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No. 104

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. BERKLEY).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
June 23, 2008.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### END THE OCS MORATORIUM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Good morning, Madam Speaker.

A question for all of us: Why would the most powerful economy in the world leave so much of its own energy sources untapped?

Alone among all the countries, the United States has placed a substantial amount of its oil and natural gas potential off limits. Other countries have the potential to drill just off their shores, but United States' firms face strict restrictions on drilling in most offshore areas even as American drivers face sharply higher prices at the gas pump.

Domestic oil and gas production has failed to keep pace with the growing demand both domestically and abroad,

but it's not because we're not lacking for domestic energy. Since the 1990s, the Federal Government has placed severe restrictions on new energy development, particularly in some of our most promising areas.

As this graph shows, Congress has placed over 85 percent of our Outer Continental Shelf off limits. Back then, oil and natural gas were cheap, and the need for additional energy was not considered significant. Also, the 1989 *Exxon Valdez* oil tanker spill led to the heightened environmental concerns about offshore energy production.

Environmental concerns took precedence over future economic considerations. Soon, access to 85 percent of federally controlled offshore areas had been restricted, including the Pacific and Atlantic coasts and portions of the area off the shores of Alaska and off the eastern Gulf of Mexico. No one knows how much energy lies in those areas, but many agree there is enough to bring stability to energy markets and to make a real difference in oil and natural gas prices for many years to come.

According to a recent Interior Department study, restricted offshore areas are known to contain—and this is a fact—15 billion barrels of oil and 60 trillion cubic feet of natural gas, but literally, when they go to estimate beyond the hard facts, the estimate goes up to 86 billion barrels of oil and even higher and to 420 trillion cubic feet of natural gas, enough oil to replace all of our imports for the next 27 years at current rates. In fact, it may be even higher given that most of the off-limit areas have not been thoroughly explored.

New technology and what we estimate based upon the 1980s is probably not correct. Our policies need to catch up with our times. Oil and natural gas prices have tripled since the 1990s. Demand continues to increase by a steady 1.5 percent per year. Imports have in-

creased. Political stability in oil-producing nations has decreased. Domestic production has flattened, all while our ability to extract resources without environmental damage has increased dramatically.

With all of this energy out there, with demands at all-time highs and with prices remaining high, what has taken so long?

The biggest problem has been environmental concerns, being worried about a spill. What would it do to the tourist industry, for example, in the gulf coast areas? The National Academy of Sciences says, "Improved production technology and safety training of personnel have dramatically reduced both blowouts and daily operational spills."

The danger of such spills has been greatly reduced. Of the more than 7 billion barrels of oil pumped offshore in the past 25 years, 0.001 percent—that is one thousandth of 1 percent—has been spilled. In fact, even during Katrina and Rita, during winds that reached 170 miles per hour and during lashing waves that took out a quarter of America's domestic energy production, no significant spills were reported. Furthermore, Cuba wants to let the Chinese drill in some of the very parts of the gulf that American producers are forbidden to touch, some as close as 45 miles off the Florida coast.

Do we truly believe the environmental safeguards of Chinese energy firms are better than ours?

It's time we stop assuming that all energy exploration is bad. Most takes place too far from the coast to be seen, and we haven't even had a spill from offshore drilling in over 40 years, neither has Canada, which permits drilling off its Atlantic and Pacific coasts and in the Great Lakes where some rigs are closer to U.S. shores than American producers are permitted to drill.

Madam Speaker, America's energy problems are partially self-imposed,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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and that needs to end. Congress overreacted in the 1990s, and it needs to undo that damage. Our need for affordable energy will not decrease, and the time has come to lift the restrictions on offshore energy production and to let U.S. producers do what they can do to meet our growing energy demands. It's time for this Congress to get serious about bridging the growing gap between supply and demand. Opening the Outer Continental Shelf to environmentally sound exploration could be just the way to do it.

#### GAS PRICES AND ENERGY SUPPLY IN THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, here it is, Monday, at 12:38 p.m. We find the House back in order for another week. What will we be doing this week?

Well, Madam Speaker, we're going to pass a bill that recognizes the achievements of America's high school valedictorians of the class of 2008. We're going to pass a bill honoring the life and musical accomplishments and contributions of Louis Jordan on the 100th anniversary of his birth. We're going to pass a bill that recognizes Pittsfield, Massachusetts as being the home of the earliest known reference to the word "baseball" in the United States. We're going to pass a bill supporting the goals and ideals of Black Music Month and to honor the outstanding contributions of African American singers. We're going to pass a bill expressing the sense of Congress that schools in the United States should honor the contributions of individuals from the territories of the United States. We're going to pass a bill naming a veterans' outpatient clinic in Wenatchee, Washington. We're going to pass a bill naming a veterans' center in Tampa, Florida. We're going to pass a bill recognizing National Homeownership Month and the importance of homeownership in the United States. We're going to pass a bill expressing support for the designation of September 2008 as the Gospel Music Heritage Month. We're going to pass a bill naming a post office in Indianola, Mississippi. We're going to pass a bill honoring the life of Robert Mondavi.

Madam Speaker, all of those are important things, and they would be fine for us to do if we were dealing with the number one issue of Americans across this Nation, and that is the issue of gas prices and energy supply in the United States.

Last week, the Speaker told us that we would be dealing with the issue this week, possibly, although it's not on the list—but possibly—and there may be four bills that they'll bring forward, that the majority party will bring forward. One is to increase regulation. That ought to do a lot to increase supply. One is to require that oil compa-

nies holding Federal leases use them or lose them. That will not do much to increase supply because it's already the law of the land. We're going to pass a bill to pay transit fares—bus tickets—for folks. It's not a bad idea, maybe, but what will that do for supply? We're going to pass an antiprice-gouging measure that the House has already passed on a number of occasions. That's not doing a thing for supply.

Facts are troubling things, and the fact right now is that this House of Representatives is doing nothing, nothing to increase the supply of gasoline for the United States, nothing to increase American energy for Americans. Consequently, what we see are record gas prices continuing—\$4.08 over the weekend, \$4.10, I understand, today. There are a couple of other interesting facts, Madam Speaker.

The United States has expanded its dependence on foreign members of OPEC by a full 7 percent in 2007 alone.

Another fact, Madam Speaker, is that the United States is the only developed nation in the world that forbids safe energy production on its Outer Continental Shelf, deep sea exploration. The only nation in the world.

Another fact, Madam Speaker, is that the U.S. Minerals Management Service estimates that America's Outer Continental Shelf contains nearly 86 billion barrels of oil, enough oil to replace OPEC imports for 50 years.

Another fact, Madam Speaker, is that, when bills to increase the supply of gas for Americans and American energy for Americans have come to the floor of this House, 81 percent of the time, Republicans have supported those bills; 83 percent of the time, Democrats have opposed those bills.

So the law of supply and demand is clear. If you increase supply, you decrease the cost, and you decrease the price at the pump. So, yes, we need to conserve. Yes, we need to make certain that we find alternative fuel sources for the future, but right now, in the short term, in the near term, it's incumbent upon this House to make certain that we increase supply.

American energy for Americans.

There are easy ways to do that. What we demand is that the House be allowed to vote.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 2 p.m.

#### PRAYER

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

Hope for the future, Lord God, is very much a part of the American character. Bless this society which places such a high value on personal freedom. Help all Americans to see that freedom is not only a treasured gift but a summons to personal responsibility.

May the Members of Congress set an example for the rest of the Nation by working diligently this week to address responsibly the country's problems and seek the common good of the people.

In whatever they do or say, may they give You glory and honor both now and 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 gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

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

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

The message also announced that pursuant to Public Law 110-181, and in consultation with the Chairmen of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations, the Chair, on behalf of the Vice President, appoints the following individuals to be members of the Commission on War-time Contracting in Iraq and Afghanistan:

Linda J. Gustitus of the District of Columbia.

Charles Tiefer of Maryland.

## AMERICANS SPEAK UP

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

Mr. WILSON of South Carolina. Madam Speaker, Americans are speaking up about rising gas prices.

The polls show that well over 60 to 70 percent of Americans support exploration of American oil and natural gas reserves, and we are seeing a vocal outpouring of disappointment in Washington's refusal to take action.

For example, former Speaker of the House Newt Gingrich has put a petition on his Web site asking Americans to send a message to Washington that we need to "Drill Here, Drill Now, and Pay Less." As of today, the petition has over 1.1 million signatures. Surely this is only a snapshot of the millions more in America who are feeling the pinch from rising energy prices. That is the bad news.

The good news is that House Republicans have a plan to reduce our dependence on foreign oil, invest in a future of renewable, cleaner energy resources, and ask the American people to participate through conservation. We have a plan, and the American people have the will to put that plan into action if House Democrats stop standing in the way.

In conclusion, God bless our troops, and we will never forget September the 11th.

## OFFSHORE ENERGY EXPLORATION IS LONG OVERDUE

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

Mr. CALVERT. Madam Speaker, the American people recognize that expanding our offshore energy exploration is long overdue. Unfortunately, my Democratic colleagues have failed to reach this obvious conclusion, so let me offer them some help.

This is our country. This is our country's Outer Continental Shelf. There is oil and natural gas in the Outer Continental Shelf that belongs to us, the American people. As offshore oil production increases, our domestic oil supply increases. As oil supplies increase, prices will decline. Let me repeat that for my Democratic colleagues.

This is our country. This is our country's Outer Continental Shelf. There is oil and natural gas in the Outer Continental Shelf that belongs to us, the American people. As offshore oil production increases, our domestic oil supply increases. As supplies increase, prices will decline.

Hopefully, for the sake of the Americans that are suffering at the gas pump, our Democratic colleagues can learn what everybody else in the world has known all along: If you have energy resources, use them.

## CONGRATULATING THE TOWN OF JONESVILLE ON ITS NEW TOWN HALL

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

Ms. FOXX. Madam Speaker, today I want to congratulate the people of Jonesville, North Carolina on the completion of their new town hall. Jonesville's new town hall will serve both as a government center and the hub for the town's tourism outreach efforts.

While I was unable to attend the grand opening event this past Friday due to Congress being in session, congratulations are in order for everyone in Jonesville who helped make this important project a success. I want to praise Mayor Lindbergh Swain for his leadership and also the people at USDA Rural Development for their help in securing critical financing for the new town hall.

This town hall, which replaces the town's more than half century old town hall, promises not only to give the town a new government seat but also to bolster the local tourist economy. Tourism is a growing segment of the local economy in Yadkin and surrounding counties, and this new facility is a wise investment in drawing new tourist dollars to Jonesville. I applaud Jonesville for its forward thinking mindset, and hope to visit the new town hall in the coming weeks.

## ENERGY INDEPENDENCE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, soon we will be breaking for the July 4 district work period. July 4, Independence Day. But what are we doing about making us, the American people, independent of foreign oil and foreign energy? If you look at the record in this House, absolutely nothing.

The first response we had from the majority was denial. They say this supply will do nothing. Well, of course it will do nothing unless you explore it and produce it.

Then they say energy will be produced by lawsuit. We have got a bill coming out of the Judiciary Committee. Sue, sue, sue, and somehow that is going to give you more energy.

The American people are smart. They understand that if we have a precious resource granted to us, we ought to use it.

Independence Day, July 4. Why can't we bring at least one bill to the floor that would begin to give us energy independence?

## FIXING THE ENERGY PROBLEM

(Mr. ROHRABACHER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Madam Speaker, for 30 years, we have seen the development of new major gas and oil developments in our country thwarted. For 30 years, we have had no new nuclear reactors built in this country to provide us electricity. For 30 years, we have seen no new refineries being built in this country. For 30 years, we haven't even seen a hydroelectric dam being built in this country. And people ask why are we paying \$4 and \$5 a gallon for gasoline now?

Well, what has happened, of course, is we have put ourselves in a position where the discretionary income of our people is being robbed from them because we were acting irresponsibly for these last 30 years. Congressmen, elected representatives of the people, did not stand up to a radical element which opposed all of these energy alternatives for America and has left us vulnerable to our enemies overseas.

It is about time we speak up, we stand up, and we do what is right so we can fix this problem that was caused by inaction for the last 30 years.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

## NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4044) to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4044

*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 "National Guard and Reservists Debt Relief Act of 2008".*

## SEC. 2. AMENDMENTS.

*Section 707(b)(2)(D) of title 11, United States Code, is amended—*

*(1) in clauses (i) and (ii)—*

*(A) by indenting the left margin of such clauses 2 ems to the right, and*

*(B) by redesignating such clauses as subclauses (1) and (11), respectively,*

*(2) by striking "if the debtor is a disabled veteran" and inserting the following:*

"if—

"(i) the debtor is a disabled veteran",  
(3) by striking the period at the end and inserting "; or", and

(4) by adding at the end the following:

"(ii) while—

"(I) the debtor is—

"(aa) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

"(bb) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days; and

"(II) if after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity.".

### SEC. 3. GAO STUDY.

(a) **COMPTROLLER GENERAL STUDY.**—Not later than 2 years after the effective date of this Act, the Comptroller General shall complete and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a study of the use and the effects of the provisions of law amended (and as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors in cases under title 11 of the United States Code that are substantially related to service that qualifies such members for the benefits of such provisions,

(3) whether and to what degree such members are debtors in cases under such title that are materially related to such service, and

(4) the effects that the use by such members of section 707(b)(2)(D) of such title, as amended by this Act, has on the bankruptcy system, creditors, and the debt-incurrence practices of such members.

(b) **FACTORS.**—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of the provisions of law amended (and as amended) by this Act if more than 33 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service,

(2) a case shall be considered to be materially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of such provisions if more than 10 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service, and

(3) the term "effects" means—

(A) with respect to the bankruptcy system and creditors—

(i) the number of cases under title 11 of the United States Code in which members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members in cases under chapter 7 of such title as of the time such cases are converted to cases under chapter 13 of such title,

(v) the amount of resources expended by the bankruptcy courts and by the bankruptcy trust-

ees, stated separately, in cases under title 11 of the United States Code in which such members avail themselves of the benefits of such provisions, and

(vi) whether and to what extent there is any indicia of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—  
(i) any increase in the average levels of debt incurred by such members before, during, or after such service,

(ii) any indicia of changes in debt-incurrence practices adopted by such members in anticipation of benefitting from such provisions in any potential case under such title; and

(iii) any indicia of abuse or potential abuse of such provisions reflected in the debt-incurrence of such members.

### SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Members of the House, the National Guard and Reservists Debt Relief Act is a part of the idea of improving the Bankruptcy Abuse Prevention Act signed into law by President Bush 3 years ago. It effectuated a comprehensive overhaul of bankruptcy, especially with regards to consumers. These consumer bankruptcy amendments included the establishment of a means testing mechanism to determine a debtor's ability to repay debts. Under this test, a chapter 7 bankruptcy case is presumed to be an abuse if it appears that a debtor has income in excess of certain thresholds.

The measure before us today would exempt certain qualifying National Guard members and Reserve members from the means test presumption of abuse. Come to think of it, I would like to exempt some other people as well.

But this legislation addresses the issue of fundamental fairness. Those who find themselves in financial difficulty as a result of service in the National Guard or being activated into it or the aftermath of their service, particularly overseas, should not face the additional burden of the means test.

Since September 11, 2001, almost one-half million members of the National

Guard and Reserves have been called to Iraq and Afghanistan. Some of them have even served multiple tours of duty. And so it is easy to understand that these unanticipated deployments disrupt their lives and their family members and leads to financial hardship. So we are happy for the gentlelady from Chicago, Illinois, JAN SCHAKOWSKY, who has included an effort that has attracted our colleagues on both sides of the aisle. I am very happy to report this from the Judiciary Committee.

I reserve the balance of my time.

□ 1415

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise in support of H.R. 4044, the National Guard and Reservists Debt Relief Act of 2008. I am happy that the House is considering today this bipartisan legislation.

As the gentleman from Michigan, the chairman of the committee mentioned, several years ago we passed the Bankruptcy Abuse Prevention and Consumer Protection Act. The purpose was to ensure that bankruptcy procedures were still allowed for those who needed them, and yet the abuses that we had seen in the years leading up to the bill would be reduced if not eliminated. It received bipartisan support.

Today's bill deals with a part of that scene that needs to be addressed and addressed immediately. Republicans strongly support the mission and appreciate the sacrifice of our dedicated reservists and guardsmen. As many people know, we rely far more on our National Guard and Reservists in the conflict that we have ongoing in the Middle East today than we have in previous conflicts. That was a conscious decision by the Congress of the United States over the last couple of decades.

As a result, many, many more dedicated reservists and guardsmen are assuming responsibility in areas of conflict. We agree that reservists and guardsmen who are plunged into bankruptcy by the demands of their service should be given a helping hand under the bankruptcy code.

In committee, Republicans labored long and hard to achieve a workable compromise that would help these serving men and women. The major issue for committee Republicans was simple—that the bill respond to bankruptcies attributable to a reservist's or guardsman's service.

This bill does not perfectly meet that concern. However, it is part of the art of compromise and it meets it sufficiently for committee Republicans to support passage.

It does this first by requiring an important study by the GAO. The study will examine the degree to which bankruptcies benefiting from the bill are indeed attributable to service, as we hope they will be.

The study thus will help us to be sure of whether reservists and guardsmen are using the relief granted by the bill when it is their service that leads to

bankruptcy. And the study must be completed promptly within 2 years of enactment.

Secondly, the bill includes a 3-year sunset. When we are asked to reauthorize the bill, we will have the GAO study and report. And we will know for sure how the bill is working, and if it needs to be modified, how it should be modified. It is not my expectation that it would be abused, but if it is, we would be able to address that at the time the reauthorization is considered.

With these requirements added, I am pleased to support passage of the bill.

I reserve the balance of my time.

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 5 minutes to the gentleman from California, one of the major sponsors of this bill, active sponsor of this bill, Mr. DANA ROHRABACHER.

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this legislation.

Madam Speaker, today marks the culmination of work that should have been finished long ago. On April 14, 2005, the House considered S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which was a much needed and responsible reform. Then in the minority, my colleague, Ms. SCHAKOWSKY, introduced a motion to recommit so that the bill would allow a targeted exemption from the bankruptcy means test for those National Guard and Reservists who had been called up after 9/11.

At the time of the floor debate, I was told by the Republican floor manager that the Schakowsky motion was redundant, that there was already such protection for our National Guard and Reservists under the Service Member's Civil Relief Act. Because of this, I voted against the motion and it failed on a party line vote, 220 yeas to 229 nays.

I soon found out that I and other Republican Members had been misinformed, apparently to prevent the then-minority from having any legislative success.

Yes, disabled veterans are exempt from the new bankruptcy means test, but not activated reservists and guardsmen, the men and women torn from their jobs and families, sent overseas to protect us were not to be given consideration under the Republican bankruptcy law unless they were disabled. Ms. SCHAKOWSKY's motion sought to correct that. In order to prevent even one success by the other party, the leaders of my party threw aside considering the well-being of our returning heroes.

A returning reservist or guardsman, who possibly left a lucrative job to answer the call of duty, gets the same tougher means test as everybody else. If they fail, they are presumed to be abusing the system as specified in chapter 7 of the bankruptcy law. Yes, they can then rebut the presumption of

abuse by demonstrating a special circumstance before the court. They can beg. They can jump through hoops, they can hire lawyers, and then it is at the discretion of the court to grant these homecoming heroes special circumstances and allow them a chapter 7 filing. This should have been in the bill in the first place, as well as Ms. SCHAKOWSKY's motion should have been accepted by the majority. It is a shame that it wasn't.

The Schakowsky motion would not have killed the bill, as some Members have argued since. In fact, because the motion asked the Judiciary Committee to report the bill forthwith, we could have considered the bill on that very same day. And even if that were not the case, as now we hear from my side so often as we point out a motion requiring a committee to report the bill promptly could still be brought up the next legislative day.

No, this motion failed so long ago because of the worst type of partisanship. It failed because Republicans did not want to admit that the Democrats could better their bill.

When I found that there was no adequate protection for our returning reservists and guardsmen, I pledged to work with my colleague, Ms. SCHAKOWSKY, and make it right.

Subsequently, I introduced legislation to amend the bankruptcy law. Unfortunately, the Republican leadership refused to bring my bill up to the floor for a vote and it took a change in the majority for this pro-reservist, pro-National Guard bill to be brought to the House floor today.

This measure isn't costing any new Federal dollars. There is no new massive appropriation. All it is is a consideration for these people who have risked their lives for us and are coming home. But my party couldn't get itself to provide consideration for our homecoming heroes even though there wasn't any major cost involved.

In the meantime, party control of the House changed, and Ms. SCHAKOWSKY and I have been working diligently to get this legislation to the floor and get it passed into law. We are now considering this bill under suspension which means it is pretty well recognized that this has widespread support. It should have been voted on by the majority or at least accepted a long time ago.

I encourage my colleagues who voted "no" on the motion to recommit 3 years ago because they were misled to vote in favor of this legislation. This bill is not a wedge to reopen the bankruptcy law. Rather, it is a narrow, targeted change modeled after existing exemptions for disabled veterans, America's heroes in neighborhoods throughout our country, who have been called up for deployments.

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

Mr. CONYERS. I yield the gentleman 1 minute.

Mr. ROHRABACHER. This bill will ensure that America's heroes through-

out our country, who have often been called up for deployments that are for far longer than they were initially thought, will not pay a very high personal cost for their absence and their willingness to step forward.

As my colleague, Ms. SCHAKOWSKY, put it, these servicemembers have put their lives and livelihood on the line for us, and we owe them a great debt. This is one way that we can show our deep appreciation for the service of these people, as we should have done originally. Now it is time for us to repay that debt in a very bipartisan way. I thank very much my chairman and ranking member.

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

First of all, I think that this bill might appropriately be renamed the Schakowsky-Rohrabacher provision because of the hard work that our colleague has done on the matter. I appreciate the fully bipartisan spirit that this committee, the Judiciary Committee, had in much evidence when we took this measure up.

And I close by asking my friends, the Blue Dogs on this side of the aisle and most of the Republicans, my Republican colleagues on the other side, that we might want to take a look at this means test which presumes you did something wrong if you are broke and in trouble. I mean, it occurs to me that under the economic circumstances we find ourselves in as a nation, anybody could flunk the means test and then be presumed to be irresponsible or not upstanding citizens. Credit ratings would be damaged profusely.

And so maybe we can look at this. We don't want to offend the banking lobby, don't get me wrong, but let's just take a peek at what we have wrought here in the name of improving the bankruptcy law which I was not in support of when it came forward.

Madam Speaker, with that I conclude my remarks, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Once again I would just repeat this is a bipartisan bill brought to this floor with strong bipartisan support. Hopefully we will get a unanimous vote in favor of it. This is something that recognizes the unique situation our reservists and guardsmen and women are placed in when they leave the jobs that they have, go back to the theater of war, serve us well and run into difficulties as a result of that service from a financial standpoint.

We all agree that they should receive relief. I would hope that we can get people on the other side of the aisle to also agree that they ought to get relief from these extraordinary, out-of-character, unprecedented high gas prices that we have. What a shock it must be for our reservists and guardsmen to leave this country and do service for this country in a foreign land and then

return and find out that in the period of time they have been gone, all of a sudden gas prices have risen \$1.50, \$1.70, before they were even able to return.

So hopefully as we grant relief in this small particular area of bankruptcy law, we might also think about the relief not only for reservists and guardsmen but all Americans from the extraordinary costs that they are now being called upon to pay in the area of energy.

It is not just at the gas tank, it is rippling through the economy because transportation costs are built into the cost of just about everything that we have, and our friends on the other side of the aisle say, well, we will bring a lawsuit, maybe that will do something. Wind, solar, I support those, but I have yet to find a wind-powered car in my district, or a solar-powered car in my district.

And creeping up on us, although we are now involved in the middle of summer, the beginning of summer, but it feels like the middle of summer with the heat that is out there, creeping up on us is the extraordinary increase that we are seeing in the cost of natural gas. Natural gas supplies a good bit of the heating for the winter that we will find come November and December.

□ 1430

I have been informed that in California electricity is produced at least 60 percent by natural gas. We don't have to wait for our heating fuel. We can worry about the concerns that we have with air-conditioning supplied by electricity.

So all I'm saying, Madam Speaker, is that as we work on worthy legislation like this, there is other worthy legislation out there. And all we ask is what the American people ask: Give us a vote. Give us a chance to prove that the reserves that are available in the United States, American reserves, American oil, American natural gas, be utilized for Americans. If our enemy was doing this to us, we would be in a fighting mood, but unfortunately through our Congress, we're doing it to ourselves.

So at some point in time, hopefully in the not-too-distant future, we might be able to prevail on the other side to understand that supply makes a difference and help us bring those costs down as a result of increasing the product that is available to Americans from American sources.

Once again, Madam Speaker, I support H.R. 4044, the National Guard and Reservists Debt Relief Act of 2008.

Mr. CONYERS. Would the gentleman yield?

Mr. DANIEL E. LUNGREN. I yield to my good friend from Michigan, the chairman.

Mr. CONYERS. I want to thank my colleague for yielding.

I thought for a minute I was on a Special Order about "drill drill drill."

Has the leadership on your side instructed everybody to insert this sub-

ject into all of the debate this week because I would love to get into this. You didn't mention shale to coal. There's a whole range of opportunities for discussion here.

But I yield back, and I thank my colleague for his support.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, of course I cannot address the gentleman directly under the rules. So through the Chair, I would just say that yes, shale oil and tar sands are important. We happen to be the Saudi Arabia of those certain resources of God, placed here for us to use, and yet for one reason or another, we're almost afraid to use the word "drill." So I appreciate the chairman using the word "drill" three different times. That doesn't mean going to the dentist. That means drill for oil, drill for natural gas. That will be something which will help the American people.

So I would just say that I don't need my leadership to tell me about it. All I need to do is go home and see the prices of gasoline. All I need to do is listen to people. Seventy-some percent of the American people now, by the latest Fox poll, say they want more drilling, they want more production in America. The only group that doesn't have a 70-some percent support of it is this group, the House of Representatives. Either we're behind the times or we're ahead of the times. And I suspect we're behind the times.

And all I'm doing is asking my good friend, the chairman from Michigan, to understand that the people of Michigan suffer as much as the people of California when we fail to understand that we have resources that we could use. We ought to use American technology to develop American energy rather than having it developed all around the world.

Oh, and by the way, oil spills. They come from tankers. They come from tankers, not from offshore rigs. We ought to understand the more we're dependent upon foreign oil, the more tankers that supply the oceans and a greater possibility of a problem which would cause difficulty on our beaches and those beautiful waves that my friend from California enjoys surfing on in California.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 4044, the "National Guard and Reservists Debt Relief Act of 2008." This bill is important because it liberalizes the debt relief standard for those persons who are most deserving, our Nation's heroes that serve in the National Guard.

This bill is important because the President has made it more difficult for people to claim bankruptcy. Specifically, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (2005 Bankruptcy Act) was signed into law by President George W. Bush on April 20, 2005. The 2005 Bankruptcy Act is the most comprehensive overhaul of bankruptcy law in more than 25 years. The 2005 Bankruptcy Act makes particular changes to the consumer bankruptcy. The changes to consumer bankruptcy included, among other things, the establishment of a means testing mechanism to

determine a debtor's ability to repay debts. Under this test, a chapter 7 bankruptcy case is presumed to be an abuse if it appears that the debtor has income in excess of certain thresholds.

H.R. 4044 would exempt certain qualifying reserve component members of the Armed Services and National Guard members from the means test's presumption of abuse. This bill responds to the fact that some who serve in the National Guard and the Reserves encounter financial difficulties and that they should not be subject to the additional proof requirements of the means test.

I am a co-sponsor of this bill and I urge my colleagues to support it. This bill makes sense because often Armed Services personnel and Reservists receive high compensation when they are away on hazardous tours or combat zones. However, when these individuals return, their income is not as high. Therefore, it is unfair to subject these individuals to the means test. Simply, the means test is whether the person has the means to pay his or her debts. Hazard pay and temporary high pay for combat work is not necessarily a good indicator of a person's means or ability to pay. These individuals are serving our country and have legitimate financial concerns. I do not believe that they should be penalized. I believe we should help our armed services personnel for giving so much to fight for and protect this country. The least we can do is help them.

I firmly believe that we should celebrate our National Guard and Reservists, and I remain committed, as a Member of Congress, to ensuring that we demonstrate our respect for them. The National Guard and Reservists have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love.

As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

We must always remember the debt that we owe our National Guard and Reservists that are willing to lay down their lives for us and render the ultimate sacrifice for our freedom and security. Our gratitude must continue to be unwavering.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our Nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

I urge my colleagues to support this bill.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4044, as amended.

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

The title was amended so as to read: "A bill to amend title 11 of the United States Code to exempt for a limited period, from the application of the means-test presumption of abuse under



chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.”.

A motion to reconsider was laid on the table.

#### EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AUTHORIZATION

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3546) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3546

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

#### SECTION 1. AUTHORIZATION OF GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by striking “for fiscal year 2006” through the period and inserting “for each of the fiscal years 2006 through 2012.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. CONYERS. I would like to begin by yielding as much time as he may consume to our distinguished colleague from Georgia (Mr. JOHNSON) who has worked more diligently than I believe any Member in the House on this measure. He shepherded it through hearings and markup in Judiciary, and now we're on the floor.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

Madam Speaker, today I rise in support of my bill, H.R. 3546, which will reauthorize Byrne-JAG grants for local law enforcement.

Officer Edward Byrne was a rookie New York police officer in New York City when he was killed in the line of duty in February of 1988. Officer Byrne came from a family of police officers and was dedicated to cleaning up his beat in Queens.

