIDS EPIDEMICS IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my concern about the increasing rate of HIV/AIDS infections in the Caribbean.

Caribbean nations are the areas of the highest occurrence of the HIV/AIDS disease. United Nations reports that Haiti, Belize, Barbados, the Bahamas and other neighboring countries have the prevalence ratio which comes second only after the sub-Sahara region. The developing countries are hit hardest by these epidemics, which are devastating families, labor forces and economies. Undoubtedly, substantial progress has been made in preventing and treating the disease. Many people in the Caribbean are provided with life-prolonging anti-viral medications and therapies. A growing number of pregnant women are receiving drugs that prevent passing the viruses from mother to child during pregnancy and child-labor. Still, many more people are urgently in need of medications to keep them alive. In 2007, nearly 2.5 million people were newly infected, mainly from the Caribbean and sub-Sahara regions. Developing countries work hard on providing the poor with life-saving medications. It is crucial that they continue such important work.

Universal access and reduced cost of disease-fighting drugs remain the main issues in dealing with the HIV/AIDS epidemic. I hope that many more Americans are concerned about the spread of the HIV/AIDS disease and join in the struggle against the deadly virus.

RECOGNIZING EMERGENCY MANAGERS IN BARTHOLOMEW COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district devastated by the recent severe weather in Indiana.

I wish particularly to honor these outstanding individuals in Bartholomew County: 1. Dennis Moats, Director, Emergency Management Agency; 2. Mark Gorbett, Sheriff; 3. Jim Bickel, CEO, Columbus Regional Hospital; and 4. Fred Armstrong, Mayor, City of Columbus.

These areas suffered greatly from tornadoes, heavy rains and flooding, creating a catastrophe that awaits a presidential response. But the catastrophe did not await the efforts of these individuals. And in response, they went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

I also commend Governor Mitch Daniels and the many state government authorities who have been so instrumental in leading the state through this crisis. I strongly support Indiana's three requests for federal aid and renew my request to the President of the United States, the Federal Emergency Management Agency, and the U.S. Department of Agriculture to act promptly, make assessments, and declare an expedited major disaster for all 44 counties in the State of Indiana affected by the severe weather.

We need to speed the necessary relief to the families who have fallen victim to Mother Nature's fury and extend full federal assistance to Hoosier families, businesses and farms to include direct assistance to individuals, Small Business Administration Disaster Loans and emergency assistance loans from the Farm Service Agency.

Madam Speaker, Hoosier families and communities are hurting and need to know that help is on the way. I urge this Administration and my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

TRIBUTE TO BUNYAN BRYANT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor Dr. Bunyan Bryant, Ph.D., for winning the 2008 Helen and William G. Milliken Distinguished Service Award, from the Michigan Environmental Council, on May 28, 2008.

Dr. Bryant is a national leader in the field of environmental justice. His work helped not only to identify the pressing need to actively protect our environmental resources, but it also helped to show the glaring disparities in the communities affected by such harm. He is the founder and director of the Environmental Justice Initiative at the University of Michigan's School of Natural Resources and serves as an Arthur F. Thurnau Professor at the school.

Bunyan Bryant is a pioneering figure in the Environmental Justice movement. His work helped to show the correlations between adverse environmental impacts and the disproportionate affect they have on the lives of the poor and minorities. This relationship and the need to actively address such disparities, forms the bedrock of the Environmental Justice movement.

Dr. Bryant has been more than just a strong voice for justice and the environment. He has been and continues to be a teacher, guide and mentor for his students. In his role as a professor he has touched thousands of lives. His work has helped to shape the next generation of environmental leaders. Bunyan possesses a unique ability to connect with students individually and help them understand the difference their efforts will make.

I salute Dr. Bunyan Bryant for winning the 2008 Milliken Award. This honor is given to those who have demonstrated a lifelong commitment to the environmental movement and its goals of improving our world through action. Dr. Bryant is certainly worthy of this recognition and I appreciate any chance to recognize him. I honor Dr. Bryant for his tremendous efforts and a lifetime of sacrifice and dedication to a noble cause. I thank him for all that he has done.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CONGRESSIONAL CLUB

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. REICHERT. Madam Speaker, it gives me great pleasure to recognize the 100th Anniversary of The Congressional Club; the only club in the world established by an act of Congress. Since its founding in 1908, The Congressional Club has provided a nonpartisan setting for the spouses of Members of Congress to form lasting friendships and foster bipartisan collaboration on several projects benefiting our children and communities.

Each year, The Congressional Club hosts the First Lady of the United States for a luncheon and donates the proceeds to a selected charity. The First Lady's Luncheon is the Club's largest and most prestigious event of the year. My wife Julie is currently serving as 3rd Vice President of The Congressional Club and had the privilege of serving as Co-Chair of the luncheon this year, which hosted 1,800 guests including distinguished Members of the House and Senate, the President's Cabinet, and the spouses of the Supreme Court Justices. In honor of First Lady Laura Bush, the Club donated the proceeds from the 2008 luncheon to Ford's Theater; one of the most visited sites in our Nation's capital, celebrating the life and legacy of our 16th President Abraham Lincoln. Past recipients of the Club's charitable giving include mentoring programs, literacy programs, child care centers, and domestic shelters.

Over the past 100 years, The Congressional Club has been a home away from home for many of its members. The friendships made and memories shared will forever be cherished, and the community forever grateful for the kindness and generosity of The Congressional Club.

Congratulations to all members of The Congressional Club on 100 years of outstanding service and friendship to our Nation, and may your next 100 years be as memorable and rewarding as the first.

TRIBUTE TO MONICA BROWN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PAUL. Madam Speaker, this Saturday the city of Lake Jackson, Texas, will celebrate the accomplishments of United States Army Specialist Monica Brown, who, at the age of 19, has already earned herself a place in the pantheon of Texas military heroes.

Specialist Brown was recently awarded the Silver Star, the nation's third highest medal of valor, because of her heroic actions in Afghanistan. Specialist Brown is only the second woman to receive the Silver Star since World War II.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia when a bomb struck one of the vehicles. Upon seeing that her comrades needed help, Specialist Brown put aside concerns for her own safety and ran through insurgent gunfire and mortars to protect the wounded soldiers. Specialist Brown used her body to shield five injured soldiers as she administered aid and then dragged each of them 100 meters away to safety.

I am pleased to take this opportunity to salute U.S. Army Specialist Monica Brown and let her know how proud I, and all of Lake Jackson, are of her heroism. I urge all my colleagues, and all Americans, to join me in saluting Monica Brown and all the brave men and women serving in Afghanistan and Iraq.

RECOGNIZING STEVE BARR, AUTHOR OF THE WASHINGTON POST'S FEDERAL DIARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. HOYER. Madam Speaker, this Friday an esteemed member of the Washington press corps—our friend, Steve Barr—will conclude his service as the author of the Washington Post's Federal Diary. For 29 years, Steve has served our region as a reporter with the Washington Post, and for the last 8 years he has written the Post's Federal Diary column, covering workplace issues within the three branches of the Federal government.

As someone who represents 58,000 Federal workers, I am especially grateful for Steve's work to make the Federal Diary a highly-valuable resource on the issues of greatest importance to our nation's civil service employees. For those of us monitoring the daily developments affecting our federal workforce, Steve's column has been required reading.

Madam Speaker, as we are well aware, our federal workforce is one of the best in the world, and in Steve, we could not have asked for anyone who recognizes that more. The quality of his work is a mark of the great pride and pleasure he so clearly possesses in his service to our public service workers. So while Steve's departure marks the end of an era at the Post's Federal Diary, I assure you that his contributions will long be remembered. I wish him the best in his future endeavors.

TRIBUTE TO MRS. MARIE HERBST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize Mrs. Marie Herbst on retirement after more than thirty-seven years of service to the citizens of East Windsor Connecticut as a State Senator, Mayor, Town Councilwoman, teacher, mother, wife, and role model.

Marie has been inspiring and leading people from the East Windsor/Vernon area of Connecticut for her entire lifetime. Beginning as one of the most dedicated citizens of Vernon, she stood as an activist for her town's needs in the area of education. This commitment to the Vernon area was not limited to simple activism, as Marie saw the need to serve her constituents locally to ensure that her neighbors' voices were heard.

She was elected to the Board of Education, Town Council, and as Mayor of Vernon, and for over eight years as a State Senator representing her friends and neighbors in Hartford. She demonstrated further dedication to her fellow citizens after she left the Connecticut General Assembly to resume her position on the Town Council. In many ways, her return to local government was similar to former President John Quincy Adams decision to serve in the U.S. House of Representatives after leaving the White House.

As important as her loyalty to the citizens of East Windsor and Vernon were as a public servant, deeper than any other commitment was her passion for education. Offering her skills and dedication outside of her sizable family, Marie served honorably for over 37 years as an educator attesting to her selflessness and passion for the well-being of East Windsor, Connecticut's schoolchildren, both present and future. Countless students over that time have been inspired by Marie's passion and skill as a teacher and gone on to succeed in adult life. Marie was active to the last moment, even taking time to offer words of enduring wisdom to the recent graduates of East Windsor High School as the school's graduation speaker.

I ask that you please join with me in congratulating and commemorating the dedication and career of Mrs. Marie Herbst, a truly concerned, selfless citizen of eastern Connecticut.

AIR FORCE FIRINGS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. MANZULLO. Madam Speaker, with the recent firings at the Air Force, I am greatly concerned about the aerial refueling tanker contract that was awarded to a consortium dominated by Airbus.

In its internal evaluations, the Air Force gave almost identical scores to both sides. Yet, they awarded this contract to a company that has never delivered a tanker with a refueling boom to be assembled in a factory that does not yet exist.

EADS has pledged to incorporate about 60 percent U.S. content in its tanker. Yet, Boeing already has 85 percent U.S. content in its tanker.

EADS has promised to create up to 48,000 jobs to Americans. However, a recent analysis concluded that EADS' job figure is closer to 14,000. The same study found Boeing would create at least twice as many U.S. jobs.

The sad truth is that the bulk of the EADS tanker will be built in Europe. Yet, current policies prohibit the Pentagon from considering the U.S. industrial base during a major defense acquisition. This must change. We must have the ability to build the weapons necessary to defend ourselves to be a great nation. Even Adam Smith agrees.

INTRODUCTION OF THE CARBON CAPTURE AND STORAGE EARLY DEPLOYMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BOUCHER. Madam Speaker, I am pleased to introduce today the Carbon Capture and Storage Early Deployment Act, bipartisan legislation which will establish a non-governmental fund and entity to accelerate the deployment of carbon capture and storage (CCS) technologies. CCS is a method of reducing greenhouse gas emissions by capturing and injecting underground the carbon dioxide emitted from electricity generation plants that use fossil fuels, including petroleum, natural gas and coal.

72 percent of our nation's electricity is generated through fossil fuel combustion. 51 percent is based on coal use; 20 percent is reliant on natural gas and 1.6 percent on petroleum. Given our extensive reliance on fossil fuels and the current unavailability of sufficient alternatives to them, the continued use of fossil fuels is essential to our economic security.

The Carbon Capture and Storage Early Deployment Act addresses this clear need by enabling electric utilities that use coal to have the continued ability to do so when a mandatory program is implemented to control greenhouse gas emissions.

I am preparing to draft a mandatory greenhouse gas control measure which will rely on cap and trade to address rising global temperatures and climate change. Power plants and industrial companies that burn fossil fuels will be required to lessen their emissions of CO_2 in accordance with a schedule set in the statute. As CO_2 constraints become ever more severe, not only coal using facilities will need to use CO_2 capture and storage technologies, but facilities using natural gas and petroleum will as well. The use of CCS technology will enable fossil fuel users to meet the reduction requirements of the measure while continuing to use coal, oil or natural gas.

The legislation I am introducing today represents a necessary first step toward the implementation of such a cap and trade system to address global climate change. If severe emissions reduction requirements in a cap and trade system take effect before the carbon capture and storage technologies are available, the effect on coal fired utilities in particular would be severe. They would rapidly switch from coal to other fuels. Such fuel switching would significantly increase electricity prices to the severe detriment of both residential and industrial electricity consumers. Fuel switching from coal would most likely result in far greater uses of natural gas for electricity generation, severely stressing an already constrained natural gas supply and dramatically increasing natural gas prices.

Today, 58 percent of U.S. homes are heated with natural gas, and numerous industries are heavily reliant on it. If large scale switching by utilities from coal to natural gas occurs, tens of millions of Americans would experience deep economic pain, and many domestic industries, from fertilizer to chemicals, would be dislocated. The early arrival of CCS is essential to prevent this economic disruption in a carbon constrained economy.

While some commercial CCS projects are in operation, they are small in scale and have the purpose of enhancing oil recovery. Further research, development and demonstration are necessary for the permanent storage underground of large quantities of CO_2 in a variety of storage media in widely dispersed locations around the nation.

In order to accelerate the deployment of CCS technologies, the Carbon Capture and Storage Early Deployment Act authorizes the establishment of a Carbon Storage Research Corporation. The nation's fossil fuel-based electricity distribution utilities would be authorized to hold a referendum for the creation of the Corporation. If the referendum results in approval by representatives of two-thirds of the fossil fuel-based electricity delivered to retail consumers, the Corporation is established.

The Corporation will be operated as a division or affiliate of the Electric Power Research Institute (EPRI) and will be managed by a Board of not more than 12 members, which will be appointed by the EPRI and will include representatives of investor owned utilities, utilities owned by a federal or state agency or a municipality, rural electric cooperatives and fossil fuel producers.

The Corporation will assess fees on distribution utilities for all fossil fuel-based electricity delivered to retail consumers. The assessment will be applied to electricity generated from coal, natural gas and oil and will reflect the relative CO_2 emission rates of each fuel. The assessment will total approximately $1 billion annually. The legislation specifies that distribution utilities will be allowed to recover the costs of the fee from retail consumers, resulting in a roughly $10–$12 total annual increase in residential electricity rates.

The $1 billion annual fund will be distributed by the Corporation in the form of grants and contracts to governmental, academic and private entities for projects with the purpose of accelerating the commercial demonstration or availability of CCS technologies.

I would like to thank my colleagues on both sides of the aisle for working with me on and cosponsoring this legislation.

The Carbon Capture and Storage Early Deployment Act enjoys bipartisan and industry support and will enable the continued use of our nation's most inexpensive and abundant resources for fuel generation when a mandatory greenhouse gas emissions reduction program is implemented.

I urge my colleagues to support this measure.

HONORING LINDA DARNELL THORPE ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues in paying tribute to my dear friend, Linda Darnell Thorpe, as she celebrates her retirement after 36 years of dedicated service as an educator with the New Haven Public School System. She has been a teacher that is not only loved by her students, but respected by her colleagues—a reflection of all that we hope and expect our educators to be.

A native of New Haven, Linda was educated locally earning a B.S. in education from Southern Connecticut State University as well as an M.S. from the University of Connecticut. She began her career at the Martin Luther King, Jr. School where she taught second grade. She spent 24 years at MLK, teaching two generations of students—literally having the opportunity to teach some of the children of the young people she first taught at the beginning of her career. She has spent the last 12 years at the Edgewood Magnet School where she has taken on the challenge of educating a more diverse group of fifth and sixth grade students.

I have often spoke of our nation's need for talented, creative educators ready to help our children learn and grow. Throughout her career, Linda has been just that kind of teacher. She is well-known among her colleagues as always being the first to arrive in the morning and one of the last to leave in the evening. Linda would arrive 6 o'clock in the morning and, on more than one occasion, would have to return home when it was announced that school would be closed on a snow day.

Linda's deep commitment to education is best reflected in the success of her students. Her enthusiasm and energy combined with her belief that children learn best when they are active in the learning process created an environment where children not only wanted to learn, they had fun doing so. The myriad of accolades, awards, and commendations that she has received throughout the years are testimony to the positive impact she has had on her students. Her students were excited to be in her classroom and inspired to succeed. That was her gift to them. For an educator, there is no greater legacy one could leave.

In a career that has spanned four decades, Linda has touched the lives of thousands of young people. She has helped to shape their education and their character—preparing them with the tools and skills they need and building a foundation on which they will enjoy future success. She has also served as an inspiration to her colleagues. Today, as she celebrates her retirement and reflects on her career, I am proud to join her longtime companion, Stanley Welch, her grandson Vinston, and all of those gathered today in extending my sincere thanks and appreciation for her outstanding and invaluable contributions. Linda Darnell Thorpe is an extraordinary woman, teacher, and friend and we are all better for having the opportunity to know her.

IN HONOR OF THE MOST VENERABLE THICH HO GIAC

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I wish to celebrate the life and ministry of the Most Venerable Thich Ho Giac, who currently serves at the Phap Luan Buddhist Culture Center in Houston, Texas. He was born on January 14, 1928 and is now 80 years old. He does not have any biological children of his own, but he is still a father figure and mentor to many in the Buddhist faith.

The Most Venerable Thich Ho Giac has committed his life to religion and service. He was admitted to monastery life when he was five years old. He was ordained as a bhikkhu in 1948. He came to the United States in 1982 and became a United States citizen in 1988. He has two leadership titles: Supreme patriarch of Buddhist Sangha and President of the Overseas Office of the Unified Buddhist Church of Vietnam.

Madam Speaker, on this Father's Day, I ask my colleagues and the people of Houston to honor the Most Venerable Thich Ho Giac for his seventy-five years of service and leadership in the Buddhist faith.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

SPEECH OF

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes:

Mr. CARSON of Indiana. Mr. Chairman, I rise today in strong support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. As this country's sole provider of regularly scheduled intercity passenger rail service, Amtrak's importance and necessity to all Americans is clear. In the face of continually rising gas prices, overloaded highways and congested airports, many Americans are being forced to make difficult financial decisions regarding their modes of travel. Amtrak has become an ever more viable transportation option at such a time, and continues to be a practical option for many of those people searching for an efficient and economical travel alternative.

Mr. Chairman, as you know, Amtrak carried almost 25.8 million passengers and posted approximately $1.5 billion in ticket revenue in 2007. This is a gain of 10 percent over FY06 ticket revenues, and is the third consecutive year that ticket revenues have increased. It is through a combination of increased profits and a reauthorization bill that proposes $14.4 billion dollars over the next five years that Amtrak will have an incredible opportunity to thrive and flourish.

H.R. 6003 does much to aid in the continued growth and vitality of Amtrak. The bill authorizes $4.2 billion to Amtrak for capital grants and $3 billion for operating grants. It is no secret that inconsistent Federal support has hampered Amtrak's ability to replace equipment necessary for it to provide service. These capital grants will help Amtrak make additional capital improvements and maintenance over its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

The Amtrak reauthorization bill also does much for intercity and high speed passenger rail in this country. The bill creates a new State Capital Grant program for intercity passenger rail and capital projects. It also recommends that the United States establish a high-speed rail network for the entire country. The bill authorizes $1.75 billion for grants to States and Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors.

However, Amtrak still has many hurdles to overcome, the biggest of which is its $3.17 billion worth of debt. Although Amtrak has taken great steps in reducing its debt by almost $600 million since 2002, it still has a long way to go. As a result, this bill explicitly helps Amtrak manage its debt by authorizing $345 million each year for debt service through FY2013.

Mr. Chairman, I am particularly pleased and grateful to the committee, under the leadership of Chairman OBERSTAR and Chairwoman BROWN, for including a provision that calls for a report on Amtrak's utilization of the Beech Grove repair facility in my congressional district. The report will also include an examination to determine the extent that Amtrak is maximizing the opportunities for each facility, including any attempts to provide maintenance and repair to other rail carriers. As the largest Amtrak maintenance facility in the country, it is my belief that the Beech Grove facility is underutilized and that Amtrak can bring more maintenance work to this facility.

Mr. Chairman, this piece of legislation is long overdue and much needed. It is time for us to give Amtrak all the funding and opportunities it needs to become a more efficient and effective travel alternative for Americans. I am pleased that we are bringing this bill to the floor and I urge all my colleagues to vote in favor of this legislation.

COMMEMORATING THE LIFE AND LEGACY OF DARRENT DEMARCUS WILLIAMS OF FORT WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the life of Darrent "Dee" Williams and his legacy, the Darrent Williams Foundation.

Darrent Williams, a constituent of TX–D26, was a Fort Worth native and O.D. Wyatt graduate who died tragically January 1, 2007. Though his most important roles were as son, father and role model to many, he was also a star NFL player for the Denver Broncos. With

a magnanimous heart, a desire to excel and the fight in him to say to naysayers, "just watch me," Darrent took on the world.