Late on the night of February 26, 1988, Officer Byrne and his partner were staking out a house when he was murdered in his car, shot in the head five times with a pistol. He was only 22 years old.

Officer Byrne's sacrifice was not in vain. His murderers and the criminals who employed them were found, charged, and convicted. And today, in perpetuation of Officer Byrne's legacy, the Byrne-JAG grant program is now the only Federal program that funds crime fighting and prevention throughout the States across State lines and nationwide.

This program, Mr. Chairman and Madam Speaker, is more important now than ever. The slowing economy undermines the ability of local law enforcement to maintain and support crime prevention programs in our community as well as maintain order.

Already, cash-strapped local governments face lower tax revenues and higher crime rates and recidivism. Local officials depend on these Byrne-JAG grants to invest in law enforcement resources that keep crime and drugs out of our communities. In my home State of Georgia, these grants provide for a specialize core of drug enforcement agencies that work closely together cooperating with each other and the Federal Government. And nationwide, the results speak for themselves.

Byrne-JAG has led to the seizure of 54,000 weapons, the destruction of 5.5 million grams of methamphetamine, and the elimination of nearly 9,000 meth labs per year. Nevertheless, Congress has consistently underfunded this program, and President Bush threatens additional cuts in the 2009 fiscal budget fiscal year. But we can't afford to deny local governments the resources that they so desperately need to fight and prevent crime.

My bill will reauthorize Byrne-JAG funding at full 2006 levels, and I urge my colleagues in this body to support it.

In honor of Officer Edward Byrne, this program will help keep our streets, our kids, our fellow citizens, and our communities safe from criminal activity and drugs.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3546, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through the year 2012. This bill continues to fund the Department of Justice Byrne-JAG Grant Program that, as the gentleman from Georgia said, provides assistance to State and local law officials.

These grants support a broad range of activities to prevent and control crimes and to improve the criminal justice system. The department allocates funds using a formula based on State population and the annual Unified Crime Report statistics. The program does have a minimum allocation to ensure that each State and territory receive an appropriate share of the Federal funds.

Byrne-JAG funds can be used to pay for personnel overtime and equipment,

funds are used for Statewide initiatives, technical assistance and training, and support for local and rural jurisdictions.

I can say, Madam Speaker, that my experience in the past serving as the Attorney General of California allowed me to see the good work that the Byrne funds has done and continues to do, primarily in the area of multi-jurisdictional task forces as was mentioned by the gentleman from Georgia.

This is actually an area where we actually see a synergism that exists among different levels of government and their law enforcement personnel. It is always important that they have good leadership at each level, and the training that took place as a result of many of these multi-jurisdictional task forces actually created an improvement in the overall training for law enforcement across the country. It is a remarkable thing to see agents from different agencies, different departments, working together for a common purpose.

As the gentleman mentioned, you can, as a result of these task forces, count up the number of arrests made, the number of convictions obtained, the number of weapons taken off the street, the number of drugs taken off the street in each and every case making it safer for the people of the States of the United States.

On June 9, the Federal Bureau of Investigation released a 2007 Unified Crime Report detailing the statistics and tracking trends for violent crimes nationwide. The national rate for violent crimes, that is including robbery, sexual assault, and murder, decreased nationally. Unfortunately, the report also showed the rate of violent crime rate increased in some communities across the country. This is not by accident that we see an overall improvement across the country. It is the result of the work of many good men and women in uniform and the support to organizations that they have throughout this country.

We should understand that while sometimes the trend is to say that if something is a serious crime, it's a Federal crime; unless the FBI gets involved, it's not important, it's not going to be handled well. Well over 90 percent, well over 95 percent of all crime is investigated and prosecuted at the local and State level, not the Federal level. That's why these grants work very, very well when it encourages a multi-jurisdictional approach where you can find the abilities, the differing abilities of the agencies and departments, the coming together to work with one another.

Law enforcement officials remain committed to preventing crime and keeping our communities safe, and their efforts should be applauded. However, given the report, it is clear that additional steps need to be taken in order to continue to address the issue of crime.

During the past few months, representatives from various law enforcement associations visited me and my colleagues to discuss the Byrne-JAG funding. They have spoken with near unanimity about the important role Byrne-JAG funding plays in aiding their efforts to accomplish their law enforcement missions.

Congress plays an important role in supporting State and local law enforcement by continuing to enforce to reauthorize this program at appropriate levels. However, we should not in any way suggest that the Federal Government has the first responsibility for funding local and State law enforcement. That remains with local and State jurisdictions, and frankly, if they don't understand the priority, the first priority of government, to try and create a modicum of safety and security for the people of those jurisdictions so that they can live their lives in some sense of security not having to worry about violent criminals upsetting their lives, attacking them and their loved ones. If local and State jurisdictions don't understand that, frankly, they don't understand the first obligation of government.

□ 1445

So, while we wholeheartedly support this funding program, let us ensure that at the local and State levels those representatives are held responsible by the people that elect them to ensure that the first priority of government is achieved: a modicum of safety and security for the people of the jurisdictions that they find themselves in.

With that, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I couldn't concur more with the speakers, our friend from Georgia, HANK JOHNSON, and the distinguished member of the Judiciary Committee who has been the Attorney General in the largest State in the country.

And so I am enthusiastically supporting the continuation of these grants and would hope we would reauthorize this. We have got a reauthorization of over \$1 billion this time through 2012, and I hope that we will enjoy the support of the Members of the House.

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, once again, I rise in support of H.R. 3546, and I yield myself such time as I may consume, and suggest that of all the costs that are involved with law enforcement across the country, one of the greatest is the cost of gassing up their cars.

As the gentleman understands, law enforcement, yes, travels on its feet, but more than often travels on its wheels. The increased costs of energy affect us all across this Nation. Every home is affected by it, without regard to economic status. But think about this, our law enforcement agencies are very labor-intensive. They depend on

people, yes, applying technology, but we depend on people.

When we have concern about crime in a particular area, it doesn't do to say, well, we've got new computers downtown; that's going to take care of it. What do people want to see? They want to see law enforcement in their areas. And for most areas of America, that means seeing patrol cars coming through their neighborhoods at an appropriate time, seeing them respond whenever there is a cry for help as a result of crime or an attempt at crime.

The costs that are implicit in this tremendous increase in energy costs in this country, the gasoline pump prices, affect each and every one of our law enforcement agencies. And so I would hope as we support unanimously this Edward Byrne Memorial Justice Assistant Grant Program for fiscal years 2006 through 2012, we also think at some point in time of bringing up a bill that might help us get some relief in that area. If you add it all up, it might add up to the total cost of the Byrne grant program.

Mr. CONYERS. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield to the gentleman from the place where I think they still build more automobiles than any other place in the country.

Mr. CONYERS. Well, not Canada, though. I thank the gentleman for yielding, and I was concerned only for a moment that he wasn't going to bring up this subject. It was with very little ingenuity required on his part to tie it into this measure.

As a distinguished member of Judiciary, has the gentleman considered one of the proposals about bringing the price down by nationalizing the oil companies in this country?

Mr. DANIEL E. LUNGREN of California. If I might respond, through the Speaker, I would say, Madam Speaker, the only person I know that has suggested that we nationalize oil companies, including refineries, is the gentleman from the other side of the aisle. It's worked so well around the world, I think you could go through all the countries with a nationalization. Maybe Venezuela is a trend setter here, but I don't think that's exactly where we want to go. So the answer to the gentleman, through the Speaker, is no.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 3546 to reauthorize the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) Program at fiscal year 2006 levels through 2012. The Byrne-JAG monies are supposed to be used to make America a safer place. I support the reauthorization and I would urge my colleagues to do likewise.

#### WHY BYRNE-JAG IS NECESSARY

Byrne-JAG allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, which States and local governments have come to rely on to ensure public safety. They support: law enforcement,

prosecution and court programs, prevention and education, corrections and community programs, drug treatment, planning, evaluation, technology improvement programs, and crime victim and witness programs (other than compensation). In short, they are an indispensable resource that states use to combat crime.

#### RECENT CUTS IN BYRNE JAG FUNDING

Unfortunately, in fiscal year 2008 the Byrne-JAG program was cut by two-thirds. Although Congress authorized over \$1 billion, only \$520 million were appropriated for fiscal year 2007. The appropriation was then drastically reduced to \$170.4 million in fiscal year 2008, and the President has proposed further cuts for the fiscal year 2009 budget.

#### PAST PROBLEMS WITH BYRNE JAG

The trend to reduce the grant funding may result, in part, from instances where Byrne-JAG funding has been abused. For example, in 1999 Byrne-JAG funding was used in the infamous Tulia outrage in which a rogue police narcotics officer in Texas set up dozens of people, most of them African-American, in false cocaine trafficking charges. In other instances, jurisdictions used the funding to fund task forces focused solely on ineffective, low-level drug arrests, which has put the task force concept—and the diminished standards of drug enforcement that it has come to represent—in the national spotlight.

The most well-known Byrne-funded scandal occurred in Tulia, Texas where dozens of African-American residents (representing 16 percent of the town's black population) were arrested, prosecuted and sentenced to decades in prison, even though the only evidence against them was the uncorroborated testimony of one white undercover officer with a history of lying and racism. The undercover officer worked alone, and had no audiotapes, video surveillance, or eyewitnesses to corroborate his allegations. Suspicions eventually arose after two of the accused defendants were able to produce firm evidence showing they were out of state or at work at the time of the alleged drug buys. Texas Governor Rick Perry eventually pardoned the Tulia defendants (after four years of imprisonment), but these kinds of scandals continue to plague the Byrne grant program.

These scandals are not the result of a few "bad apples" in law enforcement; they are the result of a fundamentally flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional anti-drug task forces are federally funded, State managed, and locally staffed, which means they do not really have to answer to anyone. In fact, their ability to perpetuate themselves through asset forfeiture and federal funding makes them unaccountable to local taxpayers and governing bodies.

The scandals are more widespread than just a few instances. A 2002 report by the ACLU of Texas identified seventeen scandals involving Byrne-funded anti-drug task forces in Texas, including cases of falsifying government records, witness tampering, fabricating evidence, stealing drugs from evidence lockers, selling drugs to children, large-scale racial profiling, sexual harassment, and other abuses of official capacity.

Texas is not the only State that has suffered from Byrne-funded law enforcement scandals. Scandals in other States have included the misuse of millions of dollars in federal grant



money in Kentucky and Massachusetts, false convictions based upon police perjury in Missouri, and making deals with drug offenders to drop or lower their charges in exchange for money or vehicles in Alabama, Arkansas, Massachusetts, New York, Ohio, and Wisconsin. A 2001 study by the Government Accountability Office found that the federal government fails to adequately monitor the grant program and hold grantees accountable.

#### AMENDMENT CONSIDERED BUT NOT OFFERED

Because of these abuses, I would have offered an amendment when this bill was considered at the Full Judiciary Committee markup. My amendment would have addressed the responsible use of Byrne-JAG monies. Specifically, my amendment would have required that a State that receives Byrne-JAG money should collect data for the most recent year for which such funds were allocated to such State, with respect to:

- (1) The racial distribution of criminal charges made during that year;
- (2) The nature of the criminal law specified in the charges made; and
- (3) The city of law enforcement jurisdiction in which the charges were made.

My amendment would have required a condition of receiving funds that the State should submit to the Attorney General the data collected by not later than one year after the date the State received funds. Lastly, the report should be posted on the Bureau of Justice Statistics website and submitted to the Attorney General.

My amendment is good because arrests will be transparent and the light of day and public airing of any problems will be the greatest disinfectant. My amendment is an attempt to make law enforcement more responsible, more accountable, and more just in their dealings with persons of all races and backgrounds. My amendment is but a small price to pay to rid the nation of scandals and disasters that occurred in Tulia, Texas and elsewhere.

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consin. A 2001 study by the Government Accountability Office found that the federal government fails to adequately monitor the grant program and hold grantees accountable.

My amendment, which I would have offered, would provide oversight and accountability. It is not burdensome. It will not prevent the States from collecting and funding programs under the Byrne Grant program. My amendment does however shed light on any malady that might exist in the system. Once we see the problems, we can fix them. My amendment is responsible and aims to make the Byrne-Grant program a better program by ensuring that the funding is used appropriately and is used with oversight.

#### NO MORE TULIAS

While I support the Byrne JAG reauthorization, I would also urge my colleagues to also support my bill, H.R. 253, No More Tulias: Drug Law Enforcement Evidentiary Standards Improvement Act of 2007. This bill also enhances accountability with respect to the use of Byrne JAG monies.

First, it prohibits a state from receiving for a fiscal year any drug control and system improvement (Byrne) grant funds, or any other amount from any other law enforcement assistance program of the Department of Justice, unless the state does not fund any anti-drug task forces for that fiscal year or the state has in effect laws that ensure that: (1) A person is not convicted of a drug offense unless the facts that a drug offense was committed and that the person committed that offense are supported by evidence other than the eyewitness testimony of a law enforcement officer or individuals acting on an officer's behalf; and (2) an officer does not participate, in an antidrug task force unless that officer's honesty and integrity is evaluated and found to be at an appropriately high level.

Second, H.R. 253, No More Tulias, requires that states receiving federal funds under the No More Tulias Act to collect data on the racial distribution of drug charges, the nature of the criminal law specified in the charges, and the jurisdictions in which such charges are made. I urge my colleagues to support my No More Tulias Act so that we can quickly bring the bill to markup.

I also urge my colleagues to support Byrne JAG.

Mr. BILIRAKIS. Madam Speaker, I rise today to express my strong support for H.R. 3546, which authorizes the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

Earlier this year I was disappointed to learn of the administration's draconian reduction in funding which would have limited the ability of our law enforcement officers to obtain the necessary manpower, equipment, and other tools to reduce criminal activity, putting them in a reactive rather than proactive mode.

The Edward Byrne Memorial Justice Assistance Grant Program allows States and local governments to improve their criminal justice system by supporting activities that help prevent and control crime.

H.R. 3546 authorizes \$1.095 billion annually through FY2012 for the grant program. It is critically important that States and local law enforcement agencies have access to these much-needed resources, which help fight crime and drug proliferation in our communities.

Madam Speaker, we must properly fund our local law enforcement officers, who put their

lives on the line daily to keep the rest of us safe. Therefore, I encourage my colleagues to join me in voting for this very important legislation to keep our neighborhoods safe!

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3546, as amended.

The question was taken.

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

Mr. JOHNSON of Georgia. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMEMORATING THE 44TH ANNIVERSARY OF FREEDOM SUMMER

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1293) commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1293

Whereas 44 years ago, on June 21, 1964, Andrew Goodman, James Chaney, and Michael Schwerner were murdered in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which would become known as "Freedom Summer";

Whereas Andrew Goodman was a 20-year-old White anthropology major from New York's Queens College, who volunteered for the Freedom Summer Project;

Whereas James Chaney was a 21-year-old African-American from Meridian, Mississippi, who became a civil rights activist, joining the Congress of Racial Equality (CORE) in 1963 to work on voter education and registration;

Whereas Michael "Mickey" Schwerner was a 24-year-old White CORE field secretary in Mississippi and a veteran of the civil rights movement, from Brooklyn, New York;

Whereas in 1964, Mississippi had a Black voting-age population of 450,000, but only 16,000 Blacks were registered to vote;

Whereas most Black voters were disenfranchised by law or practice in Mississippi;

Whereas in 1964, Andrew Goodman, James Chaney, and Michael Schwerner volunteered to work as part of the "Freedom Summer" project that involved several civil rights organizations, including the Mississippi State chapter of the National Association for the

Advancement of Colored People, the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and CORE, with the purpose of registering Black voters in Mississippi;

Whereas on the morning of June 21, 1964, the 3 men left the CORE office in Meridian and set out for Longdale, Mississippi, where they were to investigate the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas on their way back to Meridian, James Chaney, Andrew Goodman, and Michael Schwerner were detained and later arrested and taken to the Philadelphia, Mississippi, jail;

Whereas later that same evening, on June 21, 1964, they were taken from the jail, turned over to the Ku Klux Klan, and were beaten, shot, and killed;

Whereas 2 days later, their burnt, charred, gutted blue Ford station wagon was pulled from the Bogue Chitto Creek, just outside Philadelphia, Mississippi;

Whereas the national uproar caused by the disappearance of the civil rights workers led President Lyndon B. Johnson to order Secretary of Defense Robert McNamara to send 200 active duty Navy sailors to search the swamps and fields in the area for the bodies of the 3 civil rights workers, and Attorney General Robert F. Kennedy to order his Federal Bureau of Investigation (FBI) director, J. Edgar Hoover, to send 150 agents to Mississippi to work on the case;

Whereas the FBI investigation lead to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the previous several years had not attracted attention outside their local communities;

Whereas the bodies of Andrew Goodman, James Chaney, and Michael Schwerner, beaten and shot, were found on August 4, 1964, buried under a mound of dirt;

Whereas on December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested, and the Department of Justice charged them with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, since murder was not a Federal crime;

Whereas on December 10, 1964, the same day Dr. Martin Luther King, Jr. received the Nobel Peace Prize, a United States District judge dismissed charges against the 21 men accused of depriving the 3 civil rights workers of their civil rights by murder;

Whereas in 1967, after an appeal to the Supreme Court and new testimony, 7 individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been strongly implicated in the murders by witnesses, were acquitted because the jury came to a deadlock on their charges;

Whereas on January 6, 2005, a Neshoba County, Mississippi, grand jury indicted Edgar Ray Killen on 3 counts of murder;

Whereas on June 21, 2005, a jury convicted Edgar Ray Killen on 3 counts of manslaughter;

Whereas June 21, 2008, will be the 44th anniversary of Andrew Goodman, James Chaney, and Michael Schwerner's ultimate sacrifice;

Whereas by the end of Freedom Summer, volunteers, including Andrew Goodman, James Chaney, and Michael Schwerner, helped register 17,000 African-Americans to vote;

Whereas the national uproar in response to the deaths of these brave men helped create the necessary climate to bring about passage of the Voting Rights Act of 1965;

Whereas Andrew Goodman, James Chaney, and Michael Schwerner worked for freedom, democracy and equal justice under the law for all; and

Whereas the Federal Government should find an appropriate way to honor these courageous young men and their contributions to civil rights and voting rights: Now, therefore, be it

*Resolved*, That the House of Representatives encourages all Americans to—

(1) pause and remember Andrew Goodman, James Chaney, and Michael Schwerner and the 44th anniversary of their deaths;

(2) commemorate the life and work of Andrew Goodman, James Chaney, and Michael Schwerner, and all of the other brave Americans who made the ultimate sacrifice in the name of civil rights and voting rights for all Americans; and

(3) commemorate and acknowledge the legacy of the brave Americans who participated in the civil rights movement and the role that they played in changing the hearts and minds of Americans and creating the political climate necessary to pass legislation to expand civil rights and voting rights for all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

I am so pleased to bring this resolution from the Judiciary Committee to remember the deaths of those three great civil rights workers. And I, of course, begin my comments by thanking and commending our greatest civil rights champion in the House of Representatives, JOHN LEWIS of Georgia, who was a leader in the civil rights movement, worked with the Student Non-Violent Coordinating Committee, and with Dr. Martin Luther King, and with other civil rights organizations. He was also at the great march on Washington in 1963, and we all met.

It was a stirring moment in American history, and these three young men paid with their lives for their dedication to ensure that we could end segregation and secure the right to vote for all people in America.

A number of Judiciary Committee members have joined with me as co-sponsors of this measure: the gentleman from New York, JERROLD NADLER; STEVE COHEN, Tennessee; BOBBY SCOTT of Virginia; SHEILA JACKSON-LEE, Texas; ADAM SCHIFF, California; LINDA SÁNCHEZ, California; BETTY SUTTON, Ohio; and a number of others.

You remember the summer of 1964? Goodman, a student at New York's Queens College; James Chaney of Mis-

issippi; Michael Schwerner, 24 years old of New York, were all working with the CORE, the Congress of Racial Equality. And they left the Meridian, Mississippi, office for the town of Philadelphia 25 miles away. They were stopped by the Klan, and the rest is history.

We still work against the backdrop of this activity. It was out of their sacrifices that the movement and understanding of not only the citizens of the country but the leaders of the country and Washington understood what we had to accomplish. And we passed the Civil Rights Act of 1964, the Voting Rights Act of 1965. Dr. Martin Luther King's inspiring rhetoric kept us together for so, so long, and I'm happy that we're doing what we've done. I'm sure the Senate, the other body, will follow very rapidly.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 1293, honoring Andrew Goodman, James Chaney and Michael Schwerner: Mr. Goodman, a 20-year-old student volunteer; Mr. Chaney, a 21-year-old plasterer and activist in the civil rights movement; Mr. Schwerner, a 24-year-old founder of one of the first community centers for African Americans in Mississippi. Mr. Chaney and Mr. Schwerner were also members of the civil rights task force organized by the Congress of Racial Equality.

All three were tragically killed in 1964, that summer, for their participation in the civil rights campaign in Mississippi, where they had just taken part, along with 175 other volunteers, in a civil rights orientation project, which led the way for some 800 other volunteers.

I had just graduated from high school in California, and I remember the shock of hearing about this tragedy. It was one in a series of tragedies we were seeing portrayed around the United States, where people just simply attempting to be recognized as full human beings in this society, with the opportunity to vote and the opportunity to participate in the political process, were being denied that, and they and many others attempted to try and change that.

That summer, these three men were picked up by a sheriff for allegedly speeding, and after their release from jail, they disappeared.

A KKK informant and an FBI investigation pieced the story together. Evidently, after their release, the three men had been chased off the road, forced into a Klansmen's car, brutally beaten, and killed.

At the time, the State of Mississippi didn't file charges against anyone. The Federal Government charged someone in 1967 with conspiring to violate the civil rights of another, but that defendant was acquitted. Of seven other men convicted on conspiracy charges, no one served more than 6 years for the

death of three innocent individuals in this United States of America.

It was not until January 6, 2005, that Mississippi indicted Edgar Ray Killen on three counts of murder. He was found guilty of three counts of manslaughter on June 1, 2005, the 41st anniversary of the crime.

There is no doubt that justice so delayed warrants our honoring these three civil rights heroes again today, some 44 years after their death.

Last year, the House passed H.R. 923, the Emmett Till Unsolved Civil Rights Crime Act, which came out of our committee with bipartisan support, and it directs the Attorney General to designate a deputy chief within the Civil Rights Division of the Department of Justice and a supervisory special agent within the Civil Rights Unit of the FBI to coordinate the investigation and prosecution of unsolved civil rights-era murders.

□ 1500

We've got to do it now because the perpetrators of these crimes have been able to live in freedom for so long.

And some say why go after old men in their last years? Because, in fact, they should not have the opportunity to live out their lives without being held responsible for these horrendous acts. The bill also provides much-needed resources to the Department of Justice, the FBI, State and local law enforcement officials to prosecute these cases.

Madam Speaker, the FBI has identified nearly 100 outstanding cases that still need to be assessed. Many of these murders are 30 or 40 years old. Obviously they're difficult to investigate and to prosecute because evidence has been lost or destroyed, witnesses and defendants have died, and memories have dimmed. We must act quickly to bring the long-overdue justice to these victims and their families.

I urge all my colleagues to join the chairman of the full committee and other members of the Judiciary Committee in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I thank the floor manager for his statement and his commitment across the years for civil rights activity.

I yield all but 3 minutes to the distinguished gentleman from Georgia, JOHN LEWIS, whose work and writings and the history that he has made in this area are well known across this country and, indeed, around the world.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank Mr. CONYERS, the chairman of the full committee, for his leadership and for his dedication to the issue and the cause of civil rights, and for bringing this resolution to the floor.

Madam Speaker, I rise today to pay tribute to the courage and conviction of three young men, Andy Goodman, James Chaney and Michael Schwerner. On June 21, 1964, they gave their lives

in a struggle for voting rights in America.

There was a time, just 44 years ago, when it was almost impossible in the American south for people of color to register and vote. Then, I was 24 years old and the chair of the Student Non-Violent Coordinating Committee, better known as SNCC. I traveled around the country encouraging young people to come to Mississippi to get involved with the Freedom Summer. It was the summer of 1964.

At that time, the State of Mississippi had a black population of voting age of more than 450,000, but only about 18,000 blacks were registered to vote. It was dangerous, very dangerous, for those of us who believed that everyone should have the right to vote. But in spite of the risks, there were people—young and old, black and white, rich and poor—people like Andy Goodman, James Chaney and Mickey Schwerner, who put aside the comfort of their own lives to make sure that every citizen had free and fair access to the ballot, not only in Mississippi, but throughout America.

Mickey Schwerner was a 24-year-old white man from Brooklyn, New York, who was already a participant in the movement. Andy Goodman was also white, a 21-year-old student at Queens College in New York. James Chaney was a 21-year-old African American man from Meridian, Mississippi, who decided to take a stand for justice in his own community, in his own State.

On the morning of June 21, 1964, these three young men drove to Longdale, Mississippi to investigate the burning of an African American church. On their way back, they were arrested, at least stopped and detained by the sheriff and taken to jail in Philadelphia, Mississippi. That same evening they were released from the jail by the sheriff and turned over to the Klan. They were beaten, shot and killed. Their burnt blue Ford station wagon was pulled from a creek just 2 days later. I joined in the search for them that night with a very heavy heart. Their bodies were found a few weeks later, about 6 weeks later, on August 4, 1964, buried under a mound of dirt.

Madam Speaker, I share this story today so that Members of Congress will realize that the struggle for civil rights has been a long, hard road littered by the battered and broken bodies of countless men and women who paid the ultimate price for a precious right, the right to vote, the right to participate in a democratic process.

Andy Goodman, James Chaney and Mickey Schwerner did not die in Europe; they did not die in Asia or in Africa; they did not die in Central America or in the Middle East. They died right here in America, in the American south. I knew these three young men.

So, Madam Speaker, I urge all of my colleagues to vote for this resolution to pay tribute to these three young men and so many others who died in the struggle for voting rights in America.

We must never forget their sacrifices, their suffering, their pain, and their death.

As Members of the United States House of Representatives, it is our duty, our mission, our mandate to make sure that these three young men did not die in vain.

Mr. CONYERS. Madam Speaker, I'm delighted now to yield 2 minutes to Dr. JAMES MCDERMOTT of Washington State, a dedicated leader for universal health coverage and a civil rights activist. We were at the United Nations together not too many years ago.

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

Mr. MCDERMOTT. Madam Speaker, I am really very proud to rise in support of a resolution put forward by my friend and colleague, JOHN LEWIS. This is a man who has risked his own life fighting for civil rights, helping to bridge a racial divide during one of America's worst times.

This was a time when it took real courage to go out in the streets and do things. JOHN walked with Martin and with John and with Bobby as they dealt with the threats of racial violence. There was clearly fear in everyone. Anybody who went out was fearful; if they didn't, they didn't know what they were doing.

JOHN LEWIS is a towering figure who, in his own right, has left his mark in this country. And it is fitting and proper that he should bring a resolution honoring these three civil rights workers whose lives ended 44 years ago in Mississippi at the hands of the Ku Klux Klan.

Andrew Goodman, James Chaney and Michael Schwerner were killed in that Freedom Summer of 1964. The widow of one of them is now a distinguished lawyer and a good friend in Seattle. She lives on in the memory of her husband.

Their deaths sparked a national firestorm of anger and awareness that led to the passage of the Voting Rights Act of 1965. Honoring them honors everyone who fought for civil rights and those who suffered great personal sacrifice during times when justice was neither blind nor fair in America.

It reminds me of the injustice America is only beginning to correct for a group of African American soldiers stationed in Fort Lawton in Seattle. Because of the color of their skin, they were denied equal justice and they were wrongly convicted of a crime that they did not commit, were sent to prison, and were given bad conduct discharges.

We must never forget the lessons of history or we risk repeating them.

The resolution Mr. LEWIS of Georgia offers will help us remain vigilant in defending civil rights and civil liberties, and help us protect the Nation these people died to defend.

I urge my colleagues to strongly support the resolution offered by Mr. LEWIS of Georgia.

Mr. CONYERS. Madam Speaker, I thank the distinguished gentleman from Washington State.

I now yield 2½ minutes to a former chairman of the Congressional Black Caucus, the gentlelady from Dallas, Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Michigan.

I rise today in strong support of House Resolution 1293, a bill commemorating the lives of three civil rights activists who were murdered outside Philadelphia, Mississippi by the Ku Klux Klan in June of 1964.

In 1964, Mississippi had the lowest percentage of registered African American voters in the country. Rampant fear and intimidation, along with literacy tests and poll taxes, had kept more than 90 percent of the African Americans in Mississippi from registering to vote. In June of 1964, thousands of young people volunteered to go to Mississippi in order to register African American voters and fight educational disparities.

What would come to be known as "Freedom Summer" ignited backlash and violence against these volunteers and civil rights activists. Many homes and black churches were firebombed or burned down that summer, and more than 1,000 volunteers were arrested. Among these Freedom Summer volunteers were James Chaney, Andrew Goodman and Michael Schwerner, who went to Mississippi to investigate the fire-bombing of the Mount Zion Methodist Church. On June 21, these three men were arrested and held for several hours on alleged traffic violations, but later that evening they were taken from the jail and turned over to the Ku Klux Klan, where they were beaten, shot and killed.

These men gave their lives in the name of freedom and justice. The media coverage surrounding their deaths sparked outrage amongst Americans, millions of them all over the country. Their deaths and the activities of Freedom Summer helped set the stage for the passage of the Voting Rights Act of 1965.

I would like very much to thank Congressman LEWIS for introducing this resolution, who himself has a closer experience than most of us in this body, and as a matter of fact paved the way for many of us to be here today.

I thank you, Congressman LEWIS, for the many sacrifices you have made. And it is an honor to serve alongside Congressman LEWIS, who coordinated the Student Non-Violence Coordinating Committee's efforts to organize voter registration drives and community action programs during Freedom Summer.

I strongly support this resolution to honor the sacrifices of James Chaney, Andrew Goodman and Michael Schwerner, and all of the volunteers of the Mississippi Freedom Summer who helped to pave the way of voting rights for all Americans.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 3 minutes to the gentlelady from the District of Colum-

bia, ELEANOR HOLMES NORTON, a brilliant lawyer who argues in the Supreme Court frequently and is a civil rights leader in her own right.

Ms. NORTON. This entire House has you, Mr. Chairman, to thank for a lifetime of work in civil rights and human rights for all people, I thank you here on the floor.

I thank my good colleague who serves on the Judiciary Committee. And I especially thank my colleague, JOHN LEWIS, who was chair of the Student Non-Violent Coordinating Committee when I first joined. And I think I can say for JOHN and me that either of us expected to be on the floor of this House at that time.

I thank you, JOHN. I'm not surprised that you would come forward with this resolution. For me, it would be too poignant an occasion but for the progress that I think we can say assures that these brutal murders, the murders that we came to call the "Schwerner, Chaney and Goodman murders," certainly have not been in vain.

In 1963, Bob Moses, a legendary figure of the Mississippi movement, recruited me while I was in law school to go to Mississippi. SNCC had opened up virtually everywhere else, but not Mississippi because, frankly, it was terrorist country. And to show you the extent to which Mississippi was a different place, it took the NAACP and Medgar Evers to lead the sit-ins there, and they got beat unmercifully. And that was in Jackson.

I came to the Mississippi Delta that year for an express purpose, to prepare for the 1964 Freedom Summer, by conducting the prototype "freedom school" to be used in 1964, when we knew we would be able to gather thousands of students to come down. It was the high point of student activism. JOHN and others went throughout the United States and students came in huge numbers. We had the highest hopes.

I was particularly working on the 1964 Democratic Convention with my mentor, Fannie Lou Hamer, and Larry Guyout, who now lives here, the co-chairs of the Mississippi Freedom Democratic Party, and, working indeed, on the brief that would be used to say that this delegation, rather than the official delegation which excluded African Americans, should be recognized by the 1964 Democratic National Convention.

□ 1515

And why was there a Mississippi Freedom Democratic Party? Because, indeed, in the summer of 1964, so many had come down to risk their lives for whom that had to have been their choice. Those high hopes were not extinguished when our delegation did not get seated. Those high hopes were not even extinguished when these brutal murders occurred. It took authorities weeks to find the three young men. Those high hopes remained high and, if

anything, thrust the civil rights movement forward in a way it had not been before.

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

Mr. CONYERS. Madam Speaker, I yield the gentlewoman the balance of my time.

Ms. NORTON. How much time do we have, please, Madam Speaker? I don't want to go over.

The SPEAKER pro tempore. The gentlewoman has 4½ minutes.

Ms. NORTON. Thank you, Madam Speaker. I won't take much longer, but this is a very special moment.

In 1963 when I went to Mississippi, I first worked for the March on Washington under Bayard Rustin, then went to the Mississippi Delta. That was, I must say, the most eventful summer of my life, more eventful even than 1964.

The great chief of the Mississippi NAACP Medgar Evers put me on a bus. Medgar Evers tried to convince me to stay in Jackson, but I said, no, that I had promised I was coming to the Delta. So he put me on a bus to go to the Delta. He then turned around, went back home, and he was shot and killed in his driveway that same evening. That was a year I shall never forget.

But the fact is that the 1964 summer, in fact, happened. The students did not go home after the murders. We continued to organize. The Mississippi Freedom Democratic Party, with Fannie Lou Hamer leading the way at the convention, was the high point of that convention. And the country has never forgotten it. It democratized the Democratic Party. It democratized even the Republican Party. And I must say that both parties then recognized that they had to have representative delegations.

Steve Schwerner Michael's brother was one of my classmates in college. When I have met with the families, what has been extraordinary about them is to see that they understand the contributions they personally made to the freedom struggle. They have no regrets. They understand that the loss of Cheney and the two youngsters from the north was the last thing we expected and that that loss helped to waken the country.

Do not forget what happened in 1964. The passage of the 1964 Civil Rights Act, and that act contained Title VII. Something else I could never have imagined—I would one day come to enforce a major civil right's law, the 1964 Civil Right's Act as a Chair of the Equal Employment Opportunity Commission. This was the first civil rights legislation since the radical Republicans gave us our first civil rights legislation after the Civil War, and look what happened afterwards: the 1965 Voting Rights Act and the 1968 Fair Housing Act.

Oh, no, these three young men died for a great and noble purpose. And in case the national panorama doesn't drive that point home, surely the fact that Mississippi today has the largest number of black public officials will

help you to see that they did not die in vain, and surely the fact that their relatives now see the first African American to secure the nomination of a major party for President of the United States will drive home the reality that these three young men, at the dawn of their lives, not only did not die in vain but for generations to come and, yes, for this generation, have left a legacy of their own.

I thank the gentleman for yielding.

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

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Once again, I rise in support of H. Res. 1293.

David McCullough, the distinguished writer and historian, said, "We run the risk of being a Nation of historic illiterates." And he was referring to our lack of knowledge of the beginnings of this country, the lack of knowledge of the Founding Fathers and that generation. But he need not look back that far. All he needs to do is to look back 40 some years, as the gentleman from Georgia has mentioned to us and the gentlewoman from the District of Columbia and the gentleman from Michigan.

We cannot allow these real-life tragedies, events, sacrifices to be lost in the midst of memory. We have to make sure that not only do we understand them but that we understand their import and that we teach our children that this is part of America's history and America is what it is today because of the sacrifices of many great men and women, these three included among them: Goodman, Chaney, and Schwerner.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to support the commemoration of the 44th Anniversary of the death of civil rights workers Andrew Goodman, James Chaney and Michael Schwerner in Philadelphia, Mississippi while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which would become known as Freedom Summer. I would like to thank my fellow Judiciary member and the gentleman from Georgia, Congressman JOHN LEWIS for introducing this legislation.

The right to vote has held a central place in the black freedom struggle. After emancipation, African Americans sought the ballot as a means to in American society. During the summer of 1964, thousands of civil rights activists, many of them white college students from the North, descended on Mississippi and other Southern states to try to end the long-time political disenfranchisement of African Americans in the region. Although blacks had won the right to vote in 1870, thanks to the Fifteenth Amendment, for the next 100 years many were unable to exercise that right. White local and state officials systematically kept blacks from voting through formal methods, such as poll taxes and literacy tests, and through cruder methods of fear and intimidation, which included beatings and lynchings.

Freedom Summer marked the climax of intensive voter-registration activities in the South

that had started in 1961. Organizers chose to focus their efforts on Mississippi because of the State's particularly dismal voting-rights record: in 1962 only 6.7 percent of African Americans in the State were registered to vote, the lowest percentage in the country. The Freedom Summer campaign was organized by a coalition called the Mississippi Council of Federated Organizations, which was led by the Congress of Racial Equality (CORE), and included the National Association for the Advancement of Colored People (NAACP), and the Student Nonviolent Coordinating Committee (SNCC).

Freedom Summer activists faced threats and harassment throughout the campaign, not only from white supremacist groups, but from local residents and police. Freedom School buildings and the volunteers' homes were frequent targets; 37 black churches and 30 black homes and businesses were firebombed or burned during that summer, and the cases often went unsolved. More than 1000 black and white volunteers were arrested, and at least 80 were beaten by white mobs or racist police officers.

But the summer's most infamous act of violence was the murder of three young civil rights workers—a black volunteer, James Chaney, and his white coworkers, Andrew Goodman and Michael Schwerner. On June 21, Chaney, Goodman and Schwerner set out to investigate a church bombing near Philadelphia, Mississippi, but were arrested that afternoon and held for several hours on alleged traffic violations. Their release from jail was the last time they were seen alive before their badly decomposed bodies were discovered under a nearby dam six weeks later. Goodman and Schwerner had died from single gunshot wounds to the chest, and Chaney from a savage beating. These savage attacks were perpetrated by the Ku Klux Klan.

The FBI investigation that uncovered the deaths of these three brave young men, white and black, also led to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the years had not attracted much attention.

On December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested and charged with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, because murder was not a Federal crime. Ironically, on the very same day, December 4, 1964, Dr. Martin Luther King, Jr. received the Nobel Peace Prize.

Later, a District Court judge dismissed the charges against the 21 Whites. After three years, and an appeal to the Supreme Court, seven individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been implicated by witnesses, were acquitted because the jury was deadlocked on charges.

Over twenty years later, on June 21, 2005 after new evidence, a jury convicted Edgar Ray Killen on 3 counts of manslaughter. These freedom riders made the ultimate sacrifice for the freedom of all people, black and white. It is fitting that we recognize them and pay tribute, respect, and homage to them, and to the legacy that they have left behind.

We commemorate and acknowledge the legacy of these brave Americans who participated in the civil rights movement and the role

they played in changing the hearts and minds of Americans. We also celebrate these Americans for their decision to create a political environment necessary to pass legislation to expand civil rights and voting rights for all Americans.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1293.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RESPONSIVE GOVERNMENT ACT OF 2008

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6344) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6344

*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 "Responsive Government Act of 2008".

### SEC. 2. EMERGENCY AUTHORITY TO DELAY OR TOLL JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

#### "§ 1660. Emergency authority to delay or toll judicial deadlines

"(a) TOLLING IN DISTRICT COURTS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a district court that has been affected may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the district court or bankruptcy court of the district.

"(B) Except as provided in subparagraph (C), the authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, prearrest, post-arrest, pretrial, trial, and post-trial procedures), civil actions, bankruptcy proceedings, and the time for filing and perfecting an appeal.

"(C) The authority conferred by this section does not include the authority to extend—

"(i) any statute of limitation for a criminal action; or

"(ii) any statute of limitation for a civil action, if—

“(I) the claim arises under the laws of a State; and

“(II) extending the limitations period would be inconsistent with the governing State law.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the district is unavailable, the authority conferred by this section may be exercised by the district judge in regular active service who is senior in commission or, if no such judge is available, by the chief judge of the circuit that includes the district.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(b) CRIMINAL CASES.—In exercising the authority under subsection (a) for criminal cases, the court shall consider the ability of the United States Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

“(c) TOLLING IN COURTS OF APPEALS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of courts or rendering it impracticable for the United States Government or a class of litigants to comply with deadlines imposed by any Federal or State law or rule that applies in the courts of the United States, the chief judge of a court of appeals that has been affected or that includes a district court so affected may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending in the court of appeals.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the circuit is unavailable, the authority conferred by this section may be exercised by the circuit judge in regular active service who is senior in commission.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(d) ISSUANCE OF ORDERS.—The Attorney General or the Attorney General's designee may request issuance of an order under this section, or the chief judge of a district or of a circuit may act on his or her own motion.

“(e) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that, if the chief judge (whether of a district or of a circuit) determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the judicial council of the circuit, enter additional orders under this section in order to further toll or extend such time deadline.

“(f) NOTICE.—A court issuing an order under this section—

“(1) shall make all reasonable efforts to publicize the order, including announcing the order on the web sites of all affected courts and the web site of the Federal judiciary; and

“(2) shall, through the Director of the Administrative Office of the United States Courts, send notice of the order, including the reasons for the issuance of the order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(g) REQUIRED REPORTS.—A court issuing one or more orders under this section relating to an emergency situation shall, not later than 180 days after the date on which the last extension or tolling of a time period

made by the order or orders ends, submit a brief report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Judicial Conference of the United States describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the judiciary resulting from the orders.

“(h) EXCEPTIONS.—The notice under subsection (f)(2) and the report under subsection (g) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

“1660. Emergency authority to delay or toll judicial deadlines.”.

### SEC. 3. WAIVER OF PATENT AND TRADEMARK REQUIREMENTS IN CERTAIN EMERGENCIES.

Section 2 of title 35, United States Code, is amended by adding at the end the following new subsection:

“(e) WAIVER OF REQUIREMENTS IN CERTAIN EMERGENCIES.—The Director may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademark registrations, and applications therefor to the extent the Director considers necessary in order to protect the rights and privileges of applicants and other persons affected by an emergency or a major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). A decision not to exercise, or a failure to exercise, the waiver authority provided by this subsection shall not be subject to judicial review.”.

### SEC. 4. AUTHORITY OF DIRECTOR OF PTO TO ACCEPT LATE FILINGS.

(a) AUTHORITY.—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

“(i) DISCRETION TO ACCEPT LATE FILINGS IN CERTAIN CASES OF UNINTENTIONAL DELAY.—

“(1) IN GENERAL.—The Director may accept an application under this section that is filed not later than three business days after the expiration of the 60-day period provided in subsection (d)(1) if the applicant files a petition, not later than five business days after the expiration of that 60-day period, showing, to the satisfaction of the Director, that the delay in filing the application was unintentional.

“(2) TREATMENT OF DIRECTOR'S ACTIONS ON PETITION.—If the Director has not made a determination on a petition filed under paragraph (1) within 60 days after the date on which the petition is filed, the petition shall be deemed to be denied. A decision by the Director to exercise or not to exercise, or a failure to exercise, the discretion provided by this subsection shall not be subject to judicial review.”.

(b) FEE FOR LATE FILINGS.—

(1) IN GENERAL.—In order to effect a patent term extension under section 156(i) of title 35, United States Code, the patent holder shall pay a fee to the United States Treasury in the amount prescribed under paragraph (2).

(2) FEE AMOUNT.—

(A) FEE AMOUNT.—The patent holder shall pay a fee equal to—

(i) \$65,000,000 with respect to any original application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this Act, for a drug intended for use in hu-

mans that is in the anticoagulant class of drugs; or

(ii) the amount estimated under subparagraph (B) with respect to any other original application for a patent term extension.

(B) CALCULATION OF ALTERNATE AMOUNT.—The Director shall estimate the amount referred to in subparagraph (A)(ii) as the amount equal to the sum of—

(i) any net increase in direct spending arising from the extension of the patent term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government);

(ii) any net decrease in revenues arising from such patent term extension; and

(iii) any indirect reduction in revenues associated with payment of the fee under this subsection.

The Director, in estimating the amount under this subparagraph, shall consult with the Director of the Office of Management and Budget, the Secretary of the Treasury, and either the Secretary of Health and Human Services or (in the case of a drug product subject to the Act commonly referred to as the “Virus-Serum-Toxin Act”; 21 U.S.C. 151-158) the Secretary of Agriculture.

(3) NOTICE OF FEE.—The Director shall inform the patent holder of the fee determined under paragraph (2) at the time the Director provides notice to the patent holder of the period of extension of the patent term that the patent holder may effect under this subsection.

(4) ACCEPTANCE REQUIRED.—Unless, within 15 days after the Director provides notice to the patent holder under paragraph (3), the patent holder accepts the patent term extension in writing to the Director, the patent term extension is rescinded and no fees shall be due under this subsection by reason of the petition under section 156(i)(1) of title 35, United States Code, pursuant to which the Director provided the notice.

(5) PAYMENT OF FEE.—The extension of a patent term of which notice is provided under paragraph (3) shall not become effective unless the patent holder pays the fee required under paragraph (2) not later than 60 days after the date on which the notice is provided.

(6) FEE PAYMENT NOT AVAILABLE FOR OBLIGATION.—Fees received under this subsection are not available for obligation.

(7) DIRECTOR DEFINED.—Except as otherwise provided, in this subsection, the term “Director” means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any application—

(A) that is made on or after the date of the enactment of this Act; or

(B) that, on such date of enactment, is pending before the Director or as to which a decision of the Director is eligible for judicial review.

(2) TREATMENT OF CERTAIN APPLICATIONS.—In the case of any application described in paragraph (1)(B), the 5-day period prescribed in section 156(i)(1) of title 35, United States Code, as added by subsection (a) of this section, shall be deemed to begin on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.



## GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

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

Madam Speaker, I rise in support of H.R. 6344, the Responsive Government Act of 2008, bipartisan legislation with strong support on both sides of the aisle.

The bill consists of three major components, each of which has, in substance, previously passed the House on the suspension calendar.

Section 2 of the bill takes into account the practical realities of a natural disaster or other emergency situation where compliance with filing deadlines or other court rules would be impracticable, dangerous, or simply impossible.

In emergency situations, such as those which occurred during, and in the aftermath of, Hurricane Katrina, this section of the bill would provide the Chief Judge of the affected District Court or Court of Appeals with the authority to excuse a failure of litigants or the U.S. Government to comply with filing deadlines.

Section 3 grants similar authority to the Patent and Trademark Office to excuse failures to comply with filing deadlines caused by a natural disaster or other emergency.

Section 4 of the bill also involves a grant of authority to the Director of the Patent and Trademark Office to excuse specific late filings—this time, in connection with unintentional human error.

Section 4 would provide the USPTO with the authority to accept an application for patent term restoration under the Hatch-Waxman Act if that application is filed within 3 business days of the existing 60-day deadline.

This small but important change simply gives the USPTO discretion to accept a late application, within a limited time period, under specific conditions. This change is both good patent policy and good for public health.

Under current law, the 60-day deadline is absolutely rigid, and the consequences of that rigidity can be draconian and harshly disproportionate.

Up to 5 years of patent protection can be destroyed on account of a minor, inadvertent filing error of as little as 1 day.

This penalty is not merely disproportionate and excessive, it is also out of sync with most other patent laws and regulations, which typically give the USPTO Director the authority to excuse minor errors.

For instance, currently, if an applicant files an incomplete Hatch-Waxman application, the USPTO can grant up to 2 extra months to correct the application.

H.R. 6344 would eliminate this dichotomy, bringing the deadline provision of Hatch-Waxman into greater harmony with other relevant patent laws and regulations.

Moreover, H.R. 6344 would save lives. The reality is that the unnecessary forfeit of years of patent rights for drugs can have an extremely damaging effect on patients.

When the existing rigid deadline operates to strip away up to 5 years of patent protection, it significantly reduces the likelihood of the research and innovation that a full patent term would encourage.

This is not just a theoretical problem. A small U.S. maker of Angiomax, a blood thinner, stands to lose 4½ years of patent protection as a result of inadvertently filing its Hatch-Waxman application for patent term restoration 1 day late.

Angiomax is considered the best alternative to heparin in coronary angioplasties, and shows great promise with respect to open heart surgery and the treatment of stroke and peripheral artery disease.

Public health and safety pushes us to promote effective substitutes for heparin, such as Angiomax.

Earlier this year, contamination problems in Chinese manufacturing plants, where heparin is made from pig intestines led to 81 patient deaths.

Even apart from problems of contamination, thousands of people die every year from adverse reactions to heparin.

At this moment, when the serious shortcomings of heparin have come into bold relief, we have rightfully turned our attention to adjusting a flawed patent provision in a manner that can improve and even save the lives of large numbers of sick patients for years to come in this and other instances.

Taken together, the three components of this bill—the discretion provided in cases of emergency and the discretion provided in the case of unintentional human error—are all sound public policy, and have justifiably attracted bipartisan backing.

This bill is not inconsistent with, nor does it detract from, other legal authorities.

I urge my colleagues to support this important legislation.

Madam Speaker, I am pleased now to yield such time as he may consume to the author of this measure, the gentleman from Massachusetts (Mr. DELAHUNT), who has worked tirelessly to make sure that this measure arrives on the floor for consideration today.

Mr. DELAHUNT. Thank you, Mr. Chairman, for yielding the time.

Madam Speaker, I rise in strong support of H.R. 6344.

This is an extremely important bipartisan measure that combines sound judicial policy with rational patent law and good public health policy. The bill is aptly named Responsive Government Act because through its provisions, Congress provides the judicial and executive branches with commonsense flexibility to ease certain administrative requirements which would otherwise result in undue hardship for diligent and well-intentioned individuals and entities.

The House has previously passed this proposal in either identical or similar language, and I should note under a suspension of the rules; however, the other body has failed to act in a timely manner, but I understand now the other body is prepared to proceed expeditiously.

Let me describe the measure.

Sections 2 and 3 provide the Federal courts and the Director of the Patent

and Trademark Office, respectively, with needed emergency authority to toll or delay judicial proceedings or statutory deadlines in the event of a natural disaster or other emergency situation which makes it impractical for parties, including the United States, to comply with certain filing conditions or, to the extent deemed necessary, to protect the rights and privileges of people affected by certain emergencies or a major disaster.

We recently all too often have observed how the ravages of natural disasters disrupt the lives of our fellow citizens, which can impede the ability to comply with strict statutory deadlines. Thus the Responsive Government Act provides critical flexibility to the courts and the PTO to help ameliorate the practical difficulties caused by these emergency situations.

Finally, section 4 provides the PTO Director with the discretion to accept an application for a patent term extension filed not later than 3 days after the expiration of the 60-day period in title XXXV of the U.S. Code, provided the Director determines that the delay in filing the application was unintentional.

This provision corrects an anomaly in the patent law and provides the PTO with the discretion to excuse minor filing errors, discretion it already has in most circumstances. As the PTO has testified to Congress in the past, it would bring this provision of law in line with over 30 other patent laws and regulations. It would prevent the inappropriate sacrifice of valuable earned patent rights. More importantly, this adjustment would promote important clinical research that can benefit the lives of seriously ill patients. This provision has the support of leading medical researchers and practitioners across the Nation.

It addresses a particular section of the Hatch-Waxman Act that provides a patent holder with up to 5 years of restored patent protection for time lost while awaiting FDA approval. This extra time is critical because for many highly innovative medicines, as research continues even after the drugs have been approved and released to market for a particular use. Many of these medicines have additional, potentially lifesaving uses that would not be discovered without further research, which is made possible by the years of patent protection beyond the drug's initial release.

I note the presence here of our friend the delegate from the Virgin Islands, who I am sure will speak to this measure, but I would commend to all of our colleagues a review of her commentary that appeared some time ago describing one drug in particular and what it means for medical research and for practicing physicians such as herself.

By removing the unnecessary barriers to medical research, section 4 of this act will promote research into modern, safer, and more effective medicines, saving lives and reducing burdening costs to our health care system.

□ 1530

In closing, I want to commend Chairman CONYERS, Ranking Member LAMAR SMITH, and our distinguished Chair of the Intellectual Property Subcommittee, Mr. BERMAN, for their outstanding work in preparing the Responsive Government Act of 2008, and urge that my colleagues approve this helpful and necessary measure.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

I rise in support of H.R. 6344, the Responsive Government Act of 2008, and urge my colleagues to adopt it today. There are three major components to the bill. First, the legislation authorizes Federal courts to toll or otherwise delay deadlines outside of their statutorily defined geographic domains during times of emergency. The text is identical to that of H.R. 3729 from the 109th Congress, passed on July 17, 2006, by a voice vote under suspension of the rules.

The need for this legislation became apparent following the terrorist attacks of September 11, 2001, and the impact that these disasters had on court operations, in particular in New York City.

In emergency conditions, a Federal court facility in an adjoining district or circuit might be more readily and safely available to court personnel, to litigants, to jurors, and the public, than a facility at a place of holding court within the district. This is particularly true in major metropolitan areas, such as New York, Washington, DC, Dallas, and Kansas City, where the metropolitan areas include part of more than one judicial district.

This reform is also needed to address natural disasters. The impact of Hurricane Katrina on the Federal courts in Louisiana, Alabama, and Mississippi once again demonstrated the importance of congressional action on this proposal.

Where court operations cannot be transferred to other divisions within the affected judicial district due to widespread flooding or other destruction, judges must be empowered to shift court proceedings temporarily into a neighboring judicial district.

The advent of electronic court record systems will facilitate implementation of this authority by providing judges, court staff, and attorneys with remote access to case documents.

Secondly, the bill allows the PTO director to waive various patent and trademark filing requirements during emergencies. This text is identical to that of H.R. 4742 from the 109th Congress, passed on December 5, 2006, by voice vote under suspension of the rules.

The devastation caused by Hurricane Katrina in the gulf region affected the ability of applicants, patentees, trademark holders, and other interested parties to do business with the Patent and Trademark Office. Despite its best efforts to date, the PTO needs additional

authority to provide individuals and businesses with relief from certain statutory deadlines, especially those pertaining to the maintenance of patents and trademarks.

Pursuant to the bill, the PTO may waive statutory provisions governing the filing, processing, renewal, and maintenance of patents, trademarks, and applications to the extent the director deems necessary to protect the rights and privileges of applicants and other persons affected by an emergency or major disaster.

Third, the bill grants the PTO director discretionary authority to accept a late-filed application for patent term extension in certain cases if the application is filed not later than 3 business days after statutory deadline and the applicant files a petition within 5 business days of the deadline that shows that the delay was unintentional.

This provision is similar to legislation, H.R. 5120, which passed the House by voice vote under suspension of the rules as part of S. 1785, the Vessel Hull Design Protection Amendments of 2005. That passed on December 6, 2006.

Madam Speaker, this is a good bill. It helps Federal litigants, inventors, trademark holders, and other interested parties to maintain their rights under adverse conditions. I urge Members to support the bill, but I am intrigued by the name of the bill, the Responsive Government Act of 2008. One would think that this government could be responsive to the tremendous problem we have with high energy costs in this country, not just gas prices, but home heating oil, the cost of electricity, natural gas.

So with just one week left before the July 4 break, we would hope that the Democrat majority would be willing to bring a bill to the floor, something that is meaningful to provide some solutions to increase the supply of American-made energy and lower gas prices. Perhaps next time we won't leave town if the price of gasoline is \$5 a gallon. The way it's going, that may be the case. We shouldn't wait for that. We should act now.

So we should have another Responsive Government Act of 2008, one that responds to the needs and concerns of the American people. Americans are paying, all Americans are paying, on average, about \$1.74 more for a gallon of regular unleaded gasoline than they were on the day that the Democrats took over this House, promising a new, commonsense approach to energy that would not only stop increases, but bring it down. Unfortunately, just the reverse has been the case.

Perhaps we could work together somehow, agreeing that America has never been afraid of the future. America has always embraced the future and America has used technology here in the United States to surmount obstacles. It seems strange that we would have American technology now being used in waters off of Brazil to explore where they have just found the largest

single oil find in the last 25 years. There are some that suggest that Brazil will now be energy-independent. They won't even have to use the ethanol they produce from their sugar because of this find. If the Congress of the United States had controlled Brazil, they wouldn't have been able to find it, because it's offshore.

Last week, I remind my colleagues, the Democrat leadership had time to schedule legislation to prohibit the interstate sale and transfer of monies, but they apparently didn't have enough time to listen to the large majority of Americans who support more U.S. energy production.

The new Fox News poll shows that 76 percent of Americans support immediate efforts to drill more in the United States in order to boost American energy production and help lower record prices. There's only one thing standing in the way of this Congress. If we are to be truly responsive, in addition to this fine bill that we are voting on today, ought we not also respond to the most immediate concern of Americans in every State, in every congressional district, and do something about the supply of American-made energy and lower gas prices.

The response is not, as my friend on the other side said, all we need to do is sue a little bit more. If we can have a few more people and a few more courts, and sue, that will somehow solve the problem. No. The answer is increase the supply of American-made energy and lower gas prices right now. That is what the American people are asking for.

So as I rise in support of the Responsive Government Act of 2008, I would hope we would have another Responsive Government Act, one that will be responsive to the concerns expressed by the American people.

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

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

We are in a spirit of bipartisanship and we are reaching out. Let's not nationalize the oil companies. We agreed on that. Let's go from shale to coal and let's go into all the alternatives. We are all for that. No suing. Drill, drill, drill. No sue, no sue, no sue.

Now we are getting down to the 41 million acres of leased oil, and he knew I was going to bring that up, that have been unused, and I don't know how to make those oil companies drill and find out if there's anything there or not. Maybe they don't want to know. Maybe they do want to know but they don't have the machinery or equipment.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield?

Mr. CONYERS. Maybe there's a technological problem that is beyond the understanding of we mere mortals on Judiciary.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield, as I yielded to him?

Mr. CONYERS. Yes. The gentlemen yielded to me, so I will yield to him.

Mr. DANIEL E. LUNGREN of California. I thank the chairman.

In response to the question, I am sure the gentleman may be aware of the fact that 52 percent of the exploratory wells that were drilled by American companies in America over the last 5 years were dry wells. So, in some cases, they have taken leases on land offshore, and that has proven not to be a successful well.

The problem is that those that have the greatest prospect for yielding real petroleum and natural gas have been prohibited by this Congress. As the gentleman may know, they pay for those leases. They continue to pay for those leases. I have not heard anybody on this floor accuse the oil companies of paying for something for nothing. They pay for those leases. There is a limit on the time that they can have those leases when they do not produce them.

So, in all cases, they have made judgments as to whether or not the leases they have are yielding leases, and in many cases, 52 percent, they have tried to find oil, and they haven't found it.

So I thank the gentleman for yielding. I appreciate his courtesy.

Mr. DELAHUNT. Would the chairman yield?

Mr. CONYERS. You know, we had a hearing on this subject. The oil execs of the five companies came before us. In the other body, three of them told us how much they made. As you know, they make the top profits of any executives in business, short of the pharmaceuticals, of course. I don't want to short them. We found out that two of them couldn't even remember how much they made.

Look; salaries, options, stock, bonus. Who knows what else. I hope my dear friend from California will join me on the letter that I am sending to the two, referring them to look up their accountant, because I know they paid their taxes on April 15, and just give us a ballpark figure of how much they made. If the gentleman will join me in this consideration, I'd be very grateful.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I thank the Chair. It's seldom that my dear friend from California errs, but I would point out that the 41 million acres that the Chair of the committee alluded to is actually 41 million acres under water. According to the latest statistics, that represents some 80 percent of the proven reserves that are available in terms of offshore waters.