As a senior high school player, he was named 7–4A Defensive Most Valuable Player. During his career at Oklahoma State University, where he received full scholarship, he tied for first place all-time Division I–A in career interception returns for touchdowns. In 2005 he was selected by the Denver Broncos as 2nd Round pick for starting Cornerback and Punt Returner.

At the age of 24, Darrent Williams' life was cut short. But through tragedy, a life-fulfilling purpose emerged. The Darrent Williams Foundation, which carries his namesake, will partner with a host of organizations to provide mentorship, counseling, tutoring, guidance, and athletic training and conditioning to youth ages 6 to 13. These services will be rendered with the overall goal to help ease life challenges and concerns regardless of ethnicity and socioeconomic background. As partners with Fort Worth Independent School District (FWISD), L. Clifford Davis and Morningside Elementary Schools have been chosen as inaugural recipients.

Today, I join with the entire city of Fort Worth community in recognizing Darrent Williams' life and legacy.

IN HONOR OF FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor our Nation's fathers this Father's Day because they are the foundation of the family and heroes in the eyes of our Nation's children. Fathers are a vital part of the strength of the American family and I ask that my colleagues honor the fathers of our Nation on Sunday, June 15, 2008.

Father's Day is celebrated worldwide at different times of the year, but in America, we celebrate it on the third Sunday of June. Father's Day has a long history in the United States, although it was not officially recognized until the presidency of Richard Nixon. After the Civil War, the casualties were immeasurable and many women lost their fathers, husbands and family members. Two notable women, Sonora Smart Dodd of West Virginia and Grace Golden Clayton of Washington, acted upon their loss by encouraging their communities and states to commemorate the lives of their fathers. Sonora Smart Dodd, whose single-parent father raised 6 children before his death, was the first to propose such a celebration of fatherhood in 1909.

Father's Day is a time for Americans nationwide to show reverence and love for the father figures in their lives. It is also a time to pay tribute to those men who are single parents or guardians and still seem to be legends in their children's eyes. On June 15, I urge my colleagues and fellow citizens to celebrate Father's Day.

MERIDA INITIATIVE TO COMBAT ILLICIT NARCOTICS AND REDUCE ORGANIZED CRIME AUTHORIZATION ACT OF 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mrs. MALONEY of New York. Mr. Speaker, I rise today to discuss HR 6028, "The Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008." This bill would fund, train and equip Mexican security forces that would help prevent the trafficking of guns and drugs over the U.S.-Mexico border. I will vote for this bill, but I have some concerns about the Merida Initiative.

By supporting the Merida Initiative, the United States demonstrates its commitment to prevent the illegal importation of guns and drugs by partnering with Mexican and Central American governments. This initiative benefits the larger battle against organized crime, prevents drugs from hitting American cities and counties, and stymies gang violence from spilling over the border.

I believe that Congress must ensure our money is being used to prevent illegal materials from coming over the border. We have a responsibility to protect American citizens from drugs and violence. However, we also have a responsibility to make sure the money we appropriate for foreign governments is not directly or indirectly leading to human rights violations. Human rights abuses cannot and should not be perpetrated by personnel trained using American dollars. I applaud Chairman BERMAN and the Foreign Affairs Committee for placing restrictions on the uses of this money and firmly support investigations into reports of human right abuses in countries receiving Merida Initiative funding.

Human rights violations have been reported in Mexico but are insufficiently investigated. A constituent of mine, Brad Will, a journalist for the Downtown Express, was murdered while on assignment in Mexico. The suspected gunmen were local officials. Tragically, his family is still waiting for justice. While we must protect our own citizens from guns and drugs, we must exercise the necessary oversight to ensure that this funding is used appropriately.

COMMEMORATING THE OPENING OF ELLA MAE GRATTS SHAMBLEE LIBRARY IN FORT WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the grand opening of the Mrs. Ella Mae Gratts Shamblee Library in the city of Fort Worth, Texas. On Friday, June 13, 2008, elected officials, clergy, historians, stakeholders, residents and visitors will gather to celebrate this opening and the library named in her honor.

At a time when African-Americans were not allowed to sit in libraries or drink from "public" water fountains, Mrs. Shamblee, the city's first African-American librarian, interceded and acted as an agent of change by providing books to those who otherwise may not have been able to visit the city's library. Mrs. Shamblee repeatedly carried boxes of books and rode on streetcars and buses to deliver them to the African-American community of South Fort Worth.

Through continued public service, Mrs. Shamblee became a pillar of the community and provided library services at establishments such as Stevens Grocery Store, a nursery school and the Federations Women's Club. Her enthusiasm in creating an atmosphere of education and knowledge resulted in her pioneering the library's bookmobile which was the forerunner of the city's branch libraries.

The Shamblee Library will serve as an epitome of advancements made in providing access to information to all residents in the city of Fort Worth, and particularly the Evans/Rosedale and Terrell Heights neighborhoods. Incorporated into the design of the historic Tommy Tucker building, the Shamblee Library is the cornerstone of the Eva & Rosedale Business and Cultural District and an edifice to the long-anticipated Southeast Fort Worth renaissance.

Today, I join with the entire city of Fort Worth community in recognizing the significance of this occasion and to pay tribute to the grand opening of the Ella Mae Gratts Shamblee Library.

IN HONOR OF REVEREND DR. JOE E. DANCY, SR.

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I wish to honor and recognize the life, legacy and ministry of the Reverend Dr. Joe E. Dancy, Sr., who currently serves as the pastor of St. James Missionary Baptist Church in Houston, Texas. Dr. Dancy was born on October 3, 1926 and is now 80 years old. Dr. Dancy has ten children, 56 grandchildren and over 100 great grandchildren and has been married for 63 years to Mrs. Vernia L. Dancy. On this Father's Day, I would like to salute him as the patriarch of the Dancy family, public servant to the people of Houston, and the presiding pastor at St. James Missionary Baptist Church.

Dr. Dancy has been preaching for 45 years and he has served the people of St. James for 41 years. In 1945, he began working for the City of Houston as a truck driver and he did not retire until 1978. During his 33 years with the City of Houston, he worked through the Civil Rights Movement, the Jim Crow era and the desegregation period. In addition, he worked as a community leader in Houston's Sunnyside community for over 60 years. Continuing his commitment to service, Dr. Dancy worked on community projects such as the Shutdown of the Sunnyside Incinerator, the community resistance movements against the expansions of numerous landfills that existed in Sunnyside, and most recently the fight against Southern Crushed Concrete. In a leadership capacity, he serves as a Chaplain for

the Harris County Precinct 7 Constable Office, a member of the Scottish Rite Masonic Lodge, and a member of the Houston Baptist Minister's Association.

Madam Speaker, on this Father's Day, I ask my colleagues and people of Houston to honor the Reverend Dr. Joe E. Dancy, Sr. for his dedication to his family, the people of Houston, and St. James Missionary Baptist Church.

TRIBUTE TO CHRISTOPHER TROUVÉ, COLONEL, UNITED STATES ARMY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. STUPAK. Madam Speaker, I rise today to pay special tribute to a man who has served our Nation with dignity, pride, and honor. With that in mind, I ask that all of my colleagues join me in celebrating the retirement of Colonel Christopher Trouvé of Sault Ste. Marie, Michigan. Colonel Trouvé will retire on June 25, 2008 after a distinguished 25-year career with the United States Army.

Col. Christopher Trouvé was born in Nürnberg, Germany on February 4, 1961, as one of the three children of Lt. Col. (Retired) Raymond and Clare Trouvé, while his father was serving as a captain in the U.S. Army. Christopher grew up traveling the world until his father retired from the Army and settled the family in Sault Ste. Marie. Christopher attended and subsequently graduated from the Sault Area High School.

Colonel Trouvé began his military career at Michigan State University through an Army Reserve Officer Training Corps scholarship. Following graduation, as a Distinguished Military Graduate, Colonel Trouvé was commissioned a Second Lieutenant in the Field Artillery branch of the Army.

Following in his father's footsteps, Christopher attended the Officer Rotary Wing Aviator Course at Fort Rucker, Alabama. After graduating from flight school, Christopher was assigned to the 159th Aviation Support Helicopter Battalion, 101st Airborne Division. It was during this first unit assignment that he was promoted to captain, developed his skills as a combat aviator and combined arms tactician, and was recognized by the Army's Aviation Resource Management Survey Team for managing a ''superior'' flight operation.

In August 1987, he volunteered for duty as the Operations Officer for the Aviation Company of the Logistics Support Unit, Sinai, Egypt in support of the Multinational Force and Observers. Shortly thereafter he took command of Headquarters and Headquarters Company, 7th Battalion, 101st Aviation Regiment (Heavy Lift) and deployed the unit to Saudi Arabia in support of Operation Desert Shield.

During Operation Desert Storm, Colonel Trouvé flew as a Night Vision Goggle Combat Crew Pilot-in-Command of a CH–47D heavy lift helicopter. During this tour he flew more than 60 hours in combat missions. For his service and leadership, he was awarded two Air Medals and the Bronze Star.

During his career, Colonel Trouvé also took command of the Charlie Company, 228th Aviation Regiment, the Alpha Company ''Predators,'' 7th Battalion, 101st Aviation Regiment, and the 2d Battalion (Heavy Lift), 52d Aviation Regiment ''Nightmare.'' As a commander, Christopher provided leadership, innovation, and inspiration in operations, training, and maintenance. He helped his crews increase night vision goggle flying time, sustain high operation tempos, and maintain high operational readiness.

Christopher earned a Master of Arts in Management at the Command and General Staff College in 1997 and was promoted to Colonel in October 2005 while attending the Air War College, where he graduated with a Master's Degree in Strategic Studies.

Colonel Trouvé is currently serving in his final assignment as the Deputy Director, Technology Management Office, Office of the Chief of Staff at the Pentagon where he is responsible for oversight of all Secretary of the Army-designated sensitive activities.

Madam Speaker, Colonel Christopher Trouvé has served the U.S. Army with distinction for 25 yeas. During his career as a commissioned officer, Colonel Trouvé has flown almost 2,500 hours and earned the distinction as a Master Army Aviator. In 2002, he was inducted into the Honorable Order of Saint Michael, Bronze Award by the Army Aviation Association of America for ''outstanding contributions to the community of Army Aviation.''