So I don't know where the gentleman gets his statistics, but I would think after we pass this Responsive Government Act, that we could sit down and work out some legislation that would rescind those leases that are currently being banked by leaseholders and the consequences of which are reducing the supply of oil and gas so that as the demand increases, naturally the price explodes.

We cannot afford to have given away our natural resources to major oil companies and have them sit on it and do absolutely nothing, because the gentleman is right, and he well knows it, that the American people are hurting.

□ 1545

There is legislation I know that the dean of the Massachusetts delegation, Congressman MARKEY, has either filed or is preparing to file, and I am sure that he would welcome my good friend the former Attorney General of California to be an original cosponsor.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a leader in universal health care activities.

Mrs. CHRISTENSEN. Madam Speaker, I thank Chairman CONYERS for yielding, and I rise in support of H.R. 6344, the Responsive Government Act of 2008.

Before I speak to that bill, I also want to register my support for the previous bill, H. Res. 1293, which honors the memory of the three brave young men, Andrew Goodman, James Chaney and Michael Schwerner, who gave their lives to ensure that the right to vote would be guaranteed to every American. We thank them and their families for their service and their sacrifice.

Among its provisions, the Responsive Government Act of 2008 will make a minor but important amendment to the landmark Hatch-Waxman Act patent act of 1984. This act of 1984 has done much to make medicine available and more affordable for countless people in this country. Inadvertently though, in patent term restoration, there is an inflexible deadline provision which has the potential to limit the good that the act can do.

Within H.R. 6344 is a provision which will grant discretion to the Patent and Trademark Office to excuse minor filing errors as is the case with other patents. This will ensure that needed medication that treats sometimes life-threatening illnesses, like Angiomax and others, will be more readily available, while continuing to ensure patent protections.

This is an issue I have worked on as Chair of the Health Braintrust of the Congressional Black Caucus, and I am glad that it is on the floor for passage today. I applaud my colleague from Massachusetts, Mr. DELAHUNT, for his work on this bill, and the Chair and ranking member of the committee for their leadership, and I urge my colleagues to pass H.R. 6344.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 6344 the "Responsive Government Act of 2008. This bill is important because it liberalizes the technical filing requirements in judicial proceedings in the event of a disaster or other emergency situation. The bill provides flexibility in both criminal and civil matters, including patents. I urge my colleagues to support this bill.

Hurricane Katrina was the costliest and one of the deadliest hurricanes in the history of the

United States. It was the sixth-strongest Atlantic hurricane ever recorded and the third-strongest hurricane on record that made landfall in the United States. Katrina formed on August 23 during the 2005 Atlantic hurricane season and caused devastation along much of the north-central gulf coast of the United States. Most notable in media coverage were the catastrophic effects on the city of New Orleans, Louisiana, and in coastal Mississippi. Due to its sheer size, Katrina devastated the gulf coast as far as 100 miles from the storm's epicenter.

The images of the detriment and devastation remain deeply etched in my mind and much of the remnants of the tragedy still remain in those communities today. The storm surge caused severe and catastrophic damage along the gulf coast, devastating the cities of Bay St. Louis, Waveland, Biloxi/Gulfport in Mississippi, Mobile, Alabama, and Slidell, Louisiana and other towns in Louisiana. Levees separating Lake Pontchartrain and several canals from New Orleans were breached a few days after Hurricane Katrina had subsided, subsequently flooding 80 percent of the city and many areas of neighboring parishes for weeks. In addition, severe wind damage was reported well inland.

This commonsense bill recognizes that deadlines in judicial proceeding need to be relaxed when there are natural disasters and emergencies. I support the bill.

Specifically, the bill provides federal courts with needed emergency authority to toll or delay judicial proceedings in the event of a natural disaster or other emergency situation in which courts are closed, making it impracticable for parties, including the United States, to comply with certain filing deadlines.

Section 3 of the bill provides authority to the Director of the Patent and Trademark office to waive statutory provisions governing patents, trademark registrations and applications to the extent the Director deems necessary to protect the rights and privileges of people affected by certain emergencies or a major disaster.

The Responsive Government Act provides essential flexibility to the courts and the PTO to help ameliorate the practical difficulties caused by these emergency situations.

Finally, Section 4 provides the Director of the Patent and Trademark Office with the discretion to accept an application for a patent term extension filed not later than three days after the expiration of the 60-day period in Title 35 U.S.C. 156, provided the Director determines that the delay in filing the application was unintentional.

This provision, which corrects an anomaly in the patent law, will provide needed flexibility to the PTO to excuse minor filing errors and will promote important clinical research that can benefit the lives of seriously ill patients. This provision has the support of leading medical practitioners across the Nation.

This bill is common sense. It relaxes the technical filing requirements during times of disaster or emergency. Given the disaster and tough times that we have faced within the last 8 years, with disasters such as Hurricanes Rita and Katrina, and the tragic events of 9/11, Congress needs to have a sensible response to these events. Litigants and patentees should not be penalized because of force majeure and other events beyond their control.

Because this bill is sensible, responsible legislation, I urge my colleagues to support this bill.

Mr. CONYERS. Madam Speaker, I yield back any time we have remaining.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6344.

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

A motion to reconsider was laid on the table.

## PRE-DISASTER MITIGATION ACT OF 2008

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6109) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6109

*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 "Pre-Disaster Mitigation Act of 2008".

### SEC. 2. PRE-DISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

"(f) ALLOCATION OF FUNDS.—

"(1) BASE AMOUNT.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

"(A) shall be not less than the lesser of—

"(i) \$575,000; or

"(ii) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year; and

"(B) shall be subject to the criteria specified in subsection (g).

"(2) COMPETITIVE PROGRAM.—Other than the amounts described in paragraph (1), financial assistance made available to a State (including amounts made available to local governments of the State) under this section shall be awarded on a competitive basis subject to the criteria in subsection (g).

"(3) MAXIMUM AMOUNT.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year shall not exceed 15 percent of the total amount of funds appropriated to carry out this section for the fiscal year."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of such Act (42 U.S.C. 5133(m)) is amended to read as follows:

"(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2009, 2010, and 2011."

(c) REFERENCES.—Section 203 of such Act (42 U.S.C. 5133) is amended—

(1) in the section heading by striking "PREDISASTER" and inserting "PRE-DISASTER";

(2) in the subsection heading for subsection (i) by striking "PREDISASTER" and inserting "PRE-DISASTER";

(3) by striking "Predisaster" each place it appears and inserting "Pre-Disaster"; and

(4) by striking "predisaster" each place it appears and inserting "pre-disaster".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6109.

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

There was no objection.

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

Madam Speaker, I rise and ask the House to support H.R. 6109, as amended, the Pre-Disaster Mitigation Act of 2008. I want to especially thank Chairman OBERSTAR and Ranking Member MICA, and my own subcommittee ranking member, Congressman GRAVES, for their very strong, bipartisan support of this essential bill.

H.R. 6109, the Pre-Disaster Mitigation Act of 2008, reauthorizes the Pre-Disaster Mitigation program for 3 years. The bill authorizes grants to States awarded on a competitive basis, except that each State, and this is important, each State receives a statutory minimum of \$557,000 or 1 percent of the funds appropriated, whichever is less. In this way, the bill increases the minimum amount that each State can receive under the program from \$500,000 to \$575,000 and codifies the competitive selection process of the program, as currently administered by FEMA. The bill authorizes \$250 million for each of fiscal years 2009 through 2011 for the Pre-Disaster Mitigation program.

The PDM program was first authorized in the Disaster Mitigation Act of 2000. The program, administered by FEMA through its Mitigation Division, is authorized under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which we call the Stafford Act, of course. Pursuant to section 203(m) of the Stafford Act, the PDM program terminates on September 30 of this year unless Congress reauthorizes the program.

This program provides cost-effective technical and financial assistance to State and local governments, which on the basis of a study of the effects of this quite new program, we now know reduces injuries, loss of life and damage to property caused by natural disasters. It provides grants to the States, territories, tribal governments and local communities on a competitive basis.

According to the CBO, on average future losses are reduced by about \$3

measured in discounted present value for each \$1 spent on these projects, including both Federal and non-Federal spending.

Madam Speaker, this is not a program which we have lightly authorized. We learned some lessons from Katrina. We have learned lessons, I believe, Madam Speaker, this week when entire sections of our country are being ravaged by flooding.

This amount of money we do not pretend will allow pre-disaster programs to be undertaken for every event that can be expected. What it does do is to draw to the attention of local and State governments to what they and what we should be doing to reduce our own liability from particularly these natural disasters.

Whenever a disaster occurs, Madam Speaker, this Congress will do what it must do. It will step up and do what we are doing in Louisiana. We do not pretend that the worst disaster in recorded United States history could have somehow been even perhaps mitigated by these funds, but we do believe that Katrina tells the story that every bit of mitigation you do, \$3 for every \$1 invested, says CBO, saves, first of all, lives, and then, of course, saves the investment that we ourselves will be required to make, and as Americans, we can say will make, in the event of a disaster.

We all owe it to the country and to our local jurisdictions to use this money strategically and wisely so that it has the greatest effect, given the amount available.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 6109, which reauthorizes the successful Pre-Disaster Mitigation program for the next 3 years. The Pre-Disaster Mitigation program was originally authorized by the Disaster Mitigation Act of 2000 as a pilot program to study the effectiveness of mitigation grants given to communities before disaster strikes. Prior to the creation of the Pre-Disaster Mitigation program, hazard mitigation primarily occurred after a disaster through FEMA's Hazard Mitigation Grant Program. Every disaster costs us in damage to homes, businesses and infrastructure, and potentially in the loss of lives.

The Pre-Disaster Mitigation program prevents damage and destruction by helping communities to act proactively through projects that reduce the cost and limit the adverse impacts of future disasters.

With FEMA's assistance, local governments identify cost-effective mitigation projects, which are awarded on a competitive basis. Since its inception, mitigation programs have helped local communities save lives and reduce property damage through a wide range of mitigation projects, such as home elevations, buyouts, improved shelters and warning systems.

In 2005, the National Institute of Building Sciences issued a study that conclusively demonstrated Federal mitigation programs saved the Federal Government money. Specifically, the study found that for every dollar spent on mitigation, the American taxpayer saves over \$3 in Federal disaster payments.

Mitigation projects also are intended to save lives, and this year's record tornado season underscores the importance of lifesaving warning sirens. Given the tremendous destructive power of tornadoes, you can't mitigate against property damage, but you can mitigate the loss of life with a warning system. I particularly want to thank Chairwoman NORTON for including report language clarifying that Congress intended tornado warning sirens to be funded in this program.

At this point I would like to read a paragraph from the committee report on this subject:

"The Committee notes the clear purpose of the Pre-Disaster Mitigation program to reduce injuries, loss of life, and damage to property from natural disasters and the program's broad statutory authority to provide Federal assistance for projects, such as tornado warning sirens, which serve this purpose. Given the sudden nature and extreme destructive power of tornadoes, the Committee believes warning sirens are a cost-effective measure for mitigating injuries and loss of life from tornadoes. The Committee believes that Section 203 of the Stafford Act clearly authorizes mitigation assistance for tornado warning sirens."

I believe this language makes it perfectly clear that Congress intended tornado warning sirens to be an eligible project under the Pre-Disaster Mitigation program and Congress expects the Federal Emergency Management Agency to administer the program accordingly.

In conclusion, mitigation works. It saves lives, limits future damage, and reduces Federal disaster costs. The Pre-Disaster Mitigation program is a worthy program, and I look forward to working with Chairwoman NORTON to reauthorize it this year.

I urge my colleagues to support the bill.

I yield back the balance of my time.

□ 1600

Ms. NORTON. Madam Speaker, it is a special pleasure and honor to introduce the Chair of the full committee whose knowledge and work long before this bill finally came forward in the form of an actual bill has been seminal to the act before us today, the chairman of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentlewoman for yielding. And I want to compliment Chairwoman Norton for the splendid work she has done chairing the subcommittee, holding hours of hearings on the Pre-Disaster Mitigation program and on various as-

pects of FEMA's programs that have unfolded in the aftermath of Hurricane Katrina. She has rendered enormous service to the country, to the people of flood prone, disaster prone areas of the country through these hearings and done a superb job. And to Mr. GRAVES, the ranking member of the subcommittee, and Mr. MICA who has fully participated in the shaping of this legislation. It is truly a bipartisan initiative, but one that goes back a very long time.

It was in 1988, then the Committee on Public Works and Transportation authorized FEMA's Hazard Mitigation Program. We thought then this was a very important initiative to provide grants to communities so that they could put in place initiatives, whether structures or nonstructural approaches to protecting communities and individuals, businesses, residences against the hazards of flood, tornado, hurricane and, in our northern tier, excessive snowfall.

The idea was to build better after a disaster and be better prepared for the next time around. But that idea evolved over time, and it was in the mid 1990s that then James Lee Witt, the administrator of FEMA, conceived the idea of taking hazard mitigation a step further to pre-disaster mitigation. He called it Project Impact.

He came up to the committee, now the Committee on Transportation and Infrastructure, to meet with then Chairman Bud Shuster and me as the ranking member to discuss Project Impact, saying that we can save money, as the gentlewoman, the minority leader for this afternoon, has indicated, that we can save money by protecting against what we know will be hazards, disasters happening in the future. And so the committee crafted in 2000 the Pre-Disaster Mitigation program in our FEMA disaster Hazard Mitigation Program.

Out of that program was allocated to the City of Seattle \$50 million to strengthen structures in the city against the possibility of earthquake. The city invested some \$50 million in strengthening public structures, public buildings, public roadways, and private structures as well. And then they had an earthquake. After the effects of the earthquake had been analyzed, FEMA estimated that the Pre-Disaster Mitigation investments saved \$500 million in what would have been damaged public and private structures alike, tenfold the value of the investment.

The program then was further extended as the Committee on Transportation and Infrastructure continued its work. I remember subsequent Chairman Don Young saying so often: Yes, we have to be prepared. FEMA is in the Department of Homeland Security and has to be part of protecting against the security threat to the United States. We don't know when it will come. We know that we have to be prepared. But we do know that every year, said Chairman Young, there are going to be

hurricanes, there is going to be a flood, there is going to be whiteouts, there is going to be an earthquake, and we need to continue this program. So with bipartisan support, we have extended the program.

In the aftermath, one of the best examples was the town of Valmeyer, Illinois, devastated in the 1993 Mississippi River flood. For \$45 million in Federal, State, and local funding and Pre-Disaster Mitigation, the town was simply relocated to bluffs 400 feet above the site of the former town. This year, as the Mississippi overflowed its banks in many places along its course from southern Minnesota through Iowa, the Chicago Tribune ran a story entitled, "Valmeyer, Illinois, Soaked in '93, Town Now High and Dry." Quoting a resident, Eleanor Anderson, 86 years old, home destroyed in the 1993 flood, said, "I am sure glad I don't have to worry now that we are high enough here on the hill." That is a reasonable investment of public funds.

Story County, Iowa, in 1990, 1993 and 1996, homes were flooded out. Finally, in 1996, with Pre-Disaster Mitigation Funds, those six homes were bought out and moved out. And in 1998 when the floods struck, FEMA estimated that the Federal and State and local governments saved \$541,900 in what would have been damages to restore those homes.

In my own district, in 1999, on the eve of July 4, on July 3, straight-line winds called a derecho of 100 miles an hour in a swath 15 miles wide swept through the Superior National Forest, the Boundary Waters Canoe area on the U.S.-Canadian border, and blew down 26 million trees, 3 years' worth of timber harvest for the whole State of Minnesota, creating an enormous hazard for fire to local residents. In the area outside of the wilderness, trees had to be subjected to salvage logging to clear out a way from homes, from resorts, and from outfitter buildings.

Following up, FEMA came to the area and said, with Pre-Disaster Mitigation funds, we propose a 75/25 participation to install sprinkler systems around all the homes and all the businesses in the Gunflint Trail area to protect against the potential, the very real potential of future fire. Almost every resident and business participated in the program, and about 96 percent of the people maintained their sprinkler systems. Then last year, in April of 2007, a fire broke out. Careless campers left the site of their camping and a wind came up and blew it into what eventually became a 75,000 acre fire. The homes that had the sprinkler systems, the buildings that were protected with the sprinkler systems were unscathed. Those that weren't, 147 of them, burned.

Pre-Disaster Mitigation saves lives, saves property, saves costs. It is a sound investment in the future. We have authorized in this legislation the program for an additional 3 years at \$250 million each for fiscal 2009 through

2011. The chair of the subcommittee, the gentlewoman from the District of Columbia (Ms. NORTON) has outlined all of the specifics of the bill; I need not go into them.

I simply speak to reinforce the specific examples the benefits of the Pre-Disaster Mitigation program. It is a sound investment in the future of this country for all of us as we are subjected to increasing amounts of disaster from natural causes.

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

The SPEAKER pro tempore (Mrs. DAVIS of California). The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6109, as amended.

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

A motion to reconsider was laid on the table.

#### OLD POST OFFICE BUILDING REDEVELOPMENT ACT OF 2008

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5001) to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5001

*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 "Old Post Office Building Redevelopment Act of 2008".

##### SEC. 2. OLD POST OFFICE BUILDING DEFINED.

In this Act, the term "Old Post Office Building" means the land, including any improvements thereon and specifically including the Pavilion Annex, that is located at 1100 Pennsylvania Avenue, NW., in the District of Columbia, and under the jurisdiction, custody, and control of the General Services Administration.

##### SEC. 3. FINDINGS.

Congress finds the following:

(1) For almost a decade the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure of the House of Representatives has expressed considerable concern about the waste and neglect of the valuable, historic Old Post Office Building, centrally located in the heart of the Nation's Capital on Pennsylvania Avenue, and has pressed the General Services Administration to develop and fully use this building.

(2) The policy of the Government long has been to preserve and make usable historic properties rather than sell them for revenue.

(3) Security concerns related to this property's proximity to the White House may hinder the sale of the Old Post Office Building to a private party.

(4) On December 28, 2000, the General Services Administration, pursuant to Public Law 105-277, submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the

Senate a plan for the comprehensive redevelopment of the Old Post Office.

(5) The Committee on Transportation and Infrastructure approved the redevelopment plan on May 16, 2001, and the Committees on Appropriations and Environment and Public Works approved the plan on June 15, 2001.

(6) The General Services Administration issued a Request for Expression of Interest in 2004 for developing the Old Post Office Building that generated a healthy, private sector interest, but the General Services Administration has failed to proceed with implementation of the approved redevelopment plan.

(7) Redevelopment of the Old Post Office Building will preserve the historic integrity of this unique and important asset, put it to its highest and best use, and provide a lucrative financial return to the Government.

##### SEC. 4. REDEVELOPMENT OF OLD POST OFFICE BUILDING.

(a) IN GENERAL.—The Administrator of General Services is directed to proceed with redevelopment of the Old Post Office Building, in accordance with existing authorities available to the Administrator and consistent with the redevelopment plan previously approved by the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate.

(b) RELOCATION OF EXISTING BUILDING TENANTS.—The Administrator is authorized, notwithstanding section 3307 of title 40, United States Code, and otherwise in accordance with existing authorities available to the Administrator, to provide replacement space for Federal agency tenants housed in the Old Post Office Building whose relocation is necessary for redevelopment of the Building.

##### SEC. 5. REPORTING REQUIREMENT.

(a) IN GENERAL.—The Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any proposed redevelopment agreement related to the Old Post Office Building.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed development agreement and a description of the material provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—Any proposed development agreement related to the Old Post Office Building may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of the report required under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

##### GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5001.

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

There was no objection.

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

I am pleased to rise in support of H.R. 5001, as amended, and to ask for the support of the House, a bill to direct the General Services Administration to redevelop the Old Post Office located on Pennsylvania Avenue, right in the center of the District of Columbia.

On January 16, 2008, I introduced H.R. 5001, the Old Post Office Development Act, to redevelop the nearly empty Old Post Office, a unique historic treasure which was once the post office of the Nation's capital located at 1100 Pennsylvania Avenue Northwest, owned by the Federal Government's GSA.

For more than ten years, our Subcommittee on Economic Development, Public Buildings, and Emergency Management has expressed continuing and mounting concern about the neglect and underutilization of this invaluable government site, and has pressed the GSA to develop and use this building to its full potential.

Madam Speaker, when I brought this bill to the full committee, Mr. OBERSTAR from whom we just heard on a prior bill and Ranking Member MICA lead what could only be called a round of hoorahs and hosannas that this bill was being brought forward.

More than 20 million visitors come. This building is so strategically placed that it is almost certain that constituents of Members have ventured into this extraordinary building which looks like just the kind of building that invites people on the outside, and then they come on the inside and they can't believe what they see. So the building is well known not only by our subcommittee but by the full committee. Worse, as I shall relate, is why it has not been brought forward.

The Old Post Office Building was completed in 1899. That makes it one of the oldest buildings here, and is certainly one of the oldest, perhaps the oldest, for which rehabilitation and preservation has not somehow begun or envisioned. This grand example of Romanesque revival occupies an entire city block. Because it was the main post office, it was strategically located for a purpose not as an historic building, but in the 19th century when that is how you built post offices.

The building was placed on the Historic Register in 1973, and remains one of the city's most unusual, interesting, and appealing landmarks. Part of the appeal of the Old Post Office Building also is its central location in the Federal Triangle, its proximity to many Federal historic sites not the least of them the White House which is a stone's throw from the Old Post Office. Our major metro lines converge there, and a host of restaurants and other amenities surround this location's major tourist site.

□ 1615

This bill is important for the city I represent, as well, but its importance



goes far beyond any particular district. This building belonged to the United States of America before there was any home rule in the District of Columbia.

When the Congress of the United States ran the District of Columbia, they saw fit to have a post office befitting the Nation's capital. You would have thought, particularly given the history of developing historic structures here, for which the GSA deserves special credit, that this building certainly, at some point in the 20th century, would have been rehabilitated.

Actually, this particular struggle started in 1998. Congress passed the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, and in that act our committee required the GSA to submit a development plan for the Old Post Office before any Federal funds could be used to convert the space. And on February 28, 2000, GSA did in fact, pursuant to law, submit such a plan as required.

Madam Speaker, no bill, and in my entire history on the committee, no bill has been necessary for this work. We don't trouble the Congress with this work. But it took a bill now 10 years ago just to get a plan. On May 16, 2001, the Committee on Transportation and the Infrastructure passed an additional resolution authorizing the development of the Old Post Office. So we come forward with bills that ordinarily are unnecessary because the GSA goes ahead and submits a prospectus that we approve, and that's it.

The GSA finally in 2005 did issue what we call a request for expression of interest. That's the way we do federal development in our subcommittee.

This is a priceless treasure. If you go to the inside of the building, you see it was built and looks now almost like a cavernous space, most of it is ceiling like this chamber, Madam Speaker, without the room to place for offices or the like. So in order to decide whether or not this was a property which the private sector thought could be developed, we required GSA to ask for expressions of interest.

The GSA received apparently many indications of interest from the private sector. But the agency has never proceeded to the next step. For that reason—and remember we are talking about 2005 when the request for expression of interest occurred—as has been required, every step along the way, a bill is going to be necessary to move the GSA to act and that is what H.R. 5001 does, so that this structure can in fact be utilized for the benefit of Federal taxpayers, for the benefit of visitors to the city, and of course for the benefit of the city as well.

The Congress may be curious as to why there would be any resistance. It is difficult to understand, Madam Speaker, considering that for three, almost four decades we have poured money into the Old Post Office because they didn't want to let it just stand there and get no revenue. So each year the Federal Government loses \$6 mil-

lion or \$7 million more than it takes in from the tiny agencies around the rim of the cave, as it were.

If you multiply that over many decades, you will understand that pouring renovations into a building that needed a complete makeover, while allowing a tiny agency here or there to occupy whatever space you could find, has resulted in the loss of billions of dollars to the Federal Government, when in fact we could have reversed that process, bringing billions of dollars of revenue for us, had we done what we did with the highly regarded Tariff Building, another one of the grand old buildings that stood here when I was a kid and where GSA has already shown it can make excellent use of otherwise antiquated and virtually useless structures.

What it did was to convert the old Tariff Building into the rarified, high priced Monaco Hotel, which sits across from the Portrait Gallery. That building quickly returned revenue to the Federal Government. The redevelopment of the Tariff Building shows what can be achieved when the Federal Government works with the private sector to redevelop a site that brings a return to the government, provides a safe and necessary facility for the city and for visitors, and importantly, preserves a priceless, truly priceless historic treasure.

Madam Speaker, our bill now has language that makes it impossible for the GSA to refuse to proceed, as it has done with our prior two bills. GSA is directed to proceed. We waived the prospectus. OMB is not implicated. And I should say for the record that I think the villain in the piece is OMB and not GSA. For reasons known only to itself, and some have said that they wanted to sell the building, even though there is a bipartisan "no" to, in fact, selling any historic structure in the United States. Whatever is the reason, it took a killing in front of the building when they had rented it out to a George Washington University student organization in order to get any movement on the bill, and now the Congress is going to have to make it impossible for OMB to keep GSA from proceeding or face contempt of Congress.

We also take away the excuse that there are agencies in the building. There are a couple of tiny agencies in the building, the kind of agencies that GSA can relocate on the back of an envelope because it relocates very large agencies all the time. Congress has done its homework. It is now time for the GSA to do its work and start bringing some revenue here from this historic structure and some pleasure for the many visitors who wander inside and are distressed by what they see.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 5001, the Old Post Office Building Redevelopment Act of 2008.

The bill would direct the General Services Administration to enter into an agreement to develop the Old Post Office building on Pennsylvania Avenue in accordance with its plan approved by the Committee on Transportation and Infrastructure in 2001. The bill would also authorize GSA to relocate the Federal agencies currently occupying the Old Post Office Building.

The management of Federal real property has been on the Government Accountability Office's high-risk list since 2003. One of the key issues the GAO has raised is the problem of unused and under-used Federal property.

Currently, the Old Post Office is under-used and has been for some time. Over the years, there have been many attempts to make better use of this historic building. The most recent attempt was made after Congress passed the Public Buildings Cooperative Use Act in 1976. This act, among other things, required GSA to encourage the public use of public buildings for "cultural, educational and recreational activities" and allowed Federal entities and commercial enterprises to share federally owned buildings.

Unfortunately, the mixed use of Federal and commercial space was not successful in this case. Today, there are only a handful of Federal agencies in this historic building on Pennsylvania Avenue, considered America's Main Street. This area of the city has undergone revitalization to help benefit and attract people who live, work and visit the Nation's capital. Allowing for the redevelopment and reuse of this important building will help to further the progress made in this area of the city.

Authorizing GSA to proceed with the full redevelopment of this building has the potential of being a win-win situation for the Federal Government, the taxpayers, and the local community. I support this bill, and I urge my colleagues to do the same.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5001, a bill to direct the redevelopment of the Old Post Office Building, which is not only a landmark in the Nation's capital, but a jewel of "America's Main Street," Pennsylvania Avenue. I commend the gentlewoman from the District of Columbia (Ms. NORTON) for introducing this legislation and for her work on this issue as Chair of the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

Completed in 1899, the Old Post Office building was intended to be the U.S. Post Office Department Headquarters building as well as the city's main post office. The Old Post Office building was awarded a place on the National Register of Historic Places in 1973. This Romanesque building is the second tallest structure and one of the first steel-frame buildings in the District of Columbia.

Despite the magnificence of this building and its extraordinary location, it has been difficult to develop this building to its fullest potential. A renovation of the Old Post Office began in 1977 as part of the redevelopment of Pennsylvania Avenue. In 1982, the General Services Administration, GSA, entered into a 55-year lease with a private sector developer

to lease and operate the Old Post Office building. The building was renovated as a multifunctional building that included office space, retail, and a food court. Unfortunately, this redevelopment effort was not successful because of high turnover among the retail businesses and low satisfaction among tenants. The original developer went into bankruptcy and the lender foreclosed on the leasehold.

Today, the Old Post Office building is an aging historical building that is inefficient, underutilized, and a financial drain on the Federal Building Fund. The building's large atrium and other factors contribute to the high costs of operating and maintaining the building.

The Committee on Transportation and Infrastructure has provided oversight and direction to GSA previously in attempts to foster the development of the Old Post Office, including requiring that GSA submit a viable development plan for the Old Post Office before any Federal funds be used to convert the space. Notwithstanding these efforts, the desired development has not occurred.

H.R. 5001, the "Old Post Office Building Redevelopment Act of 2008", authorizes the Administrator of General Services to enter into an agreement to redevelop the Old Post Office Building in a manner that is beneficial to the Federal Government. This bill will not only help spur the redevelopment of this building but also help ensure that the taxpayers get the fullest return from this historic and treasured structure.

I urge my colleagues to join me in support of H.R. 5001, the "Old Post Office Building Redevelopment Act of 2008."

Mrs. DRAKE. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I have no further requests for time, so I too am prepared to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5001, as amended.

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

A motion to reconsider was laid on the table.

□ 1630

#### RAW SEWAGE OVERFLOW COMMUNITY RIGHT-TO-KNOW ACT

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2452) to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2452

*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 "Sewage Overflow Community Right-to-Know Act".

#### SEC. 2. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(25) **SANITARY SEWER OVERFLOW.**—The term 'sanitary sewer overflow' means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include municipal combined sewer overflows or other discharges from a municipal combined storm and sanitary sewer system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the United States, overflows or releases of wastewater in the United States that do not reach waters of the United States, and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

"(26) **TREATMENT WORKS.**—The term 'treatment works' has the meaning given that term in section 212."