On June 25, 2008, family, friends, and fellow members of the Army will gather to celebrate a well-deserved retirement for Colonel Christopher Trouvé. As Christopher prepares to enter retirement, I offer him, his wife Nancy, and his two sons all the best for the future. I ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking Colonel Christopher Trouvé for his service to the United States Army and our Nation and in commending him for the many years of his life he has spent in service to others.

IN MEMORY OF HAZEL HARVEY PEACE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BURGESS. Madam Speaker, I rise today to remember Hazel Harvey Peace and her extraordinary career in educating and enriching the lives of many African-American children and adults in Forth Worth, Texas.

Born August 4, 1907, Ms. Peace served the African-American community for 46 years as teacher, debate team coach, counselor, Dean of Girls and Vice Principal of I.M. Terrell High School. After retiring from this historically recognized institution, she spent an additional 9 years as Coordinator of Financial Aid and was subsequently promoted to Director of Student Affairs at Bishop College in Dallas. She is credited with having increased recruitment efforts for scores of African-American students to colleges and universities around the country.

In addition, Hazel Harvey Peace became the woman for whom the children's section of Fort Worth's main public library is named. Most recently, the University of North Texas honored her with the Hazel Harvey Peace Professorship. This professorship has the distinction as the first such honor to be named for an African-American woman at a 4-year, State-funded institution in Texas.

Ms. Peace passed away Sunday, June 8, 2008, at the age of 100 years and leaves generations of students who will gather to celebrate her life and legacy. She will always be remembered as an educator who had a passion to inspire and a zest to mentor students through her dedication to education. Her lifelong commitment and impact has touched thousands across the State of Texas as well as those across this vast Nation. We are truly indebted to her legacy.

HONORING THE REVEREND JOHNNIE JEFFERSON ROBERSON ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Johnnie Jefferson Roberson, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Earlier this year, Reverend Roberson marked the semi-centennial of the Mt. Hebron Missionary Baptist Church, of which he was a founder and organizer. Reverend Roberson has shown tremendous loyalty to his church, serving as the pastor of Mt. Hebron to this day. Under Reverend Roberson's leadership, Mt. Hebron has expanded and strengthened greatly and now has over 1,000 families as members. Along with his service to Mt. Hebron, Reverend Roberson also has served his country, serving in the United States Army during World War II. In commemoration of Reverend Roberson's great work, he received an NAACP Leadership Award in 2005, and I believe that he deserves recognition from all of us.

Reverend Roberson has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Roberson for all of his accomplishments and urge people across America to look to leaders such as Reverend Roberson as role models for their work in inspiring and engaging our youth to live productive, positive lives.

CONGRATULATING MR. RICHARD E. WITTEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Mr. Richard E. Witten and to congratulate him on receiving the Anne Frank Distinguished Advocate Award. Mr. Witten's deep commitment to education and the Jewish experience is unparalleled.

A graduate of Columbia College and Harvard Law School, Richard began his career practicing corporate securities law in New York City. In 1981, he began working at Goldman Sachs and Co. where he rose to Partner and Managing Director from 1990 to 2002. Currently the Senior Managing Director of The Orienta Group, an investment and advisory firm, Richard also serves on the Board of Directors of Jets.com, a jet charter company with offices in New York City, Boston and Phoenix.

Richard contributes to and advocates on behalf of a number of charitable causes, several of which are educational institutions. He is a Vice Chairman of the Columbia University Board of Trustees and a member of the Board of the Columbia Investment Management Company. He is the Chairman Emeritus of the Board Visitors of Columbia College, a Trustee of the National Museum of Jewish History in Philadelphia, and a member of the Executive Committee of Gilda's Club of Westchester.

Mr. Witten has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife, Lisa, live in Mamaroneck, New York. They have three children, Anne, Alex and Jeffrey. A gifted writer, Richard recently published his first novel, Divided Loyalties, a historically accurate depiction of his father-in-law's experience during the Second World War.

Additionally, through their private foundation, Richard and his wife have also provided the primary funding for iTeach, a program developed by Massachusetts General Hospital and Partners Aid Research Centre to improve delivery of HIV and TB care in South Africa.

Madam Speaker, I am proud to recognize my good friend Mr. Richard E. Witten for a successful career in finance and unparalleled devotion to charitable causes. I urge my colleagues to join me in honoring his tremendous accomplishments.

HONORING THE REVEREND ELBERT R. CURVEY ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Elbert R. Curvey, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Curvey is a veritable fixture of the Sunny Side community of Houston. He has been the pastor of the Sunny Side Missionary Baptist Church since 1960 and has overseen strengthening of the congregation over the years. Reverend Curvey has made a point over his lifetime of improving the lives of our young people. He taught for years at Harper Junion High and Clinton Park Elementary, where he served as a tremendous role model for his students. He continued in the Houston Independent School District for decades, eventually becoming Assistant Superintendent. Reverend Curvey's work in helping our youth through avenues ranging from academic to religious is truly a shining example to behold.

Reverend Curvey has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Curvey for all of his accomplishments and urge people across America to look to leaders such as Reverend Curvey as role models for their work in inspiring and engaging our youth to live productive, positive lives.

HONORING OFFICER ERIC D. HITE OF TUCSON, ARIZONA, POLICE DEPARTMENT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. GIFFORDS. Madam Speaker, I am honored to acknowledge today the exceptional life and public service of Eric D. Hite, an officer with the Tucson Police Department who was tragically killed in the line of duty on June 1st, 2008.

Officer Hite was known as ''a cop's cop.'' He was dedicated, loyal and brave—everything we expect from a law enforcement officer. He took a solemn oath to protect and serve his community. When danger arose on the streets of Tucson early that Sunday morning, Officer Hite wasted no time in responding. ''Without hesitation, he ran to that call, ran towards danger,'' explained Tucson Police Chief Richard Miranda at Officer Hite's funeral. ''He gave up his life so that others can live free.''

Officer Hite was 43 years old at the time of his death. He is survived by his wife, daughter, son, parents, countless friends and colleagues and a grieving community. For four years, Officer Hite proudly wore the uniform of the Tucson Police Department. For 21 years before joining the department, he served with distinction in the United States Air Force. Officer Hite's entire adult life was spent in the service of his country and his community and for that we all owe him a tremendous debt of gratitude.

Every day, thousands of men and women like Officer Hite put their lives on the line in the name of something bigger than themselves. They risk everything for an ideal—the ideal of protecting American freedoms and rule of law. The death of Officer Hite is evidence of the ultimate sacrifice that can come from that ideal.

On June 10th, more than 3,000 mourners attended a service to pay their respects to Officer Hite. Following the service, thousands more lined the streets to salute him as the funeral cortege passed by. Befitting how he lived his life, Officer Hite's funeral service was attended by law enforcement personnel from every police department in Arizona and was filled with touching military and police ceremonies. His coffin was carried by colleagues in dress uniforms and an honor guard representing every law enforcement agency saluted as he passed. There were many moving eulogies but it was his son Roy who best captured the life and legacy of Officer Hite: ''He always knew what was right—what was the right thing to do, the right thing to say and the right way to act.''

I ask the House of Representatives to join with me in extending condolences to the family and friends of Officer Hite and in thanking him for his great sacrifice as he courageously carried out his duty to protect and serve. His life is an inspiration to us all and he will never be forgotten.

HONORING THE REVEREND FRED MCNACK ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Fred McNack, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend McNack has served as the pastor of Houston's Unity in God Missionary Baptist Church for the last 38 years. He also served his community well as the Associate Pastor of Christian Faith Missionary Baptist Church for 10 years. Not only has Reverend McNack shown admirable dedication to his faith, he also served our country in the United States Navy from 1941 to 1945 during World War II. It is safe to say that Reverend McNack has lived the kind of life that would serve as a good example to our young people of how to serve one's community and country.

Reverend McNack has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend McNack for all of his accomplishments and urge people across America to look to leaders such as Reverend McNack as role models for their work in inspiring and engaging our youth to live productive, positive lives.

HONORING THE SERVICE OF THE FIRE AND RESCUE WORKERS OF MCDOWELL COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the exemplary service of the fire and rescue workers of McDowell County, North Carolina, who work tirelessly to ensure the safety of our families and homes. I specially want to offer tribute to the fire and rescue workers, many of which are volunteers, who have been honored with awards from the McDowell Fire and Rescue Association.

Since colonial times predating the birth of the nation, volunteer groups have banded together to form brigades to protect towns and cities from fire and other types of devastation. Benjamin Franklin, one of this nation's founders, was also responsible for the creation of the first volunteer fire department in Philadelphia in 1735.

Since that date millions of Americans, driven by a deep sense of responsibility and compassion for their neighbors, have risked their lives on a daily basis to ensure the safety of others. Currently, over a million Americans serve their communities as fire fighters.

I would like to specifically honor the following individuals who have been named Firefighters and Rescue Persons of the Year by the McDowell Fire and Rescue Assocation: for the Ashford North Cove Fire Department, Thomas Swofford; for the Crooked Creek Fire Department, Glen Anderson; for the Dysartsville Fire Department, Billy Driggers; for the Glenwood Fire Department, Ryan Spencer and Curtis Grant; for the Hankins North Fork Fire Department, Charles Parker; for the Marion Fire Department, Amy Hudgins; for the Nebo Fire Department, Alan Snypes; for the Old Fort Fire Department, Nick Stafford; for the P.G. Fire Department, Bradley Wyatt; for the Sugar Hill Montford Cove Fire Department, David Patton; for the Woodlawn Fire Department, Lucas Davis; for the McDowell County Rescue Squad, Randy Freeman.

I want to offer tribute to the following First Responders of the Year: for the Ashford North Cove Fire Department, Bradley Washburn; for the Crooked Creek Fire Department, Kirk Lunsford; for the Dysartsville Fire Department, Jeff Walker; for the Glenwood Fire Department, Gene Morgan; for the Hankins North Fork Fire Department, Jimmy Hardin; for the Marion Fire Department, Phillip Finley; for the Nebo Fire Department, Shane Kirkpatrick; for the Old Fort Fire Department, Roy Crisp; for the P.G. Fire Department, Danny Killough; for the Sugar Hill Montford Cove Fire Department, Chris Parker; for the Woodlawn Fire Department, Gary Cook.

I would also like to recognize Brian Lonon, McDowell County Paramedic of the Year, and Derek Carlson, McDowell County Telecommunicator of the Year.