#### SEC. 3. MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(r) **SEWER OVERFLOW MONITORING, REPORTING, AND NOTIFICATIONS.**—

"(1) **GENERAL REQUIREMENTS.**—After the last day of the 180-day period beginning on the date on which regulations are issued under paragraph (4), a permit issued, renewed, or modified under this section by the Administrator or the State, as the case may be, for a publicly owned treatment works shall require, at a minimum, beginning on the date of the issuance, modification, or renewal, that the owner or operator of the treatment works—

"(A) institute and utilize a feasible methodology, technology, or management program for monitoring sewer overflows to alert the owner or operator to the occurrence of a sewer overflow in a timely manner;

"(B) in the case of a sewer overflow that has the potential to affect human health, notify the public of the overflow as soon as practicable but not later than 24 hours after the time the owner or operator knows of the overflow;

"(C) in the case of a sewer overflow that may imminently and substantially endanger human health, notify public health authorities and other affected entities, such as public water systems, of the overflow immediately after the owner or operator knows of the overflow;

"(D) report each sewer overflow on its discharge monitoring report to the Administrator or the State, as the case may be, by describing—

"(i) the magnitude, duration, and suspected cause of the overflow;

"(ii) the steps taken or planned to reduce, eliminate, or prevent recurrence of the overflow; and

"(iii) the steps taken or planned to mitigate the impact of the overflow; and

"(E) annually report to the Administrator or the State, as the case may be, the total number of sewer overflows in a calendar year, including—

"(i) the details of how much wastewater was released per incident;

"(ii) the duration of each sewer overflow;

"(iii) the location of the overflow and any potentially affected receiving waters;

"(iv) the responses taken to clean up the overflow; and

"(v) the actions taken to mitigate impacts and avoid further sewer overflows at the site.

"(2) **EXCEPTIONS.**—

"(A) **NOTIFICATION REQUIREMENTS.**—The notification requirements of paragraphs (1)(B) and (1)(C) shall not apply a sewer overflow that is a wastewater backup into a single-family residence.

"(B) **REPORTING REQUIREMENTS.**—The reporting requirements of paragraphs (1)(D) and (1)(E) shall not apply to a sewer overflow that is a release of wastewater that occurs in the course of maintenance of the treatment works, is managed consistently with the treatment works' best management practices, and is intended to prevent sewer overflows.

"(3) **REPORT TO EPA.**—Each State shall provide to the Administrator annually a summary of sewer overflows that occurred in the State.

"(4) **RULEMAKING BY EPA.**—Not later than one year after the date of enactment of this subsection, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations to implement this subsection, including regulations to—

"(A) establish a set of criteria to guide the owner or operator of a publicly owned treatment works in—

"(i) assessing whether a sewer overflow has the potential to affect human health or may imminently and substantially endanger human health; and

"(ii) developing communication measures that are sufficient to give notice under paragraphs (1)(B) and (1)(C); and

"(B) define the terms 'feasible' and 'timely' as such terms apply to paragraph (1)(A), including site specific conditions.

"(5) **APPROVAL OF STATE NOTIFICATION PROGRAMS.**—

"(A) **REQUESTS FOR APPROVAL.**—

"(i) **IN GENERAL.**—After the date of issuance of regulations under paragraph (4), a State may submit to the Administrator evidence that the State has in place a legally enforceable notification program that is substantially equivalent to the requirements of paragraphs (1)(B) and (1)(C).

"(ii) **PROGRAM REVIEW AND AUTHORIZATION.**—If the evidence submitted by a State under clause (i) shows the notification program of the State to be substantially equivalent to the requirements of paragraphs (1)(B) and (1)(C), the Administrator shall authorize the State to carry out such program instead of the requirements of paragraphs (1)(B) and (1)(C).

"(iii) **FACTORS FOR DETERMINING SUBSTANTIAL EQUIVALENCY.**—In carrying out a review of a State notification program under clause (ii), the Administrator shall take into account the scope of sewer overflows for which notification is required, the length of time during which notification must be made, the scope of persons who must be notified of sewer overflows, the scope of enforcement activities ensuring that notifications of sewer overflows are made, and such other factors as the Administrator considers appropriate.

"(B) **REVIEW PERIOD.**—If a State submits evidence with respect to a notification program under subparagraph (A)(i) on or before the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall not begin to apply to a publicly owned treatment works located in the State until the date on which the Administrator completes a review of the notification program under subparagraph (A)(ii).

"(C) **WITHDRAWAL OF AUTHORIZATION.**—If the Administrator, after conducting a public hearing, determines that a State is not administering and enforcing a State notification program authorized under subparagraph (A)(ii) in accordance with the requirements

of this paragraph, the Administrator shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw authorization of such program and enforce the requirements of paragraphs (1)(B) and (1)(C) with respect to the State.

“(6) SPECIAL RULES CONCERNING APPLICATION OF NOTIFICATION REQUIREMENTS.—After the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall—

“(A) apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309, and

“(B) supersede any notification requirements contained in a permit issued under this section for the treatment works to the extent that the notification requirements are less stringent than the notification requirements of paragraphs (1)(B) and (1)(C), until such date as a permit is issued, renewed, or modified under this section for the treatment works in accordance with paragraph (1).

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) SEWER OVERFLOW.—The term ‘sewer overflow’ means a sanitary sewer overflow or a municipal combined sewer overflow.

“(B) SINGLE-FAMILY RESIDENCE.—The term ‘single-family residence’ means an individual dwelling unit, including an apartment, condominium, house, or dormitory. Such term does not include the common areas of a multi-dwelling structure.”

#### SEC. 4. ELIGIBILITY FOR ASSISTANCE.

(a) PURPOSE OF STATE REVOLVING FUND.—Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended—

(1) by striking “and” the first place it appears; and

(2) by inserting after “section 320” the following: “, and (4) for the implementation of requirements to monitor for sewer overflows under section 402”.

(b) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) is amended—

(1) by striking “and” the first place it appears; and

(2) by inserting after “section 320 of this Act” the following: “, and (4) for the implementation of requirements to monitor for sewer overflows under section 402”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2452.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2452, the Sewage Overflow Community Right-To-Know Act, offered by my colleague on

the Committee on Transportation and Infrastructure, Mr. BISHOP, is an important commonsense proposal to enhance the monitoring and public notification of sewage spills.

I applaud Mr. BISHOP's work to raise the public's awareness of sewage spills and for his tenacity in bringing together relevant stakeholders on this issue to work through potential differences and produce the fine product under consideration today. I also applaud the work of our colleague, Mr. LOBIONDO, for his efforts in supporting and advocating for H.R. 2452.

Public notification of sewage overflows is an important topic that has not received the attention it rightly deserves. During committee hearings on this legislation last summer, the Subcommittee on Water Resources and Environment received testimony on the overwhelming extent of the problem of sewage overflows. According to the Environmental Protection Agency's own numbers, the frequency and volume of annual sewage overflows is staggering.

For combined sewage systems, EPA estimates that 850 billion gallons of raw or partially treated sewage is discharged annually into local waters. For separate sanitary sewer systems, EPA estimates that 23- to 75,000 of these sanitary sewage system overflows occur each year in the United States, discharging a total volume of between 3 and 10 billion gallons annually.

Worse still is the fact that these sewage overflows can be laden with potentially harmful chemicals, pathogens, viruses, and bacteria and often wind up in local rivers and streams, city streets, parks, or, in unfortunate cases, directly into people's homes.

These statistics further emphasize the importance of investment in our Nation's water-related infrastructure. For too long our communities and citizens have been waiting for us to renew our commitment to meeting the water-related infrastructure needs of this country. While the House of Representatives strongly approved legislation to reinvest and rebuild and replace our failing and outdated waste-water treatment infrastructure and sewers, we have faced continued opposition from this administration investing in our Nation's infrastructure.

I remain hopeful that we will be able to send legislation to the President this year that will meet the water-related needs that we all know exist and are necessary to ensure the economic and environmental health of our Nation.

However, in the interim, we need to make sure that the public is aware of sewage levels to give the individuals the opportunity to stay out of harm's way. It makes no sense for sewage agencies to know where and when overflows are occurring but to avoid making this information readily available to the public. This type of practice defies common sense. Equally troublesome are agencies that lack sufficient

monitoring technologies or programs to alert them to the presence of sewage overflows.

The legislation under consideration here today is an essential step in protecting the public's health and environment from the dangers of sewage overflows. H.R. 2452, the Sewage Community Right-to-Know Act, is a commonsense approach to enhance the monitoring and notification of sewage overflows to protect human health and the environment. It is also an approach that can be achieved without significant burden to States and local governments. Monitoring and providing public notification on sewage overflows provides the greatest opportunity to avoid direct contact and potentially harmful pollutants as well.

Facilities' rapid responses to overflows in order to minimize the potential harm to the environment, this legislation amends the Clean Water Act to ensure that all publicly owned treatment works incorporate enhanced monitoring notification and reporting requirements into the existing permits for those systems under their operational control.

Under this Act, the Administrator of the Environmental Protection Agency is given 1 year to issue regulations to define the parameters for monitoring and notification to be carried out by the publicly owned treatment works. Following completion of this rulemaking, all publicly owned treatment works are required within a defined time period to incorporate the monitoring and notification criteria from the rulemaking into the existing clean water permits.

However, to help minimize potential paperwork concerns, this legislation allows owners and operators to incorporate the enhanced monitoring provisions in their existing permits as such permits come up for periodic renewal modification.

To enhance the availability of public information on sewer overflows, H.R. 2452 requires the enhanced notification requirements to take effect 30 days after completion of the rulemaking. The legislation under consideration today is slightly modified from the version that was reported favorably from the Committee on Transportation and Infrastructure on May 15 to address a few technical and transitional concerns that were unresolved before the committee markup.

In addition, the bill under consideration today provides a mechanism for States with active notification programs to petition EPA for the ability to carry out the existing notification programs provided that these programs are determined to be functionally equivalent to the national standard for State notification programs called for in this legislation.

I commend the ranking member of the subcommittee, Mr. BOOZMAN, and the ranking member of the Committee on Transportation and Infrastructure, Mr. MICA, and my Chair, Mr. OBERSTAR,

for working in a bipartisan fashion to resolve all the outstanding issues related to this important legislation.

Let me conclude by thanking the following organizations for their efforts in reaching the compromised language that is under consideration today: The American Rivers, the National Association of Clean Water Agencies, the Water Environment Federation and the California Association of Sanitation Agencies. The hard work and willingness of each of these organizations made it possible to reach this agreement and to bring forward this important bipartisan legislation.

Madam Speaker, I submit the following for the RECORD.

JUNE 23, 2008.

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. JOHN MICA,  
*Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. TIM BISHOP,  
*Cannon House Office Building, Washington, DC.*

Hon. FRANK LOBIONDO,  
*Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN OBERSTAR, RANKING MEMBER MICA, AND REPRESENTATIVES BISHOP AND LOBIONDO: On behalf of our members and supporters across the nation, thank you for reporting H.R. 2452, the Sewage Overflow Community Right-to-Know Act. Our organizations strongly support this legislation and applaud your efforts to suspend the rules and pass the bill.

By requiring public notification, H.R. 2452 could protect millions of Americans from exposure to untreated sewage spills that could make them sick. This first line of defense is critical as hundreds of billions of gallons of raw and partially treated sewage are dumped into our streams, rivers and lakes every year. Many Americans are unaware when a sewage spill occurs in the local waterways where their families swim and play.

The bacteria, viruses and parasites found in untreated sewage can cause severe symptoms including gastrointestinal problems, infection and fever, as well as heart, liver or kidney failure, arthritis and even cancer. By requiring the public to be notified when sewage spills threaten their health, we can help Americans protect their families by avoiding contaminated areas until the threat has passed.

Thank you again for your hard work on this important legislation. We look forward to working with you to see this bill enacted into law this Congress.

Sincerely,

Eli Weissman, Director of Government Affairs, American Rivers; Christy Leavitt, Clean Water Advocate, Environment America; Tiernan Sittenfeld, Legislative Director, League of Conservation Voters; Nancy Stoner, Director, Clean Water Project, Natural Resources Defense Council; David Jenkins, Government Affairs Director, Republicans for Environmental Protection; Angela Howe, Legal Manager, Surfrider Foundation.

Paul Schwartz, National Policy Coordinator, Clean Water Action; Shawnee Hoover, Legislative Director, Friends of the Earth; Corry Westbrook, Legislative Director, National Wildlife Federation; Will Callaway, Legislative Di-

rector, Physicians for Social Responsibility; Debbie Sease, National Campaigns Director, Sierra Club.

CALIFORNIA ASSOCIATION  
OF SANITATION AGENCIES,  
Sacramento, CA, June 23, 2008.

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

Hon. JOHN MICA,  
*Ranking Republican, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR CHAIRMAN OBERSTAR AND RANKING MEMBER MICA: On behalf of the California Association of Sanitation Agencies (CASA), I write in support of H.R. 2452, which would address the important issue of reporting and notification for sewer overflows. This legislation represents the culmination of a collaborative approach involving wastewater treatment operators and the environmental community. We appreciate the committee's willingness to address CASA's concerns.

CASA understands that the legislation has been amended to address one of our major concerns, which relates to longstanding California requirements for notification of regulatory authorities and the public in the event of a sewer spill that threatens public health or the environment. Specifically, the amendment provides a delegation process so that existing state notification programs designed to inform the public of health threats emanating from sewer overflows will not be supplanted, provided EPA determines that the programs are substantially equivalent to the federal program. This is vital to avoid inefficient and potentially confusing duplication of effort. Further, this amendment will allow POTWs to target their limited resources to fulfilling their responsibilities as first responders when spills occur. Second, we understand that the committee report clarifies that satellite collection systems are not subject to the provisions of the bill. This is important because many regional POTWs do not manage these upstream systems, and have no authority for spills that occur from facilities outside their jurisdiction.

There is one provision in the amended bill that has given rise to a new concern. This new provision is designed to ensure that the notification provisions of the bill will be implemented in a timely matter. However, as written, there is no mechanism for informing permittees of their new, fully enforceable obligations, which appears to be at odds with basic due process rights. We hope that as Congress considers the bill that this matter can be further reviewed and addressed prior to final passage.

Again, we appreciate the opportunity to work with the committee on this important legislation.

Sincerely,

KAMIL AZOURY,  
*President.*

NATIONAL ASSOCIATION OF  
CLEAN WATER AGENCIES,  
Washington, DC, June 23, 2008.

Hon. JAMES L. OBERSTAR,  
*House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

Hon. JOHN MICA,  
*House of Representatives, Rayburn House Office Building, Washington, DC.*

Hon. TIM BISHOP,  
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CHAIRMAN OBERSTAR, RANKING MEMBER MICA AND REPRESENTATIVE BISHOP: The National Association of Clean Water Agencies (NACWA) appreciates your ongoing lead-

ership on, and commitment to, clean and safe water in the United States. As the leading advocacy organization representing the nation's public wastewater treatment agencies, NACWA has been working diligently with your staff and with American Rivers to come up with a common-sense bill to establish a consistent, national framework for monitoring and reporting sewer overflows. The result of this effort is the Sewage Overflow Community Right-to-Know Act (H.R. 2452) being considered by the House today. The bill goes a long way to address the needs and concerns of NACWA's public agency members, and we appreciate the hard work and good faith you have shown in helping craft this language.

NACWA, however, must share the bill and accompanying report with its Board of Directors before indicating whether it can offer its support for the legislation. We expect to have a decision on that matter this week. Again, thank you for your leadership on this issue.

Sincerely,

KEN KIRK,  
*NACWA Executive Director.*

I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 2452, the Sewage Overflow Community Right-to-Know Act.

Our Nation has nearly 23,000 miles of ocean and gulf shoreline along the continental United States, 5,500 miles of Great Lakes shoreline and 3.6 million miles of rivers and streams. Public confidence and the quality of our Nation's waters is important to every citizen of this Nation, but it is also critical to industries that rely on safe and clean water.

To improve the public's confidence in the quality of our Nation's waters and protect public health and safety, Representatives BISHOP and LOBIONDO introduced H.R. 2452, the Sewage Overflow Community Right-to-Know Act. Sometimes, especially during wet weather, sewage systems can leak or overflow. This can be caused by inadequate design or capacity or by breaks in the system of pipes that are often old and in need of repair.

H.R. 2452 requires the publicly owned treatment works develop and implement a feasible monitoring program that is reasonably able to detect the occurrence of an overflow or leak in their sewer systems in a timely manner and to notify the public and health authorities whenever a release would threaten public health and safety.

The Environmental Protection Agency is to develop regulations to help local utilities implement these monitoring and notification requirements starting 180 days after these regulations have been issued. EPA or the States, as the case may be, are to incorporate these monitoring and notification requirements into local utilities' Clean Water Act permits on a rolling basis as their permits come up for renewal.

This should provide for the orderly implementation of this program and minimize the need to reopen utilities' permits. To minimize burdening local

utilities with duplicative notification requirements, States that have substantially equivalent release notification programs in place may seek EPA's approval to implement the State's notification program instead of the requirements under H.R. 2452. The bill authorizes the use of State revolving loan funds to help communities pay for this monitoring and notification program.

Under this program, EPA and local utilities must define the appropriate amount of monitoring to reduce risk and reasonably protect human health. However, they need to be careful not to unwisely use up funds that are meant to address the very infrastructure problems that are causing the release of sewage in the first place.

I congratulate Representatives BISHOP and LOBIONDO on sponsoring this bill. The public has a right to know when their waters are threatened by sewage release. So I encourage all Members to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 2452, the "Sewage Overflow Community Right-to-Know Act". Let me begin by congratulating our Committee colleague, the gentleman from New York (Mr. BISHOP), for introducing legislation to provide common-sense standards for public notification of both combined sewer overflows and sanitary sewer overflows. This well-thought-out legislation will be a welcome addition to Federal efforts in protecting public health as well as the natural environment.

The most reliable way to prevent human illness from waterborne diseases and pathogens is to eliminate the potential for human exposure to the discharge of pollutants from combined sewer overflows ("CSOs") and sanitary sewer overflows ("SSOs"). This can occur either through the elimination of the discharge, or, in the event that a release does occur, to minimize the potential human contact to pollutants.

Unfortunately, Federal law does not provide uniform, national standards for public notification of combined and sanitary sewer overflows. Notification of sewer overflows is covered only by a patchwork of Federal regulations, State laws, and local initiatives aimed at limiting human exposure to discharges.

Potential human exposure to the pollutants found in sewer overflows can occur in a variety of ways. According to the Environmental Protection Agency ("EPA"), the most common pathways include direct contact with sewer discharges in recreational waters and beaches, drinking water contaminated by sewer discharges, and consuming or handling contaminated fish or shellfish. However, humans are also at risk of direct exposure to sewer overflows, including sewer backups into residential buildings, city streets, and sidewalks.

In October 2007, in my own Congressional district, basements and city streets across the city of Duluth were flooded with sewer overflows that resulted from massive rainstorms in the Lake Superior basin. The Western Lake Superior Sanitary Sewer District reported at least seven major sewage overflows in its service area, with reports of numerous additional backups into local streets and basements.

Similarly, earlier this month, heavy rains in the Midwest and flooding along the Mississippi

River system resulted in a significant overload to the sewer systems and treatment works, and resulted in the release of untold gallons of untreated or partially treated sewage into the homes and street of communities along the Mississippi River system. As families are starting to return to their homes, they are in need of information on any health risks from coming into contact with potentially contaminated waters.

The cost of eliminating CSOs and SSOs throughout the nation is staggering. In its most recent Clean Water Needs Survey (2000), EPA estimated the future capital needs to address existing CSOs at \$50.6 billion. In addition, EPA estimates that it would require an additional \$88.5 billion in capital improvements to reduce the frequency of SSOs caused by wet weather and other conditions.

Upon being elected Chairman of the Committee on Transportation and Infrastructure, I made it a priority to renew the Federal commitment in addressing the nation's wastewater infrastructure needs.

In March 2007, the House approved two bills reported from the Committee on Transportation and Infrastructure—H.R. 720, the "Water Quality Financing Act", and H.R. 569, the "Water Quality Investment Act"—to reauthorize appropriations for the construction, repair, and rehabilitation of wastewater infrastructure, including measures to address CSOs and SSOs.

H.R. 720 authorizes appropriations of \$14 billion over four years for the Clean Water State Revolving Fund, which is the primary source of Federal funds for wastewater infrastructure. H.R. 569 authorizes appropriations of \$1.7 billion in Federal grants over 5 years to address combined sewers and sanitary sewers. Both bills are pending before the United States Senate.

However, even with significant increases in Federal, State, and local investment, it is likely that sewer overflows will continue. In the event that a release does occur, the most effective way to prevent illness is to provide timely and adequate public notice to minimize human exposure to pollutants.

H.R. 2452, the "Sewage Overflow Community Right-to-Know Act", amends the Clean Water Act to provide a uniform, national standard for monitoring, reporting, and public notification of sewer overflows. This legislation, which was approved by the Committee on Transportation and Infrastructure by voice vote, will strengthen the monitoring and public notification requirements of the Clean Water Act to encourage increased awareness and public notification of overflows in an expeditious manner.

The bill under consideration this afternoon is a slightly modified version of this legislation as reported by the Committee. The bill, as amended, makes a few technical and clarifying changes to the bill, as well as addresses a few transitional issues on the implementation of this Act.

The framework of this amendment was developed jointly by the majority and minority Members of the Committee, it consultation with the National Association of Clean Water Agencies, the Water Environment Federation, the California Association of Sanitation Agencies, and American Rivers. I appreciate the hard work by all parties to help move this common-sense legislation to increase public awareness of combined sewer overflows and sanitary sewer overflows.

Again, I applaud Mr. BISHOP for introducing this common-sense legislation to ensure that our citizens are made aware of the potential public health threats caused by sewer overflows. I urge my colleagues to join me in supporting H.R. 2452.

Mr. BISHOP of New York. Madam Speaker, on behalf of the residents of eastern Long Island, I would like to commend Chairman OBERSTAR, Chairwoman JOHNSON and Congressman LOBIONDO for their leadership and unwavering dedication to clean water issues. I would also like to thank the Transportation and Infrastructure Committee staff for their hard work and commitment to advancing this legislation to the full House today.

Madam Speaker, the EPA estimates that sewer overflows discharge roughly 850 billion gallons of raw or partially treated sewage annually into local waters. These discharges, laden with potentially harmful chemicals and pathogens, often end up in local rivers, lakes, streams, and the ocean.

In response, the Transportation & Infrastructure Committee has taken appropriate measures to restore the federal commitment to our Nation's wastewater infrastructure. In the 110th Congress, we have passed the Water Quality Financing Act, authorizing funds for the State Revolving Fund; and the Beach Protection Act, to carry out coastal recreation water quality monitoring and notification programs. Today, we take our commitment to water quality one step further by passing the Sewage Overflow Community Right-to-know Act.

As the saying goes, an ounce of prevention is worth a pound of cure: The best way to avoid human health and environmental concerns from sewer overflows is to ensure that they never occur in the first place. However, even with significant increases in investment, sewer overflows will continue to occur. Therefore, it is imperative that we provide the public with comprehensive and timely notification of sewer overflows. We need to make sure that the public is aware of sewer overflows to give communities the opportunity to protect themselves.

It makes no sense for operators of local sewer systems to know where and when overflows are occurring, but not to promptly notify the public. Notification of sewer overflows will help the public avoid direct contact with potentially harmful chemicals and pathogens, and it will facilitate rapid response to overflows in order to minimize the potential harm to the environment.

Accordingly, the Bishop/LoBiondo Sewage Overflow Community Right-to-know Act provides for the monitoring, reporting and public notification of sewer overflows from Publicly Owned Treatment Works by requiring POTWs to institute and utilize programs to alert operators to overflows, notify the public within 24 hours of discovery of an overflow by an operator, and notify public health officials when human health is endangered.

The bill requires the Environmental Protection Agency establish criteria to guide POTWs in assessing whether a sewer overflow has the potential to affect human health and developing communication measures to ensure the public is notified. The bill also establishes a process for EPA to determine if a State's existing notification program is substantially equivalent to, or better than, the requirements established in this bill, and should be allowed to continue.

This bill is a result of hard work by several organizations who believe that Americans deserve clean, safe waters. Without their many insights this legislation would not have been possible. Therefore, I would like to thank American Rivers, the National Association of Clean Water Agencies, the Water Environment Federation, and the California Association of Sanitation Agencies for the countless hours they have given to refine the bill's language to ensure that public health and the environment are protected.

Madam Speaker, I encourage my colleagues to vote in favor of this commonsense legislation, and I again thank my friend and colleague, Mr. LOBIONDO, for his leadership and support in authoring the bill.

Mr. LOBIONDO. Madam Speaker, I rise in strong support of H.R. 2452, the Sewage Overflow Right-to-Know Act.

Last year, nearly 250,000 gallons of partially treated sewage leaked from the Asbury Park, New Jersey, sewer treatment plant into the Atlantic Ocean threatening beach goers for miles down the shore. It was the result of a broken pipe that went undetected for over 6 hours. Fortunately, no one got sick and the environment did not suffer any long term consequences. But that is not always the case.

The EPA estimates approximately 900 billion gallons of untreated sewage enter our waterways each year, sickening nearly 3.5 million people annually.

That is why I was pleased to join with Representative BISHOP to introduce H.R. 2452, the Sewage Overflow Community Right-to-Know Act. This commonsense legislation will help keep the public safe from waterborne illness by requiring sewer operators to put in place monitoring systems to detect overflows and to promptly notify the public in the event of an overflow. While some States and localities have strong notification programs in place already, the majority do not. Establishing a minimum standard for public notification is the right thing to do.

H.R. 2452 makes sewer operators eligible for existing grant funds and loans to help defer the cost of implementing monitoring and notification programs, and it provides flexibility to States that already have these critical programs in place.

I want to thank the National Association of Clean Water Agencies and American Rivers for working with Chairman OBERSTAR and Ranking Member MICA to make improvements to this legislation. The bill before us today represents a good compromise between all interested parties.

I want to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman JOHNSON, and Ranking Member BOOZMAN for their assistance and support. I also want to thank Jon Pawlow on Mr. MICA's Staff, Ryan Seiger on Mr. OBERSTAR's staff, and Mark Copeland on Mr. BISHOP's staff for their tremendous effort. I urge all members to support this commonsense measure.

Mrs. TAUSCHER. Madam Speaker, I raise in support of H.R. 2452, the Raw Sewage Overflow Community Right-to-Know Act. Sewer overflows present serious threats to the environment and to human health. Our crumbling wastewater infrastructure has resulted in an increasing number of sewage spills, most commonly through combined sewer overflows and sanitary sewer overflows.

As this Congress works to reauthorize the Clean Water State Revolving Fund and im-

prove our wastewater infrastructure, it is essential that our constituents receive prompt notification when a spill occurs. H.R. 2452 provides a national standard for such notification and permits the use of Clean Water State Revolving funds for publically-owned treatment works to monitor their infrastructure for spills.

In California, we have an existing notification process that is the most aggressive in the Nation. I applaud Chairman OBERSTAR and his staff for recognizing the existence of State notification programs and ensuring that duplication of State and Federal standards does not overburden local sanitation officials. In this bill, States like California may operate their own notification program if the EPA certifies that it is substantially equivalent to the Federal program.

I would like to include a letter from the California Association of Sanitation Agencies that expresses full support for H.R. 2452. I commend Mr. BISHOP and Mr. OBERSTAR for their hard work on this legislation, and urge my colleagues to support the Raw Sewage Overflow Community Right-to-Know Act.

CALIFORNIA ASSOCIATION OF  
SANITATION AGENCIES,  
Sacramento, CA, June 23, 2008.

Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, U.S. House of Representatives,  
Washington, DC.

Hon. JOHN MICA,  
Ranking Republican, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR AND RANKING MEMBER MICA: On behalf of the California Association of Sanitation Agencies (CASA), I write in support of H.R. 2452, which would address the important issue of reporting and notification for sewer overflows. This legislation represents the culmination of a collaborative approach involving wastewater treatment operators and the environmental community. We appreciate the committee's willingness to address CASA's concerns.

CASA understands that the legislation has been amended to address one of our major concerns, which relates to longstanding California requirements for notification of regulatory authorities and the public in the event of a sewer spill that threatens public health or the environment. Specifically, the amendment provides a delegation process so that existing state notification programs designed to inform the public of health threats emanating from sewer overflows will not be supplanted, provided EPA determines that the programs are substantially equivalent to the federal program. This is vital to avoid inefficient and potentially confusing duplication of effort. Further, this amendment will allow POTWs to target their limited resources to fulfilling their responsibilities as first responders when spills occur. Second, we understand that the committee report clarifies that satellite collection systems are not subject to the provisions of the bill. This is important because many regional POTWs do not manage these upstream systems, and have no authority for spills that occur from facilities outside their jurisdiction.

There is one provision in the amended bill that has given rise to a new concern. This new provision is designed to ensure that the notification provisions of the bill will be implemented in a timely matter. However, as written, there is no mechanism for informing permittees of their new, fully enforceable obligations, which appears to be at odds with basic due process rights. We hope that as Congress considers the bill that this matter can be further reviewed and addressed prior to final passage.

Again, we appreciate the opportunity to work with the committee on this important legislation.

Sincerely,

KAMIL AZOURY,  
President.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I ask for support of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 2452, as amended.

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

The title was amended so as to read: "A bill to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes."

A motion to reconsider was laid on the table.

#### PROVIDING REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS OF COMMITTEE ON LEVEE SAFETY

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6040) to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6040

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

#### SECTION 1. COMMITTEE ON LEVEE SAFETY.

Section 9003(f) of the Water Resources Development Act of 2007 (33 U.S.C. 3302(f)) is amended by striking "To the extent amounts are made available in advance in appropriations Acts," and inserting "Subject to the availability of appropriations,".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 6040.

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

There was no objection.



Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6040, introduced by the ranking member of the Transportation and Infrastructure Committee, Mr. MICA, and the ranking member of the Subcommittee on Water Resources Environment, Mr. BOOZMAN, makes a technical change to title IX of the Water Resources Development Act of 2007.

Title IX of the Water Resources Development Act of 2007 establishes the framework for the creation of the National Levee Safety Program to enhance the safety of levees and those living in levee-protected areas.

In the 3 years since hurricanes Katrina and Rita, the Nation has refocused its attention to the safety and reliability of flood-control structures and how lives and livelihoods can be affected by their failure.

It is especially evident that to our colleagues from the States of Iowa, Missouri, and Illinois, who have been experiencing the challenges of flooding from the Mississippi River and its tributary system over the past few weeks. The Subcommittee on Water Resources and Environment has held numerous hearings on the condition of the Nation's levees and other flood-control structures.

Throughout these hearings, one consistent theme was readily apparent, the condition of the Nation's flood control infrastructure is, at best, unknown, and in a few notable instances, is in desperate need for repair and upgrading. The subcommittee received testimony from noted experts in flood control infrastructure that of the thousands of miles of Federal, State, local, and privately owned levees, in this country little is known about the current condition, including whether levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interests.

□ 1645

Although rare, failure of flood control structures, such as levees, does occur, and has become more frequent in recent years, and actually, in the last recent weeks.

Levees are typically built in a certain location and to a specified height to provide a certain level of protection. However, the level of protection provided by a levee may change with time, due to natural or manmade changes. Natural changes may include land subsidence, sedimentation, vegetative growth in the floodway, or the potential implications of climate change.

Land use changes in an area such as upstream development, and the loss of natural upstream storage capacity, can induce hydrologic changes, including faster runoff that will reduce the level of protection provided by a levee.

Given the important flood damage reduction and development opportunities provided by levees, it is important for

the Nation to understand the true nature and condition of our flood control infrastructure, as well as to develop a comprehensive national policy to address issues related to the construction, operation and maintenance of projects and other management techniques for flood damage reduction.

In that light, the Committee on Transportation and Infrastructure included language in the Water Resources Development Act of 2007 for the creation of a national Committee on Levee Safety.

The committee would be chaired by the Corps of Engineers and would include experts from around the Nation, working towards a short-term recommendation to Congress for the creation of an effective and efficient National Levee Safety Program.

The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. Whatever recommendations are made by the Committee on Levee Safety, these recommendations will be referred back to the Congress for enactment in future legislation.

It is my understanding that the Corps has been working towards the creation of the committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the ranking member of the Subcommittee on Water Resources and Environment for volunteering to move this legislation through the House.

It is my hope that the other body can, also, quickly move this legislation to the President's desk so that the Levee Safety Committee can begin its important work and complete it later this summer.

I urge adoption of this legislation.

Madam Speaker, I submit the following for the RECORD.

AMERICAN SOCIETY OF  
CIVIL ENGINEERS,  
Washington, DC, June 23, 2008.

Hon. JAMES OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Washington, DC.

Hon. JOHN MICA,  
Ranking Member, Committee on Transportation  
and Infrastructure, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN AND CONGRESSMAN  
MICA: I am writing on behalf of the more

than 140,000 members of the American Society of Civil Engineers (ASCE) to support passage of H.R. 6040, a bill to amend the Water Resources Development Act (WRDA) of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

As you recall, ASCE was a strong supporter of legislation to enact a national levee safety program in WRDA 2007. We believe that it is essential to clarify that the members of the Committee on Levee Safety be eligible to receive reimbursement for their travel incurred as a result of their volunteering to work on the Committee. The outcome of the Committee's study undoubtedly will have an important bearing on future legislative efforts to improve the safety of the nation's levee systems.

Sincerely yours,

DAVID G. MONGAN,  
President.

I reserve the balance of my time.

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

Madam Speaker, we have seen in the gulf region and now along the Mississippi River what can happen when hurricane and flood protection infrastructure is inadequate or fails to perform. Yet more Americans are moving to coastal areas where the risk of hurricanes and floods is great.

In the south Atlantic region, the coastal population grew 51 percent from 1980 to 2000, and this trend is expected to continue. Along the Gulf of Mexico, the population has increased 38 percent from 1980 to 2000, and this trend is also expected to continue.

We do not know where the next hurricane or flood will hit, but we do know that many of our major cities, including parts of Washington, D.C., have a greater probability of flooding than did New Orleans.

For example, the City of Sacramento, California, has almost twice as many people as New Orleans; yet it has less flood protection than any other major city in America. Cities like Houston, St. Louis, and Miami also are at risk. We cannot treat citizens of these cities differently unless we have a policy reason that we can explain and justify to our constituents.

As we have learned from recent levee failures, our infrastructure is aging. What we know about the existence and conditions of these other levees we often learn when one fails or it is overwhelmed by a flood event. For instance, the State of California in 2005 declared a state of emergency in the Central Valley in anticipation of the failure of 24 levees. According to the State of California, it would cost more than \$5 billion to make critical delta levees, but not all delta levees, stronger in the face of flood and seismic events in the Central Valley.

In the past, Congress has taken steps to ensure that the Nation's flood damage reduction infrastructure is properly inventoried, inspected, and assessed. In 1986, the Congress authorized the National Dam Safety Program Act to conduct an inventory and assessments of all dams nationwide. The National Inventory of Dams shows that 45

percent of all Federal dams are at least 50 years old and that 80 percent of them are at least 30 years old.

We know less about the status and capabilities of our levees. There has never been a national inventory of levees. Little is known about the current condition of both Federal and non-Federal levees, including whether these levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interest.

Over the decades, levees have been built by different entities, at different times, and to different standards. They have been linked together to provide a protective system, but with such a mixture of conditions, the true level of protection may be in doubt.

Over time, development has taken place behind some of these levees so much more may be at risk in terms of lives and economic resources.

There is so much that we do not know about the levees in America that we cannot be sure how safe our cities and towns really are. We need more information.

The Water Resources Development Act of 2007 included language establishing a panel to develop recommendations for a National Levee Safety Program. However, the Committee on Levee Safety is unable to meet since a drafting error contained in the Water Resources Development Act of 2007 inadvertently keeps the Army Corps of Engineers from carrying out important work.

H.R. 6040 strikes the incorrect language and replaces it with language stating the Committee on Levee Safety can develop its recommendations subject to the availability of appropriations.

This technical change will allow the Corps of Engineers to convene the Committee on Levee Safety as soon as this bill is enacted.

With the recommendations that will come from this Committee on Levee Safety, the Congress can develop a national policy for levee safety and a program to ensure that levees are functional and safe.

I urge all Members to support H.R. 6040.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6040, a bill to make a technical correction to a Water Resources and Development Act of 2007 provision authorizing the Secretary of the Army, acting through the U.S. Army Corps of Engineers, to establish a Committee on Levee Safety.

Title IX of the Water Resources Development Act of 2007 authorizes the Corps to establish a committee of Federal, State, local, tribal, and private sector experts on levee safety to develop recommendations for a national levee safety program.

As the events of the last few years have clearly demonstrated, there is a serious concern with the condition of the Nation's primary structural flood control measures—the Nation's system of levees. These structures, which range from the Federally constructed and maintained levees along the lower Mississippi

River and tributaries, to Federal, State, and local levees nationwide, protect our lives and livelihoods from the risks of flooding. Within the jurisdiction of the Corps of Engineers alone, there are between 12,000 to 13,000 miles of levees protecting everything from major metropolitan cities to towns and townships throughout the nation. Without a doubt, the health, safety, and security of countless lives depend on the resiliency and upkeep of these essential structures.

We have all witnessed the result of levee failure. Just 2 years ago, the flood walls surrounding three of the canals within the city of New Orleans failed, and the result was a major metropolitan city being underwater for days. Many of the communities impacted by this failure are still struggling today.

Just this past month, we watched as the rivers of the Upper Mississippi River and its tributaries overfilled their banks and resulted in the unfortunate loss of life, as well as thousands of families losing their homes, their cars, and their businesses to the raging waters of the Mississippi River.

Cognizant of the importance of the Nation's system of levees, the Committee on Transportation and Infrastructure included a provision within the Water Resources Development Act of 2007 to create a Committee on Levee Safety that would be tasked with developing recommendations for a national levee safety program.

The Secretary of the Army will establish the committee, and it will develop short-term recommendations to Congress for the creation of an effective and efficient National Levee Safety Program. The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. The recommendations made by the committee on Levee Safety will be reported to the Committee on Transportation and Infrastructure.

It is my understanding that the Corps has been working toward the creation of this committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the Ranking Member of the Subcommittee on Water Resources and Environment, Congressman BOOZMAN, for sponsoring this legislation. It is my hope that the other body can quickly move this legislation to the President's desk, so that the Committee on Levee Safety can begin its important work later this summer.

I urge my colleagues to support the bill.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back and ask for support for this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6040.

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

A motion to reconsider was laid on the table.

#### NEW AND EMERGING TECHNOLOGIES 911 IMPROVEMENT ACT OF 2008

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "New and Emerging Technologies 911 Improvement Act of 2008" or the "NET 911 Improvement Act of 2008".*

#### TITLE I—911 SERVICES AND IP-ENABLED VOICE SERVICE PROVIDERS

##### SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERVICE.

*The Wireless Communications and Public Safety Act of 1999 is amended—*

*(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;*

*(2) by inserting after section 5 the following new section:*

##### “SEC. 6. DUTY TO PROVIDE 9-1-1 AND ENHANCED 9-1-1 SERVICE.

*“(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.*

*“(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).*

*“(c) REGULATIONS.—The Commission—*

*“(1) within 90 days after the date of enactment of the New and Emerging Technologies 911*

Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

“(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

“(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

“(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

“(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9–1–1 and enhanced 9–1–1 service and access; and

“(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

“(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

“(e) IMPLEMENTATION.—

“(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

“(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

“(f) STATE AUTHORITY OVER FEES.—

“(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9–1–1 or enhanced 9–1–1 services, provided that the fee or charge is obligated or expended only in support of 9–1–1 and enhanced 9–1–1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

“(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–1–1 or enhanced 9–1–1 services, the Commission shall submit a report within 1 year after the date of en-

actment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

“(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9–1–1 and enhanced 9–1–1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

“(h) DEVELOPMENT OF STANDARDS.—The Commission shall work cooperatively with public safety organizations, industry participants, and the E-911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

“(1) defining geographic coverage areas for public safety answering points;

“(2) defining network diversity requirements for delivery of IP-enabled 9–1–1 and enhanced 9–1–1 calls;

“(3) call-handling in the event of call overflow or network outages;

“(4) public safety answering point certification and testing requirements;

“(5) validation procedures for inputting and updating location information in relevant databases; and

“(6) the format for delivering address information to public safety answering points.

“(i) RULE OF CONSTRUCTION.—Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9–1–1 or enhanced 9–1–1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008.”; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

“(8) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given the term ‘interconnected VoIP service’ by section 9.3 of the Federal Communications Commission’s regulations (47 CFR 9.3).”.

#### SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: “and for migration to an IP-enabled emergency network”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

“(d) MIGRATION PLAN REQUIRED.—

“(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improv-

ing information sharing among all emergency response entities.

“(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

“(A) outline the potential benefits of such a migration;

“(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

“(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and statewide basis;

“(D) identify location technology for nomadic devices and for office buildings and multi-dwell-ing units;

“(E) include a proposed timetable, an outline of costs, and potential savings;

“(F) provide specific legislative language, if necessary, for achieving the plan;

“(G) provide recommendations on any legislative changes, including updating definitions, that are necessary to facilitate a national IP-enabled emergency network;

“(H) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008;

“(I) identify solutions for providing 9–1–1 and enhanced 9–1–1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline; and

“(J) analyze efforts to provide automatic location for enhanced 9–1–1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9–1–1 services.

“(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.”.

#### TITLE II—PARITY OF PROTECTION

##### SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking “**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.**” in the section heading and inserting “**SERVICE PROVIDER PARITY OF PROTECTION.**”;

(2) in subsection (a)—

(A) by striking “wireless carrier,” and inserting “wireless carrier, IP-enabled voice service provider, or other emergency communications provider.”;

(B) by striking “its officers” the first place it appears and inserting “their officers”;

(C) by striking “emergency calls or emergency services” and inserting “emergency calls, emergency services, or other emergency communications services”;

(3) in subsection (b)—

(A) by striking “using wireless 9–1–1 service shall” and inserting “using wireless 9–1–1 service, or making 9–1–1 communications via IP-enabled voice service or other emergency communications service, shall”; and

(B) by striking “that is not wireless” and inserting “that is not via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service”; and

(4) in subsection (c)—

(A) by striking “wireless 9–1–1 communications, a PSAP” and inserting “9–1–1 communications via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service, a PSAP”; and

(B) by striking “that are not wireless” and inserting “that are not via wireless 9–1–1 service,

IP-enabled voice service, or other emergency communications service”.

(b) **DEFINITION.**—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

“(8) **OTHER EMERGENCY COMMUNICATIONS SERVICE.**—The term ‘other emergency communications service’ means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service.

“(9) **OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.**—The term ‘other emergency communications service provider’ means—

“(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission’s authority under the Communications Act of 1934 to provide other emergency communications services; or

“(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9-1-1 service governing authority to provide other emergency communications services.

“(10) **ENHANCED 9-1-1 SERVICE.**—The term ‘enhanced 9-1-1 service’ means the delivery of 9-1-1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission’s regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9-1-1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.”.

### **TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES**

#### **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.**

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting “or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))” after “section 332(d))” each place it appears in subsections (d)(4) and (f)(1);

(2) by striking “WIRELESS” in the heading of subsection (f); and

(3) in subsection (g), by inserting “or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))” after “telephone exchange service”.

Mr. GORDON of Tennessee (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

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

There was no objection.

MOTION OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Gordon of Tennessee moves that the House concur in the Senate amendment to H.R. 3403.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3403, the “New and Emerging Technologies 911 Improvement Act of 2008”.

This legislation ensures that consumers using Voice over Internet Protocol technology, or VoIP, can make full use of the 911 system in two important ways. First, the legislation extends the same liability protections afforded to wireline and wireless carriers, public safety, and end users to VoIP service. This parity in liability protections will encourage service providers, public safety, and end users to continue to rely on the 911 emergency communications system, regardless of the technology used to make a 911 call. Second, the legislation ensures that VoIP providers can interconnect with legacy telephone networks so they can deliver calls and information to 911 call centers.

Representative GORDON, the author of H.R. 3403, Representative MARKEY, Chairman of the Subcommittee on Telecommunications and the Internet, Representative BARTON, Ranking Member of the Committee, Representatives UPTON and STEARNS, the former and current Ranking Members of the Subcommittee, and I worked very closely with all stakeholders on this legislation, and it has widespread support among the public safety community, industry, and others.

As is clear from the language of the legislation, the requirement for interconnection is for purposes of 911 only and should not be used to bootstrap access for other reasons. Similarly, the legislation makes clear that those who control the legacy gateways to the emergency communications system must provide access, including rights of interconnection, to those seeking to deliver 911 calls and information. Because all stakeholders agreed to the legislative language, we fully expect that this access will not be inhibited by either delay or litigation.

H.R. 3403 also requires the development of a national plan to ensure that the 911 system continues to evolve. It is significant that the plan will include the participation of first responders, including the emergency communications professionals maintaining and using the system. It is also important that the plan will address the needs of the disabilities community when they use emergency communications. I look forward to reviewing the results of this work so we can begin to move to the next generation of emergency communications.

I am disappointed that the Senate stripped out one provision of the House-passed version of this legislation that protected proprietary customer information. This provision prohibited a carrier from using the customer information that other carriers are required to provide for 911 databases for any purpose other than emergency communications. I heard no rational argument against the policy underlying this provision. Nevertheless, in the interest of ensuring that this legislation be enacted swiftly, I will support the bill as passed by the Senate.

I intend, however, to take this matter up again in the future. We owe it to consumers to ensure that their emergency communications system does not become a playground for competitive shenanigans.

H.R. 3403 is a forward-looking bill that ensures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. Each of its elements—giving VoIP providers access to the components they need to provide 911 service; extending to VoIP providers, public safety officials, and end users the liability protections currently afforded to wireline and wireless services; and requiring a plan for the continued evolution of the emergency communications system—is a worthy victory for all consumers. I commend Representative GORDON for his years of dedication to this important issue and hail this success, from which all Americans will reap benefits for years to come.

The motion was agreed to.

A motion to reconsider was laid on the table.

### **RECOGNIZING HIGH SCHOOL VALEDICTORIANS OF GRADUATING CLASS OF 2008**

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1229) recognizing the achievements of America’s high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1229

Whereas valedictorians are conferred as the highest academically-ranked student in their high school’s graduating class;

Whereas our Nation’s secondary schools honor their highest academically ranked students with the “valedictorian” title;

Whereas valedictorians have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers;

Whereas valedictorians serve as peer role models to fellow high school students by succeeding academically and contributing to community improvement;

Whereas valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement;

Whereas numerous valedictorians and graduating seniors will further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions;

Whereas family members, teachers, school administrators, and community members have nurtured the intellectual growth and rewarded the academic achievements of valedictorians and graduating seniors; and

Whereas valedictorians and graduating seniors will become America’s future civic, business, and political leaders, maintaining our Nation’s global leadership position and

strengthening its economic competitiveness: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors and recognizes the valedictorians and graduating seniors of the class of 2008 for their academic achievements and contributions to their communities;

(2) encourages all valedictorians and graduating seniors to further their intellectual inquiry and academic studies in universities and postsecondary educational institutions; and

(3) supports the continued social engagement of valedictorians and graduating seniors, which utilizes their knowledge and skills for the betterment of their communities and the social, cultural, and economic advancement of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

#### GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1229 into the RECORD.

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

There was no objection.

Mr. SARBANES. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1229, which recognizes the achievements of America's high school valedictorians of the graduating class of 2008. I am pleased to honor these outstanding individuals, as well as encourage the pursuit of high academic honors.

Today, as we recognize our valedictorians, we reaffirm our commitment to education and encourage our youth to discover the many learning opportunities they will encounter throughout their lives. I hope that by saluting these valedictorians we help make high achievement infectious and help every student appreciate the countless opportunities that await them beyond high school.

Valedictorians are not only the highest academically ranked students in their class; they are also peer role models who represent the ideals of their families and communities. They inspire fellow classmates to become involved in improving the community and motivate their peers to achieve academically.

Long after high school, the title of valedictorian is still upheld as a significant accomplishment. By recognizing the accomplishments of this year's high school valedictorians, I hope to support and promote inquiry and learning across our Nation. I know that this year's valedictorians, and all graduating seniors at our Nation's high schools, are our future leaders. We owe it to these students to give them the best education we can and celebrate high school graduation as an important step toward achieving their goals.

Madam Speaker, I congratulate this year's valedictorians and everyone in the graduating class of 2008. I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

I rise today in support of House Resolution 1229, recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students.

Valedictorians are the highest academically ranked students in their high school's graduating class. These students have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers.

□ 1700

They serve as peer role models to fellow high school students by succeeding academically and contributing to a culture of excellence in their schools.

Valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement. These students enjoy the support of family members, teachers, school administrators and community members who have nurtured their intellectual growth and rewarded their academic achievements. This class of seniors will become America's future civic, business and political leaders, maintaining our Nation's global leadership position and strengthening its economic competitiveness.

Today I want to especially honor and recognize the valedictorians and graduating seniors of the class of 2008. They have all worked very hard to accomplish the goals they reached on high school graduation day. I know this is not the first outstanding accomplishment for many of these young people, and I am equally certain it will not be the last.

I encourage all valedictorians and all graduating seniors to further their intellectual inquiry and academic studies in universities and post-secondary educational institutions across the Nation.

To all graduating seniors, I want to say congratulations on your many accomplishments, and enjoy your summer.

I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Ms. FOXX. Madam Speaker, as we reflect on the valedictorians of the class of 2008, I think it's important that we think about what the Democrats are doing now in the House of Representatives that are going to affect their fu-

ture. I think that we have to reflect on the fact that the Democrat majority's "just say no" energy policy certainly darkens America's energy future:

No production of American energy resources, which increases reliance on unstable foreign sources such as Venezuela, Iran and Saudi Arabia.

No new oil refineries built, which increases gas prices and reliance on imported fuel.

No new transmission lines, which hinders renewable electricity getting to consumers and reduces reliability.

No new coal power plants, which increases electricity prices and stifles the economy.

No new advanced zero-emission nuclear plants, which blocks one of the cleanest, most reliable energy sources available.

No new zero-emission hydroelectric plants, which blocks reliable clean energy.

No liquefied natural gas terminals, which increases prices and ships jobs overseas.

Democrats' prohibition on producing American energy resources have made the U.S. more reliant on imported oil and natural gas.

Democrats' roadblocks on the utilization of energy from our North American neighbors have made the U.S. more reliant on the Organization of Petroleum Exporting Countries, OPEC.

Democrats' unfavorable tax rules have sent energy investment and production abroad.

Democrats' unnecessary red tape and bureaucracy have made it nearly impossible to move forward on new clean power generation.

Democrats' 1970s-era energy policies have cancelled dozens of power plants, reducing electricity supplies and increasing electricity costs to consumers.

Democrats' refusal to provide incentives for individuals and businesses has made it difficult to invest in efficient technologies.

But Republicans have solutions that will fix this problem. We then can look at meeting our energy needs with American-made energy in the future.

The comprehensive House Republican plan will fund research and development of technologies and innovations which advance the use of renewable and domestically available energy sources, increase energy efficiency, and ease the environmental impacts of energy use.

We will increase the production of American-made energy in an environmentally safe way.

We support actions that reduce America's dependence on energy from unstable foreign governments and dictatorships by increasing domestic production of oil and natural gas in an environmentally safe way.

And we promote unconventional fuels such as coal-to-liquid technology by recovering our vast oil shale reserves and increasing access for environmentally responsible development of conventional and unconventional domestic oil and natural gas production.

We want to provide coal-to-liquids financing and tax incentives. We want to advance the commercialization of the Nation's 2 trillion barrel shale oil resource, 80 percent of which occurs on government-owned land in the West. This is enough to supply all of America's needs for over two centuries.

We are promoting new, clean and reliable power generation. We encourage more production of environmentally safe energy to increase the use of our vast domestic supply, reduce emissions, and keep coal-dependent communities strong.

We want to expand emissions-free nuclear power, including long-term nuclear waste storage solutions and recycling spent fuel by providing production and investment tax credits for all new base-load electricity products such as advanced nuclear power and clean coal, and allowing immediate expensing for new renewable or zero-emission power.

We want to cut red tape and increase the supply of American-made fuel and energy by expediting permitting for enhanced oil recovery projects, including CO<sub>2</sub> delivery and injection, as well as permitting for new refining capacity.

We want to improve environmental review and permitting to encourage the deployment of technologies which increase the efficiency of existing power plants.

And we want to end ill-advised policies that have led to the proliferation of unique gasoline and diesel fuel formations known as "boutique fuels" which have fragmented our motor fuels distribution system, choked off supply, and exacerbated the already painful Pelosi Premium.

We are encouraging greater energy efficiency by offering conservation tax incentives. We support technologies to help increase energy efficiency in all sectors of the American economy, including removing bureaucratic regulatory barriers that prevent businesses from upgrading their facilities with newer, more efficient energy technologies.

We want to make home energy efficiency upgrades tax deductible, provide incentives for homebuilders and homeowners to make their homes more energy efficient, offer investment expensing for industrial and commercial building efficiency upgrades, extend the residential and business solar and fuel cell investment tax credits, with enhancements to the residential solar credit (\$2,000 per ½ kilowatt installed), extend the fiber-optic distributed sunlight investment tax credit, and increase energy efficiency of government-owned facilities.

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

Mr. SARBANES. Madam Speaker, for too long our Nation has been captive of the interests that are preserving dependence on fossil fuels.

What's so exciting about what is happening with the younger generation, among them these valedictorians that

we're saluting today, is they're really getting out on the cutting edge in terms of thinking about the green revolution, about new energy technologies. And they're the ones, I think, that are going to join with enlightened policy makers across the country to make sure that we liberate ourselves from that dependence on fossil fuels and we move forward and explore alternatives to that, which is really going to be the solution to our energy crisis over time.

So again, for all they're doing and for stepping up as they do every day and demonstrating incredible accomplishments, I want to salute the valedictorians of the class of 2008 and encourage my colleagues to support H. Res. 1229.

Mr. GRIJALVA. Madam Speaker, today, we rightly honor the hard work and achievements of this year's valedictorians, salutatorians and graduates all across the Nation. I wish to recognize their dedication and the contributions to their community. By completing a high school diploma, the future for these students has become considerably brighter.

I also wish to take a moment to reflect on large group of valedictorians, salutatorians and graduates who, despite high school success and graduation, will be shut out of many of the opportunities for a prosperous future that we promise to our children for their hard work.

I am referring to the many valedictorians, salutatorians and graduates who have worked hard in the communities they have known their whole lives, played by the rules, excelled in school and, because of their undocumented status, will be systematically cut off from the opportunities that are afforded to successful students like them. Through no fault of their own, these bright, intelligent, model students will be caught in limbo—denied an opportunity to pursue success and, in so doing, to serve our country.

These students are confronted with a lesson that high schools do not teach—that because of a status that was not of their choosing, their achievements are worth less than the achievements of their friends and classmates. This is a cruel lesson indeed; the lesson that they have grown up in a social caste; that despite America's promise of prosperity for hard work, that no matter what their educational success—they will be branded "untouchables".

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1229, recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students, introduced by my distinguished colleague from New York, Representative GREGORY MEEKS, of which I am a proud cosponsor. This bill is an important step in continuing and promoting the excellent secondary education that our nation provides.

This legislation recognizes the fine accomplishments of the graduating class of 2008 and commends them for their intellectual pursuits as well as their academic achievements. This bill, furthermore, recognizes the family members, teachers, school administrators, and community members that have nurtured the intellectual growth and rewarded the academic achievements of this year's valedictorians and graduating seniors.

This year, valedictorians across America have succeeded in tremendous academic endeavors. Whether by inspiring their fellow classmates to study a little longer for a test, or by tutoring them to write an essay, valedictorians have acted as noteworthy role models to their peers. Furthermore, through their hard work and dedications, they have enriched their academic communities.

It is further important that we recognize that valedictorians often engage in extracurricular activities, enriching their local communities and the nation by furthering economic, cultural, and social accomplishments. By volunteering their time in soup kitchens, acting as captain of the soccer team or chess club, or simply taking an after-school job, valedictorians learn more than math and English, they learn to contribute significantly to our society.

As Chair of the Congressional Children's Caucus, I recognize the importance of today's youth. Valedictorians as well as graduating seniors of 2008 will become the future businessmen, leaders, teachers, and scientists that lead this nation. They will use their extraordinary talents to make the world a better place. As thus, it is important for them to continue to cultivate their strengths by attending one of the many universities that this great nation has to offer. I support this legislation that encourages valedictorians and the graduating class of 2008 as a whole, to further their intellectual inquiry and academic studies beyond their secondary education.

With over 15,000 of our nation's schools recognizing this year's valedictorians as the highest academically-ranked students in their graduating class, the members of Congress, as representatives of our nation, must recognize these talented individuals for their hard work. By doing so, we demonstrate the importance of education and show our support for the continued hard work of students across the country. Without this official recognition, talented youth may not feel support which can push them to achieve high goals, such as past valedictorians and the valedictorians of the 2008 graduating class have achieved. I feel strongly that this bill is a step toward providing support for students.

This legislation is imperative to recognizing the achievement of the graduating class of 2008, supporting social engagements by graduating seniors to better our communities, and promoting continued intellectual pursuits by these men and women at colleges and universities. As the Chair of the Congressional Children's Caucus, a Representative of the people of the United States, and a mother of two, I am proud to cosponsor this legislation and I urge my colleagues to join me in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1229, as amended.

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

A motion to reconsider was laid on the table.



# HONORING THE LIFE OF LOUIS JORDAN ON THE 100TH ANNIVERSARY OF HIS BIRTH

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1242) honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1242

Whereas Louis Thomas Jordan was born July 8, 1908, in Brinkley, Arkansas;

Whereas he studied music as a young child under his father James Aaron Jordan, who was the bandleader of the Brinkley Brass Band;

Whereas in the late 1920s he attended Arkansas Baptist College in Little Rock, Arkansas, and majored in music;

Whereas he joined Chick Webb's Savoy Ballroom band in 1936 in New York where he played saxophone and performed occasionally as a singer;

Whereas in 1938 he started his own band, the Elks Rendez-Vous Band, and in 1939 he changed the name of the group to the Tympany Five;

Whereas his prolific musical career consists of 54 hit singles including, "Five Guys Named Moe", "Let the Good Times Roll", "Don't Let the Sun Catch You Cryin'", and "Barnyard Boogie", and 18 number 1 hits on Billboard's R&B chart including "Beans and Cornbread", "Run Joe", "Ain't That Just Like A Woman", "Blue Light Boogie", and the 1946 hit "Choo Choo Ch'Boogie", which topped the Billboard's R&B chart for 18 weeks;

Whereas 15 of his hits made it onto the Pop charts, including "Baby It's Cold Outside", "Caldonia", "Is You Is or Is You Ain't My Baby", "Ain't Nobody Here But Us Chickens", "Buzz Me", and "Beware";

Whereas he actively recorded for the Armed Forces Radio Service and the V-Disc program during World War II, and one of the his songs recorded during this period, "G.I. Jive", was number 1 on the Pop chart for 2 weeks;

Whereas he was featured in a variety of short musical films in the 1940s, such as the 1945 short film "Caldonia", and played cameo roles in movies like "Follow the Boys" and "Swing Parade of 1946";

Whereas his 1949 recording of "Saturday Night Fish Fry" was one of the earliest musical examples of what would later become known as "Rock and Roll";

Whereas he died on February 4, 1975, in Los Angeles, California;

Whereas a host of prominent musicians including Chuck Berry, Bo Diddley, B.B. King, Ray Charles, James Brown, and Sonny Rollins have counted him as an influence;

Whereas he was inducted into the Rock and Roll Hall of Fame in Cleveland, Ohio, in 1987;

Whereas in 2004, Rolling Stone Magazine named him one of the 100 Greatest Artists of All Time; and

Whereas Louis Jordan will be highlighted on a United States Postal Service stamp, as part of the 2008 commemorative stamp program: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) honors the life of Louis Jordan, on the 100th anniversary of his birth; and

(2) recognizes his important contributions to American music as a musician, composer, and entertainer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

## GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1242 into the RECORD.

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

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1242, which honors the life and recognizes the importance of Louis Jordan and his contributions to America as a musician, composer and entertainer.