It is with great respect and gratitude that I commend these brave and dedicated fire and rescue workers. I am honored to be able to stand with the McDowell Fire and Rescue Association in recognizing their hard work and service.

HONORING THE REVEREND WILLIAM A. LAWSON ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Dr. William A. Lawson, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Lawson is a tremendous father figure and fixture in our community. He has been married to his wife Audrey for over fifty years and admirably raised four children. He was the founding pastor of Wheeler Avenue Baptist Church and continues to lead that congregation. Reverend Lawson has also been deeply involved in the community even outside of his church, having conceived and organized the United Way's Houston Homeless Initiative, which raised over $4 million in a four-year period. He also organized the Houston area's largest and most productive scouting program, leading to his receipt of the 1991 Silver Beaver Award in support of scouting. Clearly, Reverend Lawson has demonstrated the very kind of leadership that we need in our communities to help our youth develop into successful adults.

Reverend Lawson has long been a valued member of the community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Lawson for all of his accomplishments and urge people across America to look to leaders such as Reverend Lawson as role models for their work in inspiring and engaging our youth to live productive, positive lives.

REAUTHORIZE THE ASSAULT WEAPONS BAN

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. KIRK. Madam Speaker, today I join Representatives CASTLE, FERGUSON and SHAYS in introducing the Assault Weapons Ban Reauthorization Act of 2008. This September will mark the fourth anniversary of the expiration of the landmark 1994 Assault Weapons Ban. The Bureau of Alcohol, Tobacco, and Firearms reported that crimes involving assault weapons dropped by two-thirds while the Federal ban was in effect. As the Nation witnesses a dramatic spread of violent gang activity, it is imperative that we take action to keep automatic weapons out of the hands of these criminals. It is high time to bring back the ban.

This bill will prohibit the domestic manufacture and sale of military-style semi-automatic assault weapons such as AK–47s and UZIs, as well as high-capacity ammunition clips that hold more than ten rounds. It also includes weapons designed to fit accessories such as flash suppressors, silencers, and bayonets—accessories that serve no legitimate purpose outside the military and law enforcement.

The Mexican government is currently engaged in a violent war against heavily armed, extremely violent drug traffickers. Just recently the cartels assassinated the Mexican equivalent of our FBI Director. They are now threatening President Calderon's life.

These gangs operate in every major metropolitan area in the United States, and are increasingly active in suburban America where the local police are ill-equipped to meet this threat. Restoring the assault weapons ban will help level the playing field for these police as they work to keep our communities safe and gang-free.

I urge my colleagues to join me in sponsoring this commonsense legislation.

HONORING THE REVEREND ROBERT JEFFERSON ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Robert Jefferson has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Jefferson has long devoted himself to improving our community, especially for our young people. Along with serving as the pastor of the Cullen Missionary Baptist Church, which I attend, he is the Founder/President of the Ministry Advisory Council, Special Projects Director to the Houston Ministers Against Crime, and the Founder/President of A Brand New City. He has played a critical role in creating the Teen Court, a program to be implemented with the Houston Independent School District that would allow students to be punished for infractions without developing a criminal record. I have personally observed Reverend Jefferson's work with children and other at-risk individuals and I can testify that he is an exemplary leader for our young people.

Reverend Jefferson has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Jefferson for all of his accomplishments and urge people across America to look to leaders such as Reverend Jefferson as role models for their work in inspiring and engaging our youth to live productive, positive lives.

CELEBRATING 80TH BIRTHDAY OF GERALD (JERRY) KOPEL AND 56TH ANNIVERSARY OF JERRY AND DOLORES KOPEL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. DEGETTE. Madam Speaker, I rise to recognize a dual celebration for two distinguished members of the First Congressional District. This week the Kopel family of Denver celebrates the 80th Birthday of Gerald (Jerry) Kopel and the 56th Anniversary of the marriage between Jerry and Dolores Kopel.

Jerry and Dolores have led an interesting and engaged life together, balancing careers in journalism, law, politics, and policy. They were the original ''power couple'' long before dual careers were more outwardly prevalent and socially acceptable. What is truly admirable is the Kopels managed to pursue these accomplishments while raising a family and contributing to the broader well-being of our community.

Dolores and Jerry met at the University of Colorado when Jerry was managing editor of the Silver and Gold newspaper and Dolores was a reporter. Jerry graduated from the University and Dolores transferred to the University of Denver College of Law. They married at

the end of her first year of law school, while Jerry was working for the Rocky Mountain News.

Dolores graduated from law school cum laude in June 1954. Jerry enrolled in law school in January 1958 but continued to pull night shifts at the Rocky Mountain News as a copy editor. In 1958, Jerry graduated cum laude from the University of Denver. The Kopels had the unique experience of practicing law together until 1979, when Dolores was appointed U.S. Trustee for the District of Colorado and Kansas.

In the Kopels' life-long dedication to giving back to the community and preparing the next generation for careers in law, Jerry directed a review course for law students preparing for the Colorado bar exam from 1958 through 1985.

In 1964, Jerry combined his background in journalism and his law degree to become an influential member of the Democratic Party. He served as state representative for a total of twenty-two years, spanning two decades.

Jerry was known as the consummate legislator, reading every bill and every amendment that came before the House chamber. He carried 110 bills as chief sponsor, including the nation's first sunset law.

Jerry's 22 years in the State Legislature and his extensive involvement in community issues and Colorado politics are encapsulated in ''The Gerald Kopel Papers,'' which are housed in the Denver Public Library's Western History Collection. The papers are perhaps the most extensive archive of the public career of any American state legislator from the 20th century.

After retiring from the Legislature in 1992, Jerry continued to produce a printed newsletter, titled ''Jerry Kopel's Report'' until 1998. However, to this day, Jerry prepares weekly reports for House Democrats and suggests amendments to bills being debated on the House floor.

Since retirement, Jerry has returned to journalism. He writes a weekly column for the Colorado Statesman and other newspapers and has joined the technological age with an extensive Web site chronicling his columns and exhibiting his extensive knowledge of Colorado politics, law, and history.

Over the years, Jerry has won numerous awards from the Colorado Press Association, most recently in 2006 in the Public Service writing category. All of his 600-some columns were edited by his wife, Dolores. Both Jerry and Dolores have received recognition from the Denver Bar Association for 50 years of practice. Their son, David, is an attorney and author who is a columnist for the Rocky Mountain News.

Jerry is also an accomplished cocktail pianist, and has entertained at many local functions. He has issued several fine CD's which are in my personal collection.

I have personally known Jerry and Dolores for many years, eagerly accepting Jerry's sage advice on politics and I am an ardent reader of his weekly columns. Jerry and Dolores have had a distinctive lifetime at the forefront of Colorado politics, policy, and history and their commitment to public service and the betterment of their fellow Coloradans serves as a sterling example for younger generations and those entering public policy careers.

I ask my colleagues to join me in wishing Mr. Kopel and his wife Dolores a wonderful 56th Anniversary and Jerry a healthy and prosperous 80th birthday and pay tribute to their longstanding service and dedication to the City of Denver and the State of Colorado.

HONORING DISABLED VETERANS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. HENSARLING. Madam Speaker, I come to the floor today to honor those defenders of liberty who do not get the honor, the respect, and the recognition that they are due. Because, Madam Speaker, as hard as we try we can never adequately repay those disabled while fighting for our freedom.

I am often reminded of a quote from President Calvin Coolidge, who was known as ''Silent Cal'' because he said very little. But when he spoke, people listened. One of the things he said was that ''a nation that forgets its defenders will soon itself be forgotten.'' So, one of the things I try to do as a member of Congress is to ensure that we never forget our defenders of freedom and that I find opportunities to celebrate their achievement and to celebrate their sacrifice. That is why we are here today, to defend disabled veterans for their sacrifice.

One quality unique to disabled veterans is the continuous sacrifice they make each and every day. After the war is finished, their battle is not over. These veterans and their families will forever have a reminder of the price they paid for our freedom.

Madam Speaker, I am humbled and privileged to represent these individuals in the U.S. House of Representatives and as long as I am serving in this body, I am committed to ensuring that this nation never forgets these heroes.

HONORING THE REVEREND HUAN NGOC NGUYEN ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Huan Ngoc Nguyen, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Nguyen, a father of three sons and two daughters, has been married since 1945. He fled to Thailand from danger in Vietnam in 1979 and came here to the United States in 1980, where he quickly became an active and valued member of the community, eventually becoming an American citizen in 1986. Reverend Nguyen, who preaches at Houston's Vietnamese First Alliance Church, has taught Sunday school since 1985 and became a pastor in 2005.

Reverend Nguyen has long been a valued member of the community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Nguyen for all of his accomplishments and urge people across America to look to leaders such as Reverend Nguyen as role models for their work in inspiring and engaging our youth to live productive, positive lives.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5535–S5638

Measures Introduced: Seventeen bills and six resolutions were introduced, as follows: S. 3119–3135, S.J. Res. 40–41, S. Res. 592–594, and S. Con. Res. 90. **Page S5592**

Measures Reported:

H.R. 3480, To direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans.

S. Res. 576, designating August 2008 as ''Digital Television Transition Awareness Month''. **Page S5592**

Measures Passed:

Tennessee Valley Authority 75th Anniversary: Senate agreed to S. Res. 592, commending the Tennessee Valley Authority on its 75th anniversary. **Page S5636**

Honoring Detroit Red Wings: Senate agreed to S. Res. 593, honoring the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship. **Pages S5636–38**

Mackinac Island State Park Commission's Historical Preservation and Museum Program 50th Anniversary: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 325, celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and the resolution was then agreed to. **Page S5638**

Measures Considered:

Medicare Improvements for Patients and Providers Act: Senate resumed consideration of the motion to proceed to consideration of S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access. **Pages S5539–64**

During consideration of this measure today, Senate also took the following action:

By 54 yeas to 39 nays (Vote No. 149), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S5564**

Senator Reid entered a motion to reconsider the vote by which the motion to close further debate on the motion to proceed to consideration of the bill (listed above) failed. **Page S5564**

Subsequently, the motion to proceed was withdrawn. **Page S5564**

Renewable Energy and Job Creation Act: Senate began consideration of the motion to proceed to consideration of H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief. **Pages S5564–65**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, June 12, 2008, a vote on cloture will occur at 5:30 p.m. on Monday, June 16, 2008. **Pages S5564–65**

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 3 p.m., on Monday, June 16, 2008; provided that the time until 5:30 p.m. be equally divided and controlled between the Leaders, or their designees; and that the final 20 minutes divided between the Majority and Republican Leaders, with the Majority Leader controlling the final 10 minutes. **Page S5636**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that Senator Tester be authorized to sign the enrollment of H.R. 6124, Food, Conservation, and Energy Act. **Page S5575**

Emergency Extended Unemployment Compensation Act—Agreement: A unanimous-consent agreement was reached providing that notwithstanding an adjournment of the Senate on Friday, June 13, 2008, that H.R. 5749, to provide for a program of emergency unemployment compensation, be considered to have received a second reading, an objection made to further proceedings, and the bill be placed on the Senate calendar. **Page S5638**

Nomination Received: Senate received the following nomination:

Matthew S. Petersen, of Utah, to be a Member of the Federal Election Commission for a term expiring April 30, 2011. **Page S5638**

Messages from the House: **Page S5591**

Measures Placed on the Calendar: **Pages S5535, S5591–92, S5638**

Measures Read the First Time: **Pages S5592, S5638**

Executive Reports of Committees: **Page S5592**

Additional Cosponsors: **Pages S5593–94**

Statements on Introduced Bills/Resolutions: **Pages S5594–S5634**

Additional Statements: **Pages S5590–91**

Amendments Submitted: **Pages S5634–35**

Authorities for Committees to Meet: **Pages S5635–36**

Privileges of the Floor: **Page S5636**

Record Votes: One record vote was taken today. (Total—149) **Page S5564**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:49 p.m., until 2 p.m. on Monday, June 16, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5638.)

Committee Meetings

(Committees not listed did not meet)

NATION'S INFRASTRUCTURE

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the condition of the infrastructure of the United States, focusing on local perspectives from certain cities, including S. 1926, to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, after receiving testimony from Mayor Michael R. Bloomberg, New York, New York; Mayor Shirley Franklin, Atlanta, Georgia; Mayor John Peyton, Jacksonville, Florida; and Mayor Mark Funkhouser, Kansas City, Missouri.

FREIGHT SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security concluded a hearing to examine supply chain security, focusing on the Secure Freight Initiative and the implementation of 100 percent scanning of U.S.-bound cargo containers, after receiving testimony from Jayson Ahern, Deputy Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; David Huizenga, Assistant Deputy Administrator, Office of International Material Protection and Cooperation, Defense Nuclear Nonproliferation, National Nuclear Security Administration, Department of Energy; and Stephen L. Caldwell, Director, Homeland Security and Justice, Government Accountability Office.

RENEWABLE FUELS POLICY AND FOOD PRICES

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the relationship between the United States renewable fuels policy and food prices, after receiving testimony from Alexander Karsner, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; Joseph Glauber, Chief Economist, Department of Agriculture; Joe L. Outlaw, Texas A&M University Agricultural and Food Policy Center, College Station; Jason Pyle, Sapphire Energy, Inc., San Diego, California; Joachim von Braun, International Food Policy Research Institute, Washington, D.C.; and Jack Huttner, Genecor, Rochester, New York.

U.S. TRADE PREFERENCE PROGRAMS

Committee on Finance: Committee concluded an oversight hearing to examine the United States trade preference programs, focusing on promoting economic development in poor nations by providing duty-free export opportunities in the United States, after receiving testimony from Loren Yager, Director, International Affairs and Trade, Government Accountability Office; Grant D. Aldonas, Split Rock International, Arlington, Virginia; and Edward Gresser, Progressive Policy Institute, and Andrew Small, United States Conference of Catholic Bishops (USCCB) Department of Justice, Peace, and Human Development, both of Washington, D.C.

OIL AND NATURAL GAS PIPELINE

Committee on Foreign Relations: Committee concluded a hearing to examine the influence of energy issues on the foreign policy of the United States, focusing on the East-West oil and natural gas pipeline corridor proposed to stretch from Central Asia to European and global markets, after receiving testimony

from Zbigniew Brzezinski, former National Security Adviser, Center for Strategic and International Studies, Leon Fuerth, George Washington University Elliot School of International Affairs, and Zeyno Baran, Hudson Institute Center for Eurasian Policy, all of Washington, D.C.; and Roman Kupchinsky, AZEast Group, Mahwah, New Jersey.

U.S.-PAKISTAN STRATEGIC RELATIONSHIP

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine addressing the United States-Pakistan strategic relationship, focusing on the national security of the United States, after receiving testimony from Senator Feingold; Don Camp, Principal Deputy Assistant Secretary of State for South and Central Asian Affairs; K. Alan Kronstadt, Specialist, South Asian Affairs, Congressional Research Service, Library of Congress; Lisa Curtis, Heritage Foundation Asian Studies Center, and Stephen P. Cohen, Brookings Institution, both of Washington, D.C.; and Michael Krepon, University of Virginia Henry L. Stimson Center, Charlottesville.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

H.R. 3480, to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans;

S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month"; and

The nominations of Helene N. White, of Michigan, and Raymond M. Kethledge, 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.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 25 public bills, H.R. 6249–6273; and 7 resolutions, H. Con. Res. 372; and H. Res. 1269–1274 were introduced. **Pages H5406–07**

Additional Cosponsors: **Pages H5408–09**

Reports Filed: Reports were filed today as follows:

H.R. 1333, to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions, with amendments (H. Rept. 110–691, Pt. 2) and

H.R. 5912, to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, with an amendment (H. Rept. 110–711). **Page H5406**

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H5331**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, June 11th:

Caroline Pryce Walker Conquer Childhood Cancer Act of 2008: H.R. 1553, amended, to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers, by a 2/3 yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 409; and **Pages H5344–45**

Agreed to amend the title so as to read: "To amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer." **Page H5345**

Authorizing the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects: S. 2146, amended, to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, by a 2/3 yea-and-nay vote of 406 yeas with none voting "nay", Roll No. 413. **Pages H5361–62**

Emergency Extended Unemployment Compensation Act of 2008: The House passed H.R. 5749, to provide for a program of emergency unemployment compensation, by a yea-and-nay vote of 274 yeas to 137 nays, Roll No. 412.

Pages H5333–42, H5343–44, H5345–61

Rejected the Weller (IL) motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 170 yeas to 243 nays, Roll No. 411.

Pages H5359–61

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 110–710 shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. **Page H5348**

Agreed to table the appeal of the ruling of the chair on a point of order raised by Representative Weller (IL) by a yea-and-nay vote of 217 yeas to 185 nays, Roll No. 410. **Pages H5347–59**

H. Res. 1265, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 227 yeas to 192 nays, Roll No. 408, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 186 nays, Roll No. 407.

Pages H5343–44

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 18th. **Page H5365**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, June 17th for morning hour debate. **Page H5365**

National Aeronautics and Space Administration Authorization Act of 2008: The House began consideration of H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration. Further proceedings were postponed.

Pages H5342–43, H5365–93

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Pages H5372–79

Accepted:

Gordon (TN) manager's amendment (No 1 printed in H. Rept. 110–707) that includes a provision related to coordination with the FAA on sonic boom research; replaces Secs. 305 and 306 with equivalent language from Secs. 903 and 905 respectively of the House-passed FAA Reauthorization, H.R. 2881; adds suborbital reusable launch vehicles to the list of suborbital science research platforms; includes a sense of Congress on the value of NASA's EarthKam and robotics competitions for inspiring students; includes sense of Congress language urging NASA to use entrepreneurial companies to conduct appropriate R&D and seek ways to ensure that firms that rely on fixed price proposals aren't disadvantaged; and includes NASA workforce-related provisions, including an extension of the RIF moratorium, a limit on the use of term positions in FY 2009, and a temporary continuation of coverage of health benefits;

Pages H5379–81

Feeney amendment (No. 2 printed in H. Rept. 110–707) that expresses the sense of Congress that the U.S. should seek to obtain cooperation from other nations in discovering and monitoring near-Earth asteroids; **Page H5381**

Wu amendment (No. 3 printed in H. Rept. 110–707) that encourages the United States to lead confidence building measures that advance the long-term initiative for international cooperation;

Pages H5381–82

Wu amendment (No. 4 printed in H. Rept. 110–707) that expresses the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof;

Pages H5382–83

Arcuri amendment (No. 6 printed in H. Rept. 110–707) that requires the National Aeronautics and Space Administration (NASA) to examine the feasibility of contracting non-federal actors to disseminate images and multi-media records delivered from space to the public as part of NASA's participatory exploration technology plan. Additionally, the amendment requires NASA to employ a transparent bidding process to award any such contracts, pursuant to U.S. law; **Page H5386**

Wu amendment (No. 7 printed in H. Rept. 110–707) that requires CBO to update their report from 2004 on the budgetary analysis of the NASA's Vision for the Nation's Space Exploration Program. This report is to be completed in 6 months;

Pages H5386–87

Harman amendment (No. 8 printed in H. Rept. 110–707) that expresses the sense of Congress that NASA should work with other government agencies and the aerospace industry to develop and implement policies to sustain and expand the aerospace industry workforce; **Pages H5387–89**

Gordon (TN) amendment (No. 9 printed in H. Rept. 110–707) that directs NASA to prioritize any existing cooperatives with the National Oceanic Atmospheric Administration (NOAA) that are related to the study of tornadoes and tornado force winds with the goal of determining the nation's ability to

predict tornado events; and also requires NASA to examine if there are other areas where NASA can work with NOAA in the area of tornado research; **Pages H5389–90**

Yarmuth amendment (No. 11 printed in H. Rept. 110–707) that requires NASA to respond to recommendations in recent reports of the Government Accountability Office and the National Academy of Sciences to ensure the public has access to correct and timely research and data on global warming; and **Pages H5390–91**

Jackson-Lee (TX) amendment (No. 12 printed in H. Rept. 110–707) that clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses; also gives preference, in selection for the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. **Pages H5391–93**

Proceedings Postponed:

Lampson amendment (No. 5 printed in H. Rept. 110–707) that seeks to exempt NASA from Section 526(a) of the Energy Independence and Security Act of 2007 if the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional source, the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source, and the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source and **Pages H5383–86**

Hodes amendment (No. 10 printed in H. Rept. 110–707) that seeks to establish a scholarship program in honor of Christa McAuliffe, a teacher from Concord, New Hampshire who died in the 1986 Challenger Space Shuttle disaster. The scholarship would go to women pursuing degrees in mathematics, science, and engineering. **Page H5390**

H. Res. 1257, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 221 yeas to 188 nays, Roll No. 406, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 183 nays, Roll No. 405. **Pages H5342–43**

Quorum Calls—Votes: Nine yea-and-nay votes developed during the proceedings of today and appear on pages H5342, H5343, H5343–44, H5344, H5345, H5347–48, H5360–61, H5361, H5362. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:23 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2009

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies approved for full Committee action the Commerce, Justice, Science, and Related Agencies Appropriations for Fiscal Year 2009.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2009

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies approved for full Committee action the Military Construction, Veterans Affairs, and Related Agencies Appropriations for Fiscal Year 2009.