July 8, 2008 will be Louis Jordan's 100th birthday, the celebration of his 100th birthday. And in celebration of this day, we should recognize Jordan's contributions to this country.

Louis Jordan, born in 1908, is a Brinkley, Arkansas native. Under the musical tutelage of his father, who was a local band leader, music found Jordan at an early age. He expanded and mastered formal components of music through his collegial experience at Arkansas Baptist College in Little Rock. Jordan majored there in music. He learned to play the saxophone, sing, and entertain audiences through his personal experiences and watching his father.

Highly touted musicians, such as B.B. King, Ray Charles, James Brown, Chuck Berry, Bo Diddley and Sonny Rollins, all pointed to Jordan as an influence on their own careers. His prolific musical success consists of 54 hit singles and 18 number one songs on Billboard's R&B charts. Two short musical films were centered around his songs.

Inducted into the Rock and Roll Hall of Fame in 1987, Jordan's contribution to his art is immeasurable. Rolling Stone Magazine named him one of the 100 greatest artists of all time.

Though Jordan passed away in 1975, his legacy flourishes through the work of other artists. He helped shape rock and roll. On this day, I would like to commemorate Jordan's work. Let us recognize his contribution by honoring his 100th birthday.

I urge support of this resolution.

Madam Speaker, I reserve the balance of my time

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

Madam Speaker, I rise today in support of House Resolution 1242, honoring the life, musical accomplishments and contributions of Louis Jordan on the 100th anniversary of his birth.

Louis Thomas Jordan, vocalist, bandleader and saxophonist, ruled the charts, stage, screen and airwaves of

the 1940s and profoundly influenced the creators of R&B, rock and roll, and post-World War II blues.

Jordan was born July 8, 1908 in Brinkley, Arkansas. His father, James Aaron Jordan, led the Brinkley Brass Band. His mother died when he was young.

Jordan studied music under his father and showed promise in horn playing, especially clarinet and saxophone. Due to World War I, there were vacancies in his father's band, so Jordan filled in. Soon he was good enough to join his father in a professional traveling show touring Arkansas, Tennessee and Missouri instead of doing farm work when school closed.

Jordan briefly attended Little Rock's Arkansas Baptist College in the 1920s and performed with Jimmy Pryor's Imperial Serenaders. He played saxophone and clarinet with them, as well as Bob Alexander's Harmony Kings.

In the 1930s, based in Philadelphia, Jordan found work in the Charlie Gaines Band playing clarinet, and soprano and alto sax, in addition to doing vocals, which he recorded and toured with Louis Armstrong. During this time, Jordan also learned baritone sax, and he joined nationally popular drummer Chuck Webb's Savoy Ballroom Band featuring Ella Fitzgerald.

Jordan created his own band, which was called Tympany Five, regardless of number of pieces. The small size of Tympany Five made it innovative structurally and musically in the Big Band era.

Among the first to join electric guitar and bass with horns, Jordan set the framework for decades of future R&B and rock combos. Endless rehearsals, matching suits, dance moves, and routines built around songs made the band Jordan's singular brand of sophisticated, yet down-home, jump blues and vocals made it a success.

In the 1940s, Jordan released dozens of hit songs, including the swinging "Saturday Night Fish Fry," one of the earlier and most powerful contenders for the title of "First Rock and Roll Record," "Blue Light Boogie," the comic classic "Ain't Nobody Here But Us Chickens," "Buzz Me," "Ain't That Just Like a Woman," "Caldonia," and the million-dollar seller, "Choo Choo Ch'Boogie."

□ 1715

Jordan died in Los Angeles, California, in 1975. A host of prominent musicians claimed his influence, including Ray Charles, James Brown, Bo Diddley, and Chuck Berry. His songs have appeared in commercials, TV, and movies and have been recorded by dozens of popular artists. Louis Jordan leaves a musical legacy that influences popular music as we know it today.

I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, it is my privilege now to yield such time

as he may consume to the sponsor of this bill, the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Proudly today, Madam Speaker, the House of Representatives solutes another great American, acknowledging the contributions of a remarkable man to our great country.

Entertainers reflect the rich history of America, and their stories, their personal stories, tell our story. No more worthy among these is Arkansas native Louis Jordan, a musician, songwriter, entertainer, and even movie performer. Nothing could stifle this remarkably talented man, not racial bigotry or up-bringing a century ago in rural Arkansas.

Louis Jordan was born July 8, 1908, in Brinkley, Arkansas, and in the late 1920s he attended Arkansas Baptist College where I live, in Little Rock, Arkansas, and majored in music. He became a songwriter, performer, and movie actor. He actively recorded for the Armed Forces Radio Service and the V-Disc program during World War II, and one of his songs recorded during this period, "G.I. Jive," was number one on both the R&B and Pop charts. He appeared in soundies, which were short musical films in the 1940s displayed on coin-operated film jukeboxes, and played cameo roles in movies like "Follow the Boys" and "Swing Parade" of 1946.

Previous speakers have acknowledged some of his remarkable accomplishments: the "Saturday Night Fish Fry" recording of 1949, which many say was the first rock and roll song; his induction into the Rock and Roll Hall of Fame in Cleveland in 1987; and in 2004 being named one of the 100 Greatest Artists of All Time by Rolling Stone Magazine.

I am pleased that the House today will pass this resolution, but in some ways we don't get the full flavor of his accomplishments and the richness of the heritage of what he did without talking specifically about these songs. Let me go through the list of hits briefly here today.

His career began in the early days of World War II, some dark years for America. The 1942 hits included "I'm Gonna Leave You on the Outskirts of Town" and "What's the Use of Getting Sober (When You Gonna Get Drunk Again)."

In 1943: "The Chicks I Pick are Slender and Tender and Tall," "Five Guys Named Moe," "That'll Just 'Bout Knock Me Out," "Ration Blues."

In 1944: "G.I. Jive," "Is You Is or Is You Ain't My Baby."

In 1945: "Mop! Mop!," "You Can't Get That No More," "Caldonia," "Somebody Done Changed the Lock on My Door," "My Baby Said Yes."

And then truly the remarkable year of 1946 in which he had 13 hits: "Buzz Me"; "Don't Worry 'Bout That Mule"; "Salt Pork, West Virginia"; "Reconversion Blues"; "Beware (Brother, Beware)"; "Don't Let the Sun Catch You Cryin'"; "Stone Cold Dead in the Mar-

ket (He Had it Coming)"; "Petootee Pie"; "Choo Choo Ch'Boogie"; "That Chick's Too Young to Fry"; "Ain't That Just Like a Woman (They'll Do It Every Time)"; "Ain't Nobody Here But Us Chickens"; "Let the Good Times Roll."

And then on to 1947: "Texas and Pacific"; "I Like 'Em Fat Like That"; "Open the Door, Richard!"; "Jack, You're Dead"; "I Know What You're Puttin' Down"; "Boogie Woogie Blue Plate"; "Early in the Mornin'"; "Look Out."

In 1948: "Barnyard Boogie"; "How Long Must I Wait for You"; "Reet, Petite and Gone"; "Run Joe"; "All for the Love of Lil"; "Pinetop's Boogie Woogie"; "Don't Burn the Candle at Both Ends"; "We Can't Agree"; "Daddy-O"; "Pettin' and Pokin'."

In 1949: "Roamin' Blues"; "You Broke Your Promise"; "Cole Slaw (Sorghum Switch)"; "Every Man to His Own Profession"; "Baby, It's Cold Outside"; "Beans and Corn Bread"; "Saturday Night Fish Fry."

In 1950, four hits: "School Days," "Blue Light Boogie," "I'll Never Be Free," "Tamburitzna Boogie."

And in 1951: "Lemonade," "Tear Drops from My Eyes," "Weak Minded Blues."

Those song titles from the remarkable career of hits of Louis Jordan give you a flavor for the kinds of songs, the kind of music, the richness of American heritage.

This was really brought home to me when I was getting signatures to sign onto this bill, and one of the first people I talked to was one of our colleagues Congressman STEVE ISRAEL from New York, a long way from rural Arkansas, and he immediately told me—he signed on—that he had seen "Five Guys Named Moe" in New York three times. He started singing the songs and knew the lyrics of many of these songs, even though Louis Jordan died over 30 years ago.

I appreciate the efforts by the majority and minority today to bring this bill to the floor, and today we salute a remarkable American: Louis Jordan.

Ms. FOXX. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SARBANES. Madam Speaker, I want to thank my colleague from Arkansas for that wonderful history on Louis Jordan, and I want to urge my colleagues to support H. Res. 1242.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The question was taken.

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

Mr. SARBANES. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

# RECOGNIZING PITTSFIELD, MASSACHUSETTS, AS BEING HOME TO THE EARLIEST KNOWN REFERENCE TO THE WORD "BASEBALL"

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1050) recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word "baseball" in the United States as well as being the birthplace of college baseball, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1050

Whereas Pittsfield, Massachusetts, is the home of a historic document discovered in Pittsfield's archives by noted baseball historian John Thorn in 2004;

Whereas the historic document is a bylaw, passed by the Town of Pittsfield, Massachusetts, during a town meeting on September 5, 1791, which states that "for the Preservation of the Windows in the New Meeting House . . . no Person or Inhabitant of said town, shall be permitted to play at any game called Wicket, Cricket, Baseball, Football, Cat, Fives or any other game or games with balls, within the Distance of Eighty Yards from said Meeting House";

Whereas this bylaw was created to protect the windows of the new meetinghouse in the Town of Pittsfield, Massachusetts, which is currently the Congregational Church, designed by renowned architect Charles Bulfinch in 1789 and completed in 1793;

Whereas Pittsfield, Massachusetts, through the First Home Plate project will commemorate being known as the home of the oldest known documentation of the game by erecting three permanent monuments, Bat, Ball, and Glove, to recognize Pittsfield's unparalleled position in baseball history;

Whereas the monuments will highlight and represent the great virtues of the game that have solidified baseball as our national pastime;

Whereas the virtues of baseball are innocence, youth, bridging generations, and how it parallels the great history of our Nation;

Whereas Pittsfield, Massachusetts, is also the home of many historical baseball moments;

Whereas Pittsfield, Massachusetts, is the birthplace of college baseball in the United States as it is the site of the first intercollegiate baseball game between Amherst College and Williams College, which took place on July 1, 1859;

Whereas in 1865, Ulysses F. "Frank" Grant, generally considered the best African American player of the 19th century, was born in Pittsfield, Massachusetts;

Whereas Pittsfield, Massachusetts, is the home of Wahconah Park, an enclosed ball park and grandstand, originally built in 1892 and placed on the National Historic Register in June 2005;

Whereas Pittsfield, Massachusetts, is where in 1921 and 1922, the Boston Red Sox played 2 exhibition games at Wahconah Park against the Hillies;

Whereas Boston won the first game with a score of 10 to 9 and the Hillies won the second with a score of 4 to 1;

Whereas in 1922, Jim Thorpe, considered one of the most versatile athletes in modern sports, played baseball at Wahconah Park;

Whereas in 1924, Lou Gehrig made his professional debut with the Hartford Senators at Wahconah Park, where he hit a home run into the Housatonic River;

Whereas in 1942, future major leaguer Mark Belanger was born in Pittsfield, Massachusetts;

Whereas on June 1, 1976, a recreation of the 1859 Williams and Amherst collegiate baseball game took place in Pittsfield, Massachusetts;

Whereas Pittsfield, Massachusetts, hosted a vintage baseball game which was broadcast on national television in 2004;

Whereas Pittsfield, Massachusetts, in 2005, welcomed the Pittsfield Dukes, a member of the New England Collegiate Baseball League, who made their second season debut at Wahconah Park in 2005; and

Whereas on August 31, 2007, His Excellency, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, proclaimed September 5, 2007, to be Pittsfield Baseball Day in the Commonwealth: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) recognizes the importance of college baseball to the Nation; and

(2) recognizes the birthplace of college baseball as Pittsfield, Massachusetts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

#### GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1050 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 1050, which recognizes Pittsfield, Massachusetts, as the birthplace of our Nation's great sport: baseball. This great sport is interlaced into American culture, history, and tradition. Baseball is our Nation's national pastime, and Pittsfield, Massachusetts, helped create the American sporting culture. Legendary players such as Babe Ruth, Lou Gehrig, Cy Young, Hank Aaron, Cal Ripken, and other Hall of Fame players raised the level of play and integrity of the game.

The first recorded mention of baseball in known history occurred when a Pittsfield bylaw passed on September 5, 1791, banned the playing with bats and balls near the town's newly constructed meetinghouse. This ordinance is the first known reference to the game in U.S. history.

Other notable historic moments took place in Pittsfield. The very first collegiate baseball game in the United States took place there on July 1, 1859,

between Amherst College and Williams College. Ulysses F. Grant, the most prominent 19th century African American player, was born in Pittsfield. Wahconah Park, a famous ballpark and grandstand built in 1892, is located there. The Boston Red Sox won their first game in that park. Lou Gehrig made his professional debut with the Hartford Senators there where he hit a home run into the Housatonic River. With every great baseball moment, Pittsfield is a part of the significance.

The first home plate project will erect a bat, ball, and glove statues in Pittsfield. These monuments symbolize great virtues, innocence, purity, and parallels to American culture. Let Congress at this time recognize and honor the contribution Pittsfield plays in our Nation's history.

I would like to recognize Pittsfield, Massachusetts' role in our Nation's history, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker I rise today in support of House Resolution 1050, recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word "baseball" in the United States.

The question of the origins of baseball has been the subject of debate and controversy for more than a century. Baseball, as well as the other modern bat, ball, and running games, were developed from earlier folk games. Previous beliefs held that baseball was invented in 1839 by Abner Doubleday in Cooperstown, New York. This belief provided the rationale for baseball centennial celebrations in 1939, including the opening of a National Baseball Hall of Fame and Museum. Still, few historians and even the hall's vice president believed that Cooperstown was indeed the birthplace of the game, most preferring to believe that "baseball wasn't really born anywhere."

In 2004, however, historian John Thorn discovered a reference to a 1791 bylaw prohibiting anyone from playing "baseball" within 80 yards of the new meetinghouse in Pittsfield, Massachusetts. The so-called "Broken Window Bylaw" soon became the earliest known reference to baseball in North America and allowed Pittsfield to lay claim to the honor.

Baseball is unique among American sports in several ways. This uniqueness is a large part of its longstanding appeal and strong association with the American psyche. Some philosophers describe baseball as a national religion. This popularity has resulted in baseball's being regarded as more than just a major sport. Since the 19th century, it has been popularly referred to as the "national pastime," and Major League Baseball has been given a unique monopoly status by the Supreme Court of the United States.

Baseball is fundamentally a team sport. Even a team blessed enough to

have two or three Hall of Fame-caliber players cannot count on success. Yet it places individual players under great pressure and scrutiny. Many Americans believe that baseball is the ultimate combination of skill, timing, athleticism, and strategy. The pitcher must make good pitches or risk losing the game. The hitter has a mere fraction of a second to decide whether to swing. The field players, as the last line of defense, make the lone decision to try to catch it or play it on the bounce, to throw out the runner at first base or to try to make the play at home.

Baseball has truly provided countless Americans fond memories of their youth over the years, and I am honored to stand here today recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word "baseball" in the United States.

I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, at this time I yield such time as he may consume to the sponsor of this bill, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding time.

Madam Speaker, I am pleased today that the House of Representatives is considering House Resolution 1050, which honors the city of Pittsfield for its rich baseball history. As a sponsor of this legislation, I would like to thank the Committee on Education and Labor, especially the gentleman from California Chairman GEORGE MILLER for his assistance in bringing this resolution to the floor.

Pittsfield, Massachusetts, can trace its baseball roots all the way back to 1791.

□ 1730

The city, which was only the town of Pittsfield then, was in the middle of constructing a new meeting house. Trying to protect the windows of this new building, the town enacted a bylaw that banned the playing of "baseball" within 80 yards of it. You see, even back in 1791, youths were already breaking windows playing America's favorite national pastime. With that, the first mention of baseball was penned into history.

Madam Speaker, besides being home to the earliest known reference to baseball, this resolution also honors the city for being designated the Birthplace of College Baseball by the College Baseball Hall of Fame.

On July 1, 1859, the city hosted one of the Nation's oldest collegiate rivalries, Williams College versus Amherst College, in the first collegiate baseball game to be played in the Nation. Now this game was played under the old "Massachusetts" rules. No gloves were used, the ball was pitched under hand, only one out was necessary, and a foul ball, if uncaught, was considered a hit.

The record shows that Amherst College won this first contest by a score of 73–32.

Pittsfield is also the site of many other historical baseball moments. Among others, this resolution honors the city for being the birthplace of Ulysses F. Grant, born in 1865, who's generally considered to be the best African American player of the 19th century, as well as Mark Belanger, born in 1944, who spent most of his career playing for the Baltimore Orioles.

In 1924, Lou Gehrig made his professional debut at Waconah Park, the venerable ballpark in Pittsfield that is listed on the National Historic Register, and in that debut he appropriately hit a home run into the Housatonic River. Jim Thorpe, considered one of the most versatile athletes in modern sports, also played there.

In recognition of its baseball past, the city of Pittsfield plans to erect three permanent monuments, Bat, Ball, and Glove, representing the virtues of the game.

Overall, Madam Speaker, I am proud to recognize the city of Pittsfield for its rich baseball history and I am honored to stand on the floor today to honor its significance to our national pastime.

I urge my colleagues to support this resolution, Madam Speaker.

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

Ms. FOXX. The rising cost of gas and energy prices throughout this country threatens many aspects of our lives, and the ability to attend baseball games this summer is one of those. The notion that Washington is broken is exemplified in the Democratic majority's refusal to address soaring energy prices.

Two years ago, then-Minority Leader PELOSI promised the American people a "commonsense plan" to lower gasoline prices, but Democrats have not only failed to offer any meaningful solutions, they've put forward policies that will have precisely the opposite effect. As a result of their inaction, oil, gasoline, and electricity prices are as high as they have ever been. Once a nightmare scenario, \$4 plus gasoline has become a harsh reality on Speaker PELOSI's watch, and now Americans are paying nearly \$1.50 more per gallon at the pump than when the Speaker took office.

This Pelosi Premium is hitting working families hard, at a time when they are confronting high costs of living, a slowing economy, and a housing crunch. This has to change.

Republicans are committed to a comprehensive energy reform policy that will boost supplies of all forms of energy right here at home to reduce our dependence on foreign sources of energy, protect us against blackmail by foreign dictators, create American jobs, and grow our economy, all those things as basic to us as our love of baseball.

This includes increasing the supply of American-made energy, improving

energy efficiency, and encouraging investment in groundbreaking research in advanced alternative and renewable energy technologies. With 21st century technologies and the strictest environmental standards in the world, America must produce more of our own energy right here at home and protect our environment at the same time. That is the change America deserves.

To help ease the pain of the Pelosi Premium, House Republican leaders have also embraced short-term legislation that would suspend the 18.4 cents per gallon Federal gas tax this summer and establish a corresponding freeze on all taxpayer-funded earmarks to ensure the Highway Trust Fund will not be impacted. Savings from the earmarks freeze also would be applied towards reducing the Federal deficit.

A House Republican majority will work to deliver the change America deserves on gas prices with meaningful solutions that make our Nation more energy independent. Here's how we will do it. We will increase the production of American-made energy in an environmentally safe way. This includes the exploration of next generation oil, natural gas and coal, and the production of advanced alternative fuels like cellulosic and clean coal-to-liquids, all while protecting our natural resources for future generations.

We will promote new, clean, and reliable power generation like advanced nuclear and next generation coal, while promoting clean power from renewable energy such as wind and hydroelectric power. Nuclear energy has proven itself as a safe, carbon-free, and environmentally friendly alternative, with France relying on it for 80 percent of its electricity needs, compared to just 19 percent in America.

We will cut red tape and increase the supply of American-made fuel and energy. Limiting the construction of new oil refineries and bureaucratic regulations mandating the use of exotic fuels have decreased supply and increased the Pelosi Premium. We will encourage greater energy efficiency by offering conservation tax incentives to America who make their home, car, and business more energy efficient.

We can do much to make it more feasible for families to attend baseball games this summer and participate in other normal summer activities by reducing our dependence on foreign oil and creating more American-generated energy, and I call on my colleagues to bring up the bills that will allow us to do that.

I yield back the balance of my time.

Mr. SARBANES. The discussion of energy and oil, on the one hand, and baseball on the other, got me thinking about something I read last week, which is a lot of the folks coming into baseball games around the country and sporting events are using public transportation wherever they get the chance, as opposed to driving their cars, and I am so glad that the Democratic Congress has put such an invest-

ment into proving our public transportation infrastructure in this country.

Obviously, we have got to do more of that going forward so that we can conserve. That can help drive down some of the gas prices that have been alluded to.

In any event, to get back to the main topic here with respect to recognizing the tremendous role of Pittsfield, Massachusetts, in the establishment of the culture of our national pastime, I want to urge my colleagues to support H. Res. 1050.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1050, as amended.

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

A motion to reconsider was laid on the table.

#### SUPPORTING THE GOALS AND IDEALS OF BLACK MUSIC MONTH

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 372) 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.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 372

Whereas the Nation should be urged to recognize the exemplary contributions that African-American singers, musicians, and composers have made both to the United States and the world;

Whereas the music of African-Americans is the music of America, and has historically transcended social, economic, and racial barriers to unite people of all backgrounds;

Whereas artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music;

Whereas African-American music is indigenous to the United States and originates from African genres of music;

Whereas African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, and hip-hop have their roots in the African-American experience;

Whereas African-American music has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture;

Whereas Black music has helped African-Americans endure great suffering and overcome injustice with courage and faith;

Whereas civil rights demonstrators often marched to the cadence of many songs written and composed as gospels or spirituals that were created on the fields of slaves;

Whereas June was first declared as Black Music Month in 1979 by President Carter and has yearly been designated as National Black Music Month by all concurrent Presidents;

Whereas African-American musicians have played a significant role in inspiring people

across the generations in America and around the world with their vision and creativity by writing lyrics which speak to the human experience and express heartfelt emotion;

Whereas producers of African-American music have come to be known as some of the greatest musical talents who have enriched our culture and continue to influence fellow musicians today;

Whereas African-American musicians have helped shape our national character and have become an important part of our musical heritage; and

Whereas African-American music has millions of fans of different races and ages in cities and towns all across the United States: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) supports the goals and ideals of Black Music Month;

(2) honors the outstanding contributions that African-American singers, musicians, composers, and producers have made to this country;

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music; and

(4) requests and authorizes the President to issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

#### GENERAL LEAVE

Mr. SARBANES. I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Con. Res. 372 into the RECORD.

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

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 372, which supports the goals of Black Music Month. This is an appropriate time to honor the outstanding contributions African American singers and musicians have made to the United States. The Nation benefits culturally and economically from the experience of black musicians. Today, I stand to honor the influence of African American musical artists.

African American music has strong ties to African heritage. The complex rhythm, melodic harmony, and active call-and-response nature of African American music are products of deep African traditions. Many Negro spirituals performed and written by African Americans not only commemorated the African Diaspora but helped to create social change.

In April of 1960, in Monteagle, Tennessee, a 16-year-old girl named Jamila Jones stood in a crowd of nonviolent segregation protestors and began singing, "We Shall Overcome" to a group of armed and hostile deputies. That night,

the deputies withdrew and let the students sing. "We Shall Overcome" is a Negro spiritual taken from Reverend Charles Tindley's, "I'll Overcome Some Day." Other songs, such as, "Swing Low Sweet Chariot," "There is a Balm in Gilead," and "Lift Every Voice and Sing," are all prominent African American ballads that were instrumental in the Civil Rights movement.

Other genres of music are rooted in the black experience as well. The origins of gospel, jazz, rhythm and blues, and rap are all closely linked to African American culture. These genres have enormous impact on our Nation at large.

President Carter acknowledged the influence and contribution of black music when he first declared June as, "Black Music Month," in 1979. Black musicians inspire people across generations and around the world with their creativity, vision, and ability to speak to the human experience. The long history of African American music has helped shape our Nation and musical heritage.

There are millions of African American music fans of different races and ages all across our Nation. I support this bill and I honor the goals and ideals of Black Music Month, along with the many contributions of black musicians to the American people.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 372, 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.

From the days of slavery and discrimination, through the progress of the Civil Rights movement, to today, black music has told the story of the African American experience. In addition to giving voice to black struggles, faith, and joys, African American music has helped also to bring people together. During Black Music Month, we celebrate this integral part of music history by highlighting the enduring legacy of African American musicians, singers, and composers.

In the early days, black music was used to share stories, spread ideas, preserve history, and establish community. These spirituals eventually evolved into a genre that remains vibrant and very meaningful today, gospel music. This great musical tradition developed under the leadership of people like Thomas Dorsey, who was known as the Father of Gospel Music.

In the early 20th century, the progression of jazz took place all over the country, from the deep south of New Orleans and the Mississippi Delta, to northern cities such as Chicago and New York. Jazz captured the interest of 20th century America, making household names of great African American artists like Louis Armstrong, Charlie Parker, Ella Fitzgerald,

and Miles Davis. The unparalleled brilliance of these and other great jazz musicians had an extraordinary effect upon the American musical tradition, while bringing great pleasure to millions of fans.

Later, rhythm and blues emerged, synthesizing elements from gospel, blues, and jazz; and from these styles came the birth of rock and roll.

□ 1745

A fabulous array of artists helped to pioneer this modern musical transformation, including Chuck Berry, Ray Charles, Marvin Gaye, Aretha Franklin and Stevie Wonder.

African American music continues to influence the American music scene today with styles such as rap and hip-hop. As we celebrate the many creative and inspiring African American artists whose efforts have enhanced our Nation, we recognize their enduring legacy and look to a future of continued musical achievement.

I ask my colleagues to support this resolution.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of H. Con. Res. 372, honoring the outstanding contributions that African American singers and musicians have made to the United States. June 2008 marks the 29th year of national recognition of Black Music. It is difficult to imagine American music without the rich and continuing innovations of African Americans. Prompted by Songwriter/producer Kenny Gamble, producer Berry Gordy, and artist Stevie Wonder, President Jimmy Carter designated June as Black Music Month in 1979.

From the African American spirituals created and sung by those who were enslaved or who were striving for equal rights, to the celebration of faith in gospel music, to the trials and struggles of life illuminated in blues, the music throughout the years served as a narrative to the African American experience. The number of actual contributors to the African-American Music Movement is immeasurable, and the impact of these artists on American music and culture has been astounding. African American artists have influenced the development of all branches of American popular culture including rock, country, and popular or "pop" music. Artists such as Paul Robeson and Marian Anderson, who lived in my home State of Connecticut, Chuck Berry, Bo Diddley, Duke Ellington, Louie Armstrong, Ella Fitzgerald, Mahalia Jackson, James Brown, Aretha Franklin, and Marvin Gaye set the tone for American music and have influenced artists and musicians across generations throughout the globe.

And so Madam Speaker, I rise to celebrate the numerous African American musicians and singers who have enriched and defined the various forms of American Music and urge the passage of this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 372, 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, introduced by my distinguished colleague from Michigan, Representative KILPATRICK. This important resolution honors, recognizes, preserves, and promotes the legacy

and contributions that Black Music and African American singers and musicians have made to our great Nation.

Black Music has been woven into the fabric of American Society for centuries, deeply impacting hundreds of generations. The music of African-Americans is the music of America, and has historically transcended social, economic, and racial barriers to unite people of all backgrounds. African American artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music, and their value to the African American community cannot be overstated.

African-American music is indigenous to the United States and originates from African genres of music. From gospel, blues, jazz, rhythm and blues, rap, and hip-hop, African Americans musical roots can be heard throughout many musical genres that we love today. African-American music has had a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture and this legislation commends its pervasive influence. Furthermore, Black music has helped African-Americans endure great suffering and overcome injustice with courage and faith. Civil rights demonstrators often marched to the cadence of many songs written and composed as gospels or spirituals that were created on the fields of slaves.

As we know, African-American music is an American art form that has spanned throughout hundreds of years. Its musical elements can be heard melodiously infused in many genres that we love today. It has grown beyond its roots to achieve pop-culture and historical relevance, touching audiences around the world. According to the Gospel Music Channel, "Gospel music sales now account for nearly 8 percent of all music purchased in the United States, selling seven CDs for every ten purchased in country music."