CHEMICAL FACILITY SECURITY

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing on the following bills: H.R. 5533, Chemical Facilities Act of 2008; and HR. 5577, Chemical Facility Anti-Terrorism Act of 2008. Testimony was heard from Benjamin Grumbles, Assistant Administrator. Office of Water, EPA; Robert B. Stephan, Assistant Secretary, Infrastructure Protection, National Protection and Programs Directorate, Department of Homeland Security; and public witnesses.

SUBPOENAS—FOOD SAFETY RECORDS; FDA'S FOOD PROTECTION PLAN

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations met and approved the issuance of subpoenas for records in connection with the Subcommittee's ongoing investigation regarding the safety of the Nation's food supply.

The Subcommittee also held a hearing entitled "American Lives Still at Risk: When Will FDA's Food Protection Plan Be Fully Funded and Implemented?" Testimony was heard from Lisa Shames, Director, Food and Agriculture Issues, GAO: David W. K. Acheson, M.D., Assistant Commissioner, Food Protection, FDA, Department of Homeland Security; and public witnesses.

RUSSIA, IRAN AND NUCLEAR WEAPONS

Committee on Foreign Affairs: Held a hearing on Russia, Iran, and Nuclear Weapons: Implications of the Proposed U.S.-Russia Agreement. Testimony was heard from Representative Markey; John C. Rood, Acting Under Secretary, Arms Control and International Security, Department of State; Robert J.

Einhorn, former Assistant Secretary, Bureau of Nonproliferation, Department of State; and public witnesses.

U.S.-JAPAN RELATIONS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment, hearing on U.S.-Japan Relations: An Overview. Testimony was heard from Alexander A. Arvizu, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; and a public witness.

FAIR HOUSING ACT ENFORCEMENT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on the Enforcement of the Fair Housing Act of 1968. Testimony was heard from Jessie Liu, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; Kim Kendrick, Assistant Secretary, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development; and public witnesses.

GREEN CARDS—HIGHLY-SKILLED WORKER

Committee on the Judiciary: Subcommittee on Immigrations, Citizenship, Refugees, Border Security and International Law held a hearing on the Need for Green Cards for Highly Skilled Workers. Testimony was heard from public witnesses.

CARBON DIOXIDE—ENHANCES OIL RECOVERY

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Spinning Straw Into Black Gold: Enhanced Oil Recovery Using Carbon Dioxide. Testimony was heard from Timothy Spisak, Chief, Fluid Minerals Division, Bureau of Land Management, Department of the Interior; Scott Klara, Director, Strategic Center for Coal, National Energy Technology Laboratory, Department of Energy; and public witnesses.

U.S.-PALAU FREE ASSOCIATION

Committee on Natural Resources: Subcommittee on Insular Affairs held an oversight hearing on the Implementation of the Compact of Free Associations Between the United States and the Republic of Palau. Testimony was heard from Tom Bussanich, Director, Budget Grants Management Division, Office of Insular Affairs, Department of the Interior; Glyn T. Davies, Principal Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; David Gootnick, Director, International Affairs and Trade, GAO; and Billy Kuartei, Chief of Staff to H. E. Tommy Remengesau, Republic of Palau.

OVERSIGHT—HYDROPOWER

Committee on Natural Resources: Subcommittee on Water and Power held an oversight hearing on Hydropower: Providing 75% of America's Current Renewable Energy, Exploring its role as a continued source of Clean, Renewable Energy for the Future. Testimony was heard from Bob Johnson, Commissioner, Bureau of Reclamation, Department of the Interior; Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; Bob Morton, member, Senate, State of Washington; and public witnesses.

ABRAMOFF INVESTIGATION REPORT; MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Approved a Committee report entitled "Jack Abramoff's Contacts with White House Officials."

The Committee also ordered reported the following measures: H. Res. 984, Expressing the support for the designation of July 26, 2008, as National Day of the Cowboy; H. Res. 1002, amended, Expressing the support for the designation of April 2008 as Public Radio Recognition Month; H. Res 1029, amended, Congratulating and recognizing Mr. Juan Antonio "Chi Chi" Rodriguez for his continuing success on and off the golf course, for his generosity and devotion to charity, and for his exemplary dedication to the intellectual and moral growth of thousands of low-income and disadvantaged youth in our country; H. Res. 1219, Celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; H. Res. 1237, Recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; H. Con. Res. 195, Expressing the sense of Congress that a National Dysphagia Awareness Month should be established; H. Con. Res. 370, Expressing support for the designation of Gospel Music Heritage Month and honoring gospel music for its valuable contributions to American culture; H.R. 4010, To designate the facility of the United States Postal Service located at 100 West Percy Street in Mississippi, as the "Minnie Cox Post Office Building"; H.R. 5506, To designate the facility of the United States Postal Service located at 369 Martin Luther Jr. Drive in Jersey City, New Jersey, as the "Bishop Ralph E. Brower Post Office Building"; H.R. 5975, To designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office"; H.R. 6061, To designate the facility of the United States Postal Service located at 219 East Main Street

in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''; H.R. 6085, To designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''; H.R. 6092, To designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''; H.R. 6150, To designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the '' John P. Gallagher Post Office Building''; and S. 171, To designate the facility of the United States Postal Service located at 301 Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building.''

EPA'S INTEGRATED RISK MANAGEMENT SYSTEM

Committee on Science and Technology, Subcommittee on Investigation and Oversight held a hearing on Toxic Communities: How EPA's IRIS Program Fails the Public. Testimony was heard from public witnesses.

ELECTRONIC PAYMENTS TAX REPORTING

Committee on Small Business: Held a hearing entitled ''Electronic Payments Tax Reporting: Another Tax Burden for Small Businesses.'' Testimony was heard from public witnesses.

MARITIME COMMERCIAL VESSEL DISCHARGES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Discharges Incidental to the Normal Operation of a Commercial Vessel. Testimony was heard from James Hanlon, Director, Office of Wastewater Management, EPA; Andrew Fisk, Bureau Director, Land and Water Quality, Department of Environmental Protection, State of Maine; William W. Walker, Executive Director, Department of Marine Resources, State of Mississippi; and public witnesses.

VETERAN'S MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following bills: H.R. 1197, Prisoner of War Benefits Act of 2007; H.R. 3008, Rural Veterans Services Outreach and Training Act; H.R. 3070, Disabled Veterans' Caregiver Compensation Act; H.R. 3795, You Were There, You Get Care Act of 2007; H.R. 4274, Gold Star Parents Annuity Act of 2007; H.R. 5155, Combat Veterans Debt Elimination Act of 2008; H.R. 5448, Full Faith in Veterans Act of 2008; H.R. 5454, To amend title 38, United States Code, to establish a presumption of service connection of amyotrophic lateral sclerosis for purposes of the laws administered by the Secretary of Veterans Affairs; H.R. 5709, Veterans Disability Fairness Act; H.R. 5954, To amend title 38, United States Code, to provide veterans for presumptions of service connection for purposes of benefits under laws administered by Secretary of Veterans Affairs for diseases associated with service in the Armed Forces and exposure to biological, chemical, or other toxic agents as part of Project 112, and for other purposes; H.R. 5985, Compensation for Combat Veterans Act; and H.R. 6032, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide wartime disability compensation for certain veterans with Parkinson's Disease. Testimony was heard from Representatives Wu, Shea-Porter, Allen, Thompson of California; and Rehberg; Bradley G. Mayes, Director, Compensation Pension Services, Veterans Benefits Administration, Department of Veterans Affairs; Sidath Viranga Panangala. Analyst, Veterans Policy, CRS, Library of Congress; representatives of veterans organizations; and public witnesses.

BRIEFING—DOD PROGRAMS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on DOD Programs. The Committee was briefed by LTG James Clapper, USAF (Ret.), Under Secretary of Defense, Intelligence.

GLOBAL CHANGE NATIONAL INTELLIGENCE ASSESSMENT

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management met in executive session to receive a briefing on Global Change National Intelligence Assessment. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

IRAQ WAR FUNDING

Joint Economic Committee: Committee concluded a hearing to examine the future costs of funding the war in Iraq, after receiving testimony from Montana Governor Brian Schweitzer, Helena; and Christine Eibner, RAND Corporation, Captain Tom Tarantino (Ret.) USA, Iraq and Afghanistan Veterans of America (IAVA), and William W. Beach, Heritage Foundation, all of Washington, D.C.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 13, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of June 16 through June 21, 2008

Senate Chamber

On *Monday,* 3 p.m., Senate will resume consideration of the motion to proceed to consideration of H.R. 6049, Renewable Energy and Job Creation Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 17, with the Committee on Appropriations, Subcommittee on Financial Services and General Government, to hold joint hearings to examine the role, responsibilities, and resource needs of the Commodity Futures Trading Commission on oversight of futures and derivatives markets in energy and agriculture, 10:30 a.m., SD–192.

Committee on Appropriations: June 17, Subcommittee on Financial Services and General Government, with the Committee on Agriculture, Nutrition, and Forestry, to hold joint hearings to examine the role, responsibilities, and resource needs of the Commodity Futures Trading Commission on oversight of futures and derivatives markets in energy and agriculture, 10:30 a.m., SD–192.

Committee on Armed Services: June 17, to hold hearings to examine the origins of aggressive interrogation techniques, focusing on Part I of the Committee's inquiry into the treatment of detainees in U.S. custody, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: June 19, Subcommittee on Securities, Insurance and Investment, to hold hearings to examine risk management, focusing on its implications for systemic risk, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: June 18, to hold hearings to examine privacy implications of online advertising, 10 a.m., SR–253.

June 19, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, to hold hearings to examine cruise ship safety, focusing on potential steps for keeping Americans safe at sea, 10 a.m., SR–253.

Committee on Energy and Natural Resources: June 17, to hold hearings to examine the challenges and regional solutions to developing transmission for renewable electricity resources, 10 a.m., SD–366.

June 17, Subcommittee on National Parks, to hold hearings to examine S. 1774, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, S. 2359, to establish the St. Augustine 450th Commemoration Commission, S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail, S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan, S. 3010, to reauthorize the Route 66 Corridor Preservation Program, S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and S. 3096, to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute, 2:30 p.m., SD–366.

June 18, Full Committee, to hold hearings to examine the preparedness of federal land management agencies for the 2008 wildfire season, 2 p.m., SD–366.

Committee on Finance: June 17, to hold hearings to examine the future of the United States economy, focusing on long run deficits and debt, 10 a.m., SD–215.

Committee on Foreign Relations: June 17, Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection, to hold hearings to examine international disaster assistance, focusing on policy options, 2:15 p.m., SD–419.

June 19, Full Committee, to hold hearings to examine pending nominations, 2:15 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: June 19, Subcommittee on Employment and Workplace Safety, to hold hearings to examine the efficacy of the Mine Improvement and New Emergency Response Act (MINER)(Public Law 109–236), focusing on a two year review, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: June 18, to hold hearings to examine protecting personal information, focusing on steps the federal government has in place, 10 a.m., SD–342.

June 19, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine management challenges facing the Federal Protective Service, focusing on a recent report from the Government Accountability Office, 2 p.m., SD–342.

Committee on Indian Affairs: June 19, business meeting to consider pending calendar legislation; to be immediately followed by a hearing to examine an original bill to address law and order in Indian country, 9:30 a.m., SD–562.

Committee on the Judiciary: June 17, to hold hearings to examine protecting consumers by protecting intellectual property, 10 a.m., SD–226.

June 17, Full Committee, to hold hearings to examine ways to respond to the growing need for federal judgeships, focusing on "The Federal Judgeship Act of 2008", 2:30 p.m., SD–226.

June 18, Subcommittee on Antitrust, Competition Policy and Consumer Rights, with the Special Committee on Aging, to hold joint hearings to examine S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, 10:30 a.m., SD–226.

Committee on Rules and Administration: June 18, to hold hearings to examine improving energy efficiency, focusing on increasing the use of renewable sources of energy, and reducing the carbon footprint of the Capitol complex, 10 a.m., SR–301.

Select Committee on Intelligence: June 19, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: June 18, with the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold joint hearings to examine S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, 10:30 a.m., SD–226.

House Committees

Committee on Appropriations: June 17, Subcommittee on Energy and Water Development, and Related Agencies, to mark up Energy and Water Development and Related Agencies Appropriations for Fiscal Year 2009, time and room to be announced.

June 17, Subcommittee on Financial Services, and General Government, to mark up Financial Services and General Government Appropriations for Fiscal Year 2009, time and room to announced.

June 18, full Committee, to mark up the following: Subcommittee Allocations 302 (b); Homeland Security Appropriations for Fiscal Year 2009; and Interior, Environment, and Related Agencies for Fiscal Year 2009, time and room to be announced.

June 19, to mark up the following: Commerce, Justice, Science and Related Agencies Appropriations for Fiscal Year 2009; and the Military Construction, Veterans Affairs, and Related Agencies Appropriations for Fiscal Year 2009, time and room to be announced.

June 19, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to mark up Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for Fiscal Year 2009, time and room to be announced.

June 19, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to mark up Labor, Health and Human Services, Education, and Related Agencies Appropriations for Fiscal Year 2009, time and room to be announced.

June 20, Subcommittee on Legislative Branch, to mark up Legislative Branch Appropriations for Fiscal Year 2009, time and room to be announced.

June 20, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to mark up Transportation, Housing and Urban Development, and Related Agencies Appropriations for Fiscal Year 2009, time and room to be announced.

Committee on Education and Labor: June 18, mark up the following bills: H.R. 3195, ADA Restoration Act of 2007; H.R. 2343, Education Begins at Home Act; and H.R. 3036, No Child Left Inside Act of 2007, 10 a.m., 2175 Rayburn.

June 19, hearing on Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses, 10:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce: June 19, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled "Breeding, Drugs, and Breakdowns: The State of Thoroughbred Horseracing and the Welfare of the Thoroughbred Racehorse," 10 a.m., 2322 Rayburn.

June 19, Subcommittee on Energy and Air Quality, hearing entitled "Legislative Proposals to Reduce Greenhouse Gas Emissions: An Overview," 9:30 a.m., 2123 Rayburn.

Committee on Financial Services: June 18, hearing entitled "The 15th Replenishment of the International Development Association (IDA) and the 11th Replenishment of the African Development Fund (AfSF)," 10 a.m., 2128 Rayburn.

June 19, hearing entitled "Affordable Housing and Preservation and Protection of Tenants," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs: June 18, hearing on The Caucasus: Frozen Conflicts and Closed Borders; followed by a markup of the following: H. Res. 937, Expressing the sense of the House of Representatives that the emergency services provided by the American Red Cross are vital resources for military service members and their families; H. Res. 1008, Condemning the persecution of Baha'is in Iran; and H. Con. Res. 361, Commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope, 10 a.m., 2172 Rayburn.

June 19, Subcommittee on International Organizations, Human Rights, and Oversight and the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness of the Committee on Education and Labor, joint hearing on Restoring America's Leadership through Scholarships for Undergraduates from Developing Countries: The Uniting Students in America (USA) Proposal, 9:30 a.m., 2172 Rayburn.

June 19, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Genetics and other Human Modification Technologies: Sensible International Regulation of New Kind of Arms Race, 10 a.m., 2200 Rayburn.

Committee on House Administration, June 18, Subcommittee on Capitol Security, hearing on the United States Capitol Police Radio Upgrades, 2 p.m., 1310 Longworth.

Committee on the Judiciary: June 17, hearing on Ensuring Legal Redress for American Victims of State-Sponsored Terrorism, 2 p.m., 2141 Rayburn.

June 18, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on: From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules, Part II, 2 p.m., 2141 Rayburn.

June 19, Subcommittee on Courts, the Internet and Intellectual Property and the Subcommittee on Commercial and Administrative Law, joint hearing on H.R. 4854, False Claims Act Correction Act, 10 a.m., 2141 Rayburn.

Committee on Natural Resources: June 18, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on the reauthorization of the National Marine Sanctuaries Act, 2 p.m., 1324 Longworth.

June 18, Subcommittee on National Parks, Forests, and Public Lands and the Subcommittee on Water and Power, joint oversight hearing on Paying to Play: Implementation of Fee Authority on Federal Lands, 10 a.m., 1324 Longworth.

June 19, full Committee, oversight hearing on Utah Navajo Trust Fund, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform: June 17, hearing on Examination of AEY Contracts with the U.S. Government, 10 a.m., 2154 Rayburn.

June 18, Subcommittee on National Security, and Foreign Affairs, hearing on Oversight of the U.S. Efforts to Train and Equip Police and Enhance the Justice Sector in Afghanistan, 2 p.m., 2154 Rayburn.

June 19, full Committee, hearing on Examining Grantmaking Practices at the Department of Justice, 9:30 a.m., 2154 Rayburn.

Committee on Science and Technology: June 18, Subcommittee on Energy and Environment, to mark up the following measures: H.R. 4174, Federal Ocean Acidification Research and Monitoring Act of 2007; H.R. 5618, National Sea Grant College Program Amendments Act of 2008; and the Heavy Duty Plug-in-Hybrid Vehicles Research Program, 10 a.m., 2318 Rayburn.

June 19, Subcommittee on Energy and Environment, hearing on an Insecure Forecast for Continuity of Climate and Weather Data: The NPOESS Weather Satellite Program, 10 a.m., 2318 Rayburn.

June 19, Subcommittee on Investigation and Oversight, to meet to consider authorization of a subpoena for documents related to the Department of Energy's FutureGen project, 2 p.m., 2318 Rayburn.

Committee on Small Business: June 18, Subcommittee on Finance and Tax, hearing entitled "S-corps: Recommended Reforms that Promote Parity, Growth and Development for Small Businesses," 10 a.m., 1539 Longworth.

June 19, full Committee, hearing entitled "Small Business Exports in the Current Economic Climate," 10 a.m., 1539 Rayburn.

Committee on Transportation and Infrastructure: June 18, Subcommittee on Aviation, hearing on Congestion Management in the New York Airspace, 10 a.m., 2167 Rayburn.

June 18, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on The Federal Protective Service: An Agency in Need of Rebuilding, 1 p.m., 2253 Rayburn.

June 19, Subcommittee on Coast Guard, and Maritime Transportation, hearing on Federal Maritime Commission Management and Regulation of International Shipping, 2 p.m., 2167 Rayburn.

Committee on Ways and Means: June 19, Subcommittee on Oversight, and the Subcommittee on Social Security, joint hearing on Economic Stimulus Payments, 10 a.m., 1100 Longworth.

Select Committee on Energy Independence and Global Warming: June 17, hearing on Energy Independence and National Security Impact on Saudi-U.S. Nuke Deal, 9:30 a.m., 1310 Longworth.

June 18, hearing entitled "Planning Communities for a Changing Climate—Smart Growth, Public Demand and Private Opportunity," 9:30 a.m., 311 Cannon.

Joint Meetings

Joint Hearing: June 18, Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, with the Special Committee on Aging, to hold joint hearings to examine S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, 10:30 a.m., SD–226.

Commission on Security and Cooperation in Europe: June 17, to hold hearings to examine combating sexual exploitation of children, focusing on strengthening international law enforcement cooperation, 3 p.m., B318, Rayburn Building.

Joint Hearing: June 18, Senate Special Committee on Aging, with the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold joint hearings to examine S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, 10:30 a.m., SD–226.

Next Meeting of the **SENATE**

2 p.m., Monday, June 16

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond one hour), Senate will resume consideration of the motion to proceed to consideration of H.R. 6049, Renewable Energy and Job Creation Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Friday, June 13

House Chamber

Program for Friday: The House will meet in pro forma session at 10:00 a.m.

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