Regardless of their musical styles, artists have turned to Black music as the source and inspiration for their own music, which has blurred the boundaries between secular and Gospel music. African-American musicians have played a significant role in inspiring people across the generations in America and around the world with their vision and creativity by writing lyrics which speak to the human experience and express heartfelt emotion. This important legislation requests and authorizes the President to issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

In 1979, President Carter first declared June as Black Music Month, an honor that has yearly repeated by the designation of National Black Music Month by all concurrent Presidents. African-American musicians have helped shape our national character and have become an important part of our musical heritage and African-American music has millions of fans of different races and ages in cities and towns all across the United States. I am proud to support this legislation that honors the outstanding contributions that African-American singers, musicians, composers, and producers have made to this country and call on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music.

Madam Speaker, I am proud to support this legislation that supports the goals and ideals of Black Music Month and I urge all my colleagues to join me in so doing.

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

Mr. SARBANES. Madam Speaker, again, I urge my colleagues to support H. Con. Res. 372, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 372.

The question was taken.

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

Mr. SARBANES. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONGRATULATING JAMES MADISON UNIVERSITY FOR 100 YEARS OF SERVICE AND LEADERSHIP

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1051) congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1051

Whereas on March 14, 1908, Virginia Governor Claude A. Swanson signed into law legislation for the establishment of the new State Normal and Industrial School for Women;

Whereas in 1938, the institution was renamed Madison College in honor of the Nation's fourth president, James Madison;

Whereas in 1966, the Virginia General Assembly approved full coeducational status for the college, and men were enrolled as resident students for the first time;

Whereas James Madison University (JMU) enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff;

Whereas in 2007, the US News and World Report ranked JMU as the top public, master's level university in the South for the 17th time;

Whereas also in 2007, the US News and World Report noted JMU's graduation rate, at 80 percent, was the highest among all public and private schools in the South;

Whereas JMU has been led by presidents Julian Ashby Burruss, Doctor Samuel Page Duke, Doctor G. Tyler Miller, Doctor Ronald E. Carrier, and Doctor Linwood H. Rose;

Whereas JMU offers 106 degree programs, including 68 undergraduate programs, 30 graduate programs, 2 education specialist programs, and 6 doctoral programs; and

Whereas JMU has conferred more than 98,000 degrees: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates James Madison Univer-

sity for 100 years of leadership and service to the Harrisonburg/Rockingham County region, the Commonwealth of Virginia, and the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

##### GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert any extraneous material on H. Res. 1051 into the RECORD.

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

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1051, which celebrates James Madison University's 100 years of service and leadership. Founded in 1908, the State Normal and Industrial School for Women eventually became what is now known as James Madison University. Beginning with only 150 students and 15 faculty members, the small school has grown into a prestigious university.

Today, James Madison enrolls over 17,000 students and offers a wide range of courses. With 68 undergraduate majors, 40 graduate and certificate degrees and six doctoral programs, JMU boasts a strong academic program. By coupling this strong educational base with student support, the university is able to graduate 81 percent of its students. According to the United States Department of Education, JMU is ranked 16th nationally for its graduate rate and is first among all schools in the South.

Much has changed in James Madison University's 100 year history, but some of the core principles have remained consistent. The university still strives to empower its students to make a difference and use their education to positively impact the world around them. In fact, JMU ranks 14th on the Peace Corps list of top volunteer producing universities and the ONE campaign listed the school among their top 100 most active schools in the Nation.

This year, James Madison University grew its impact with the graduation of its 100,000th student. As the university community celebrates this accomplishment, JMU will take a moment to reflect on a century of achievement. The university will also take a look ahead to the next 100 years of inquiry, learning and discovery.

Madam Speaker, once again I express my support for James Madison University, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Resolution 1051, congratulating James Madison University



in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

If one word could describe James Madison University, unquestionably that word would be "bold." For 100 years, the institution that began as "the little school that could" has charged through the century like a bullet train. The campus began with two buildings, now called Jackson Hall and Maury Hall, that sat on farmland at the outer edge of Harrisonburg. Constant growth and expansion have been a hallmark for the campus ever since. Today, JMU extends over 650 acres of rolling Shenandoah Valley hills and includes more than 100 buildings.

Founded in 1908 with unmatched enthusiasm that, after a century, has not diminished, today James Madison University's mission reaffirms the university's long-time commitment to meeting the needs of its students. In its earliest years, JMU's academic offerings included only what would now be called technical training or junior college courses. Today, the university offers more than 100 degree programs on the bachelors, masters, educational specialist and doctor levels.

As the university crosses into the new century, the rest of the world is beginning to take notice. Through the individual achievements and service that put the power of knowledge to work embodying President James Madison's belief that a self-governing people "must arm themselves with the power which knowledge gives," JMU is developing, through education, leaders who are well-prepared to help shape the future of the Nation.

I am honored to stand before the House today and recognize this fine university. I congratulate the university's president, Linwood Rose, the board of visitors, the students, alumni, and James Madison University for reaching this milestone, and wish the university continued success.

I ask my colleagues to support the resolution.

I reserve the balance of my time.

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

Ms. FOXX. Madam Speaker, I yield such time as he may consume to my esteemed colleague from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise today to honor James Madison University and ask my colleagues to support House Resolution 1051. I want to thank my colleague from North Carolina and my colleague from Maryland for managing this legislation on the floor, and the chairman and ranking member of the committee for their support of this resolution, which recognizes an outstanding institution of higher education which I am proud to represent in the Sixth Congressional District of Virginia.

This resolution celebrates James Madison University on the occasion of its 100th anniversary, which held a week-long celebration culminating

with the centennial celebration on March 14, 2008. The entire JMU community celebrated with galas, portrait unveilings of JMU dignitaries, statue presentations, and a photograph of nearly 3,000 students, faculty, staff and alumni forming a "human 100" to celebrate the centennial.

James Madison University, located in my congressional district in Harrisonburg, Virginia, is surrounded by the beautiful Shenandoah Valley and has proved to be a catalyst in Western Virginia, building on the agricultural base of the region to create a center for higher education and innovation.

James Madison University has grown from its establishment as the Normal and Industrial School for Women in 1908 to its renaming to Madison College in 1938 and eventually to James Madison University, where it presently enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff.

Since its establishment, James Madison University has been led by Presidents Julian Ashby Burruss, Dr. Samuel Page Duke, the namesake of JMU's mascot, the "Duke Dog," Dr. G. Tyler Miller, Dr. Ronald Carrier, and the current President, Dr. Linwood H. Rose.

In my service of representing the Sixth District of Virginia and JMU, it has been a true pleasure to work with former President Dr. Ron Carrier and current President Dr. Linwood Rose as they have skillfully guided James Madison University into the 21st century.

Madam Speaker, from its inception, James Madison University has been at the forefront of education. Originally a teachers college, today JMU provides groundbreaking research in information technology, security and alternative fuel sources, and offers more than 100 degree programs, including 68 undergraduate, 30 masters, two educational specialists and six doctor programs. In its 100 yearlings of existence, James Madison University has conferred more than 98,000 degrees.

Based on this outstanding curriculum, in 2007 U.S. News and World Report, for the 17th time, ranked JMU as the top public, masters-level university in the South, and JMU's graduation rate, 80 percent, was the highest among all public and private schools in the South.

Madam Speaker, James Madison University's alumni have impacted the Commonwealth of Virginia, the United States and the entire world. Madison graduates travel to the farthest corners of the Earth to perform groundbreaking research and provide leadership in corporate boardrooms, athletic fields, State legislatures, and even here on Capitol Hill.

I am pleased to have introduced this resolution, cosponsored by the entire Virginia delegation and more than 50 Members of Congress, that recognizes the rich history and accomplishments of this remarkable institution on the occasion of its 100th anniversary.

I urge all the Members of this body to join us in congratulating James Madison University on its 100th anniversary and to support this resolution.

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

Ms. FOXX. Madam Speaker, as we reflect on the last 100 years of JMU's history, I want to talk a little bit about a very dark time in our history, the tenure of former President Carter.

During Carter's administration, the Nation suffered from oil shortages. These shortages led to record high gas prices that ultimately persuaded the President to turn to the American public for answers. Following a Camp David summit on energy, he addressed the country saying, "We can't go on consuming 40 percent more energy than we produce. When we import oil, we are also importing inflation plus unemployment."

"We have got to use what we have. The Middle East has only 5 percent of the world's energy, but the United States has 24 percent."

And this one, which President Carter thought was one of the most vivid statements. "Our neck is stretched over the fence and OPEC has the knife."

It is truly frightening how technology has advanced since 1977, yet here we are today faced with the same issues that this Democratic Congress refuses to address. When it comes to energy production, while our global competitors are pursuing 21st century technologies, America is stuck in the 1970s.

On electricity production alone, for example, just to keep up with the new demand, by 2030 the United States must build 747 new coal plants, 52 new nuclear plants, 2,000 new hydroelectric generators, and add 13,000 new megawatts of renewable power. The dire need to increase domestic oil and gas production is no different, yet the Democratic majority refuses to lead.

Republicans are committed to a comprehensive energy reform policy that will increase the supply of American-made energy, improve energy efficiency and encourage investment in groundbreaking research and advance alternative and renewable energy technologies. With 21st century technologies and the strictest standards in the world, America can and must produce more of our own energy right here at home and protect our environment at the same time.

I wonder what President James Madison would think of the situation we find ourselves in, and wonder if he would agree with many people who have compared the views of the 2008 presumptive nominee of the Democrat Party with President Carter and the failed policies of his administration.

I call on the Democratic leadership to bring forth the proposals that Republicans have made that will help solve the problems, and not put America through what we went through in the 1970s all over again.

I yield back the balance of my time.

□ 1800

Mr. SARBANES. Madam Speaker, I don't know what James Madison would have thought specifically about the issue raised, but I know he had an abiding confidence in the ingenuity of the American people, as did all of our Founding Fathers and I think every President since. And we have been held back from the kinds of investments and partnerships that the American people could join with that ingenuity to move us forward, we have been held back by a lack of investment and emphasis on that kind of investment from the current administration. So I look forward to a time when we can join in partnership with the American people and take advantage of that ingenuity that James Madison and so many others recognized from the earliest days.

What an accomplishment for any university to just be there for 100 years. The fact that James Madison University has reached this milestone with such a terrific list of accomplishments is truly deserving of the recognition that we seek to bestow upon the university today, and I urge my colleagues to support H. Res. 1051.

Mr. MORAN of Virginia. Madam Speaker, I rise today to commemorate the centennial of James Madison University.

Established in Harrisonburg, Virginia, by the Virginia General Assembly in 1908 as the State Normal and Industrial School for Women, the school's first student body was made up of 209 students and 15 faculty members. In 1938, its name was changed to Madison College in honor of the fourth President of the United States, James Madison. In 1966, the university became a coeducational institution, and in 1976, the university's name was changed to James Madison University. Today, the university enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff.

In addition to its expansion in physical size dramatic and student enrollment, JMU has experienced dramatic growth in academic prestige and popularity over the past 20 years. For the 13th consecutive year and 17th time, James Madison University ranked as the top public, master's-level university in the South in the highly regarded annual survey on academic quality conducted by U.S. News & World Report. JMU also had the highest graduation rate—80 percent—among both public and private colleges in the South. Last spring, a record 16,050 students applied for 3,300 spots in the 2007–2008 freshman class.

James Madison University is also notable for encouraging its students to engage in the global community. According to the Institute of International Education, JMU ranks second nationally among master's-level institutions for the total number of students studying abroad. With 65 of its alumni serving as Peace Corps volunteers in developing countries, JMU also ranks second in the nation among medium-sized colleges and universities for graduates currently serving as volunteers with the U.S. service program.

Over the past 100 years, James Madison University has grown from a small technical college for women into a thriving academic in-

stitution that exemplifies the full promise of a public university. Throughout its growth, JMU has maintained its core mission of providing a terrific education and producing well-rounded alumni prepared to contribute to society, while at the same time fostering an inclusive and high-spirited atmosphere that complements its beautiful location in the Shenandoah Valley.

Madam Speaker, it is truly an honor to have James Madison University in the State of Virginia and to recognize its 100 years of achievement. I ask all my colleagues to support this resolution and to congratulate the impressive achievements of James Madison University.

Mr. SARBANES. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1051, as amended.

The question was taken.

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

Mr. SARBANES. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SENSE OF CONGRESS REGARDING TERRITORIES OF THE UNITED STATES

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 2) expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of United States history, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 2

Whereas individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have contributed to many aspects of the history and culture of the United States, including its politics, athletics, and music;

Whereas many students do not know the location or the significance of these places;

Whereas the diversity of the citizens of the United States strengthens the Nation, and individuals from the territories of the United States contribute to that diversity; and

Whereas it is important for students to study the history of these geographic areas as part of United States history: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands and the contributions of such individuals in United States history.*

Amend the title so as to read: "Concurrent resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

##### GENERAL LEAVE

Mr. SARBANES. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Con. Res. 2 into the RECORD.

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

There was no objection.

Mr. SARBANES. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 2, which recognizes the contributions of individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands to the United States. Many individuals from these territories have added and continue to add tremendous cultural, political, and athletic contributions to America.

Some examples of these remarkable individuals include Roberto Clemente, David Hamilton Jackson, and Agueda Iglesias Johnston. Roberto Clemente, a native of Puerto Rico, was a legendary major league baseball player with the Pittsburgh Pirates and an altruistic global public servant. I will say as an aside that Roberto Clemente put the Baltimore Orioles in fits during the World Series when I was growing up, and I have a vivid memory of that. While displaying extraordinary athletic feats on the baseball diamond, his selfless nature, not his play, cast him as an national icon and an exemplary role model. Unfortunately, Roberto Clemente died in a plane crash as he was trying to deliver aid to Nicaraguan earthquake victims.

David Hamilton Jackson is another outstanding individual to recognize. Jackson spearheaded the transfer of the United States Virgin Islands territory from the Danish into the hands of the local residents. Jackson, born in the Virgin Islands, parlayed his power into making local Virgin Island residents also United States residents. Jackson served as an educator, legislator, labor leader, and lawyer, and is known as one of the most important figures from the West Indies.

Agueda Iglesias Johnston was Guam's leading educator and well-known patriot. After Japan invaded the island in 1942, she both served as a teacher and principal during dangerous times in Guam. Amidst the perilous state, Johnston showed bravery when many feared. She communicated over

the radio about the progress of the war, and she also aided an American Navy soldier, George Tweed, to escape capture by the Japanese. In Guam, she is known for her outstanding commitment, bravery, and service.

Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have many, many historical figures, events, and pivotal historic moments that highlight the legacy of their respective homelands. Children in the United States should understand and appreciate the contributions of citizens from the territories of the U.S. Ensuring America's youth know the contributions of these great territories and their impact on American culture creates a better understanding of our Nation's history.

Madam Speaker, once again, I express my support for recognizing the important contributions of individuals from these territories of the United States.

I reserve the balance of my time.

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

I rise today in support of House Concurrent Resolution 2, expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of the United States history.

Scholars say that teaching history to children has many important lifelong benefits. History provides them with identity. Studying history improves their decision-making and judgment. History highlights models of good and responsible citizenship. History also teaches students how to learn from the mistakes of societies' past. History helps them understand change and societal development, and it provides a context from which to understand others.

Students today need to be engaged in substantive historical content. Only through curriculum that provides solid, exciting historical narratives and working with materials firsthand will students grasp the essential events of American history and proficiently comprehend the crucial issues of modern society.

Included in our schools' history curriculum should be a look at the contributions of individuals from the territory of the United States. From revolutionary times through the second World War, these territories have played significant roles in American history.

Individuals who lived in U.S. territories, including Puerto Rico, Guam, the U.S. Virgin Islands, Midway Islands, the Mariana Islands, and American Samoa have all contributed to the history and cultural fabric of our country in unique ways. As such, the stories of their accomplishments and challenges should be passed down to our young people and included when we talk about the rich history of this great country.

I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, it is my privilege at this time to yield such time as she may consume to the gentlelady from the Virgin Islands, the sponsor of this important bill, Mrs. CHRISTENSEN.

Mrs. CHRISTENSEN. Madam Speaker, I am proud to rise in strong support of House Concurrent Resolution 2 today, which I introduced on the first day of this Congress and which expresses the sense of Congress that children in the United States should understand and appreciate the contributions of individuals from the United States Virgin Islands, Puerto Rico, American Samoa, Guam, and the Northern Mariana Islands to the U.S. history. I am joined in this bill by 46 cosponsors.

This bill began with young people and it is for young people, but it is also for all Americans. A few years ago, I was on the campus of the Charlotte Amalie High School in St. Thomas, and as I was leaving some students gathered around to greet me and ask questions. It is because of one of those questions that I introduced this resolution.

A young lady expressed her concern and frustration that so many stateside children and adults as well knew so little about the Virgin Islands. Is it is a complaint I have heard often from other students coming up for Close Up and other legislative classrooms. They challenged me to do something about it.

While it has taken longer than I would have liked, I am pleased that House Concurrent Resolution 2 is being considered today, and I would like to thank Chairman MILLER, Ranking Member McKEON, and all of the committee members for their support as well as my staff and the staff of the Education and Labor Committee for their work on bringing this resolution to the House floor.

Madam Speaker, the United States presently maintains sovereignty over three unincorporated territories and two commonwealths, the U.S. Virgin Islands, Puerto Rico, Guam, American Samoa, and Northern Mariana Islands. All, including the now Freely Associated States of Palau, Micronesia, and Marshall Islands, have contributed to the defense and the richness of the United States in politics, music, arts, science, sports, education, as well as in many other areas.

And there have been many historic events in the past that unfortunately are not well known by the rest of our country. As depicted in this painting that is the cover on a book about many of the relationships between the then Danish West Indies and the early years of this country, it is reported that it was a ship in Christiansted Harbor in St. Croix that gave the first foreign recognition to the early Stars and Stripes in June of 1776. In another fact, one of the earliest flags was designed

by a Markoe, again from the then Danish West Indies.

Madam Speaker, among outstanding Virgin Islanders in American history, we are also proud to count Alexander Hamilton, one of the great Founding Fathers of our Nation, the first Secretary of the Treasury and the author of the Nation's financial system. Hamilton lived in St. Croix, U.S. Virgin Islands, then the Danish West Indies during his formative years and before coming to the then Colonies. It is while on the U.S. Virgin Islands that, according to noted historian Richard Brookhiser and others, that Hamilton learned accounting and trade which spanned international borders and where he began to develop his philosophy of life and politics. One of his earliest recorded writings is a descriptive and moving account of a hurricane which was published in the local newspaper when he was around 16, in 1772.

More recently, one of New York's premier politicians of the mid 1900s was J. Raymond Jones, also known as the Silver Fox, from St. Thomas, who ran politics in New York City and is credited as a mentor by our own greater leader in this Congress, Congressman and Chairman CHARLES RANGEL. He played an important role in laying the political foundation of that city, which continues to this day.

We were active and remain active in the U.S. labor movement. Men like Ashley Totten was one of A. Phillip Randolph's lieutenants, and instrumental in the founding of the Brotherhood of Sleeping Car Porters.

In the entertainment business, people like Kelsey Grammer grew up in St. Thomas, and he is well known for his character on Cheers and its spinoff, Frasier. Benny Benjamin, the well-known songwriter of songs like "I Don't Want to Set the World on Fire," John Lucien, and others were from my home.

There are also individuals like Casper Holstein who played a role in the Harlem Renaissance, and Barbara Christian, an influential feminist literary scholar and critic who was born in St. Thomas, Virgin Islands.

And, of course, we have also made major contributions in sports, with Tim Duncan of the San Antonio Spurs, Raja Bell of the Phoenix Suns who both hail from St. Croix. And in the past we had Giants catcher Valmy Thomas whose daughter Shelley works in our office, Joe Christopher and Horace Clarke, and many others in major league baseball. Boxing legends such as Emile Griffith and Julian Jackson are from the Virgin Islands. And none of us could match the number of major league football players who come from American Samoa.

But it should not take an NBA game or a boxing match to bring about awareness of the U.S. territories. Our children should begin to learn about the U.S. territories within the context of U.S. history.

Madam Speaker, it is the diversity of the citizens of the United States that

strengthens this Nation, and individuals from the territories have contributed to that diversity and continue through today. The sad reality is that far too many of our fellow Americans do not even know where the U.S. territories are located, not to mention the important contributions that they have made not only to U.S. history but to world history.

A full history program should include curricula that give students a balanced learning of all of the historic contributions that impact people who live in the United States, including contributions made by the people of the territories, the Commonwealth of the United States, and the Freely Associated States.

This bill will be a giant step forward in ensuring that all Americans, however separated by geography, are fully a part of the told and taught history of our great country, as we are today an integral part of its unfolding future. And to the children and young people of Guam, American Samoa, the Northern Mariana Islands, the Freely Associated States, Puerto Rico, and the U.S. Virgin Islands, this bill is for you.

I urge my colleagues to pass House Concurrent Resolution 2.

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

Ms. FOXX. Madam Speaker, unfortunately, as I was listening to the Delegate speak, I realized that the failed energy policies of the Democratic majority are going to be hurting these very groups of folks, because people can't afford to fly there for vacation; the prices of tickets have gone up so much that it is going to hurt significantly the tourism industry.

Also, I think as we study the history of the contributors from the territories of the United States, we need to call attention to people to the history of the actions of the Democrats and Republicans in relation to American-made oil and gas, which is a history of support and opposition.

When it comes to taking meaningful steps to provide affordable energy to the American people, Congress has the ability and responsibility to act. Unfortunately, a clear pattern has emerged over the years as one party consistently has fought to increase access to home-grown energy reserves while the other has consistently voted to expand America's dependence on foreign unstable energy instead.

□ 1815

We have compiled the facts by the issues.

ANWR exploration: House Republicans, 91 percent supported; House Democrats, 86 percent opposed.

Coal-to-liquid: House Republicans, 97 percent supported; House Democrats, 78 percent opposed.

Oil shale exploration: House Republicans, 90 percent supported; House Democrats, 86 opposed.

Outer Continental Shelf exploration: House Republicans, 81 percent sup-

ported; House Democrats, 83 percent opposed.

Refinery increased capacity: House Republicans, 97 percent supported; House Democrats, 96 percent opposed.

I reserve the balance of my time.

Mr. SARBANES. Madam Speaker, at this time it is my pleasure to yield such time as she may consume to the gentlewoman from Guam (Ms. BORDALLO), and I would say I have benefited from having my office right across the hall from her office because she has sponsored a number of cultural activities in the hallway between our offices, so I have learned a lot about Guam since I got here.

Ms. BORDALLO. I thank the gentleman.

Madam Speaker, today the teaching of history to our children and young adults is an integral part of the learning experience and the American elementary and secondary education system. History is a formidable, important part of the curriculum and the intellectual development of our youth. It is through history that we learn about, recall, and reflect upon lessons of the past and it is through history that we learn to responsibly recognize and seize the opportunities of the future. History is an exercise of self-awareness. It helps each citizen understand his or her place and role in our society, and it helps us establish a continuity for progress.

It is through history that we learn about and come to appreciate our roots, our heritage, our culture, our progress as a society, and our relationships to one another and about how our family and our community relate to the broader world and to the generations that have come before us and those that follow us. Through history, our children learn about people and the faces and the stories behind the names that have helped shape our great democratic experiment.

The teaching of United States history is fundamental to the American classroom. Yet, the teaching of history can be elevated today with greater incorporation of facts related to the territories and our fellow Americans who call the territories home. Integration into the modern day curriculum of the accounts of relationships and the circumstances surrounding the entry of each of the territories into the American family is both appropriate and needed if our teaching of American history is to be complete and meaningful. Learning about the contributions of illustrious persons from the territories complements this goal and is a proven, effective means of sharing our history.

Today, American children, for example, learn about Squanto, George Washington, Paul Revere, Lewis and Clark, Buffalo Bill Cody, Susan B. Anthony, Francis Scott Key, Orville and Wilbur Wright, Rosa Parks, and many, many other notable Americans. But, Madam Speaker, the names and the stories of historic figures in the territories are not known, and we have many historic

leaders, as my colleague pointed out from her own territory of the Virgin Islands.

Today, our school children learn the capital cities of Jefferson City, Boise, Concord, Tallahassee, and many others. But San Juan, Pago Pago, and Hagatna, for example, they are unfamiliar to their ear and rarely can be pinpointed on the map. Our territorial flags, seals, trees, flowers, birds, et cetera, they are all too frequently overlooked or a mystery, our history under appreciated.

How many young students today know that Guam was discovered by Magellan in 1521, and Guam was governed under Spain for 100 years. Today, too few Americans know and realize that the territory of Guam was bombarded, attacked and invaded by Imperial Japanese forces concurrent with the attack on Pearl Harbor. Too few Americans know and learn about the loyalty and courage of the people of Guam in suffering at the hands of a brutal enemy, while their homeland, sovereign American soil, was occupied. Guam is the only American community to have been occupied since the War of 1812.

This resolution is an exercise about learning to appreciate the cultures and the history of our islands, where our U.S. flag flies. House Concurrent Resolution 2 expresses the sense of this Congress that schools and educators all across these 50 United States and right here in our Nation's capital city should strive to teach our children about the territories and should in their noble profession seek to honor the contributions of individuals from each of these territories.

For over a century now individuals from Guam, Puerto Rico, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands have contributed to the growth and development of our country. Individuals from the territories have stood shoulder to shoulder with their brothers and sisters in harm's way, and I am speaking about the war in Iraq and Afghanistan. They have worn the uniform in times of war, and boast some of the highest enlistment rates in our military. Many have paid the ultimate sacrifice from World War I to the present day war against terrorism.

Some have gone on to distinguished military careers as officers. Others have made contributions in the fields of medicine, law, music and the arts. Some have become incredible teachers in their own rights, and work to preserve our history and expand the circle of awareness about the beautiful tapestry and the rich history of the people of the United States territories.

The textbooks, the classroom discussions, the maps, the globes, the technology, the learning games, all could stand to include more pages, more study questions, and more focus on the territories.

I want to thank my colleague, Congresswoman CHRISTENSEN, for her leadership in working to incorporate the

territories into history for America's schoolchildren.

I stand here today proud of our own schoolchildren on Guam. This debate is on the heels of their participation last week for the first time in the national competition for National History Day, and my colleague spoke about this. His office is located right across from mine, and they all performed in the hallway. History students from George Washington High School, Untalan Middle School, Agueda Johnston Middle School and Guam High School all competed with students from all across the United States at the University of Maryland, College Park, in the national competition with research papers, exhibits, performance and documentaries. This occurred, as I said, just last week. And they also went on a field trip in Washington, DC.

So, Madam Speaker, I stand in full support, in strong support for the passage of this very important House Concurrent Resolution 2.

Mr. SARBANES. I inquire whether the gentlelady has any additional speakers.

Ms. FOXX. Madam Speaker, I don't have any additional speakers, but I have some additional comments.

Mr. SARBANES. Madam Speaker, in that case, I reserve the balance of my time.

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

I went over the list of differences in ways that Republicans have suggested that Americans become energy independent from foreign sources of oil. I want to give a summary of those now.

I have stated that the gap has been as much as 97 percent of House Republicans supporting increasing refinery capacity, and 96 percent Democrats opposing increased refinery capacity.

The summary of all of the issues I have outlined was 91 percent of House Republicans have historically voted to increase the production of American made oil and gas, while on average 86 percent of House Democrats have historically voted against increasing the production of American made oil and gas.

My interest and the interest of other Republicans is in keeping this country as the greatest country in the world and ending our dependence on foreign oil. I call on the Democratic majority to join with Republicans in taking action toward this goal.

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

Mr. SARBANES. Madam Speaker, I know it is incredibly difficult for the minority to resist the impulse to lob this energy rhetoric into every single discussion we have here on the floor. I am not going to take the bait, particularly on this resolution because this is such an important resolution that has been put forward. It encourages and it guides us on how we can teach this valuable, valuable history of the U.S. territories to all Americans so that they can gain a deeper appreciation of it. I

want to thank those who spoke today, Congresswoman BORDALLO and Congresswoman CHRISTENSEN, for contributing their perspective on this important bill, and I want to urge my colleagues to support it unanimously if they could.

Mr. FORTUÑO. Madam Speaker, I am tremendously proud to be a co-sponsor of House Concurrent Resolution 2, which expresses the sense of this Congress that schools in the United States should honor the contributions of individuals from the U.S. territories by including such contributions in the teaching of American history. This Resolution will encourage schools to teach—and students to learn—about the rich history and vibrant cultures of the U.S. territories and the many achievements of individuals born there. I want to commend Congresswoman CHRISTENSEN for introducing H. Con. Res. 2.

In the case of Puerto Rico, the impact that our native sons and daughters have had on every aspect of American society cannot be overstated. Can you imagine preparing a history of Major League baseball without devoting at least a chapter to Roberto Clemente and the hundreds of Puerto Rican players who have followed in his wake? Likewise, consider how much the film industry owes to great actors like Jose Ferrer, Raul Julia and Benicio del Toro—to name just a few. Beyond athletics and the arts, many Puerto Ricans have made important contributions in the fields of politics, business and law. With respect to national service, students and teachers may not be aware—but should be—that residents of Puerto Rico and the other U.S. territories serve in the U.S. military. They ought to know that Puerto Rico sends a higher percentage of its residents to the armed forces than all but one other U.S. jurisdiction and that four Puerto Ricans have won the Medal of Honor. H. Con. Res. 2 will help ensure that students in our Nation's schools learn basic but largely unknown facts about the U.S. territories—how they were acquired, what political and civil rights residents of the territories have and do not have when compared to their fellow citizens in the states, and the prospects for change.

Unsurprisingly, there are still many people in our great Nation—children and adults—who do not know the names of the U.S. territories or their location on a map. It is my hope that, by teaching students about the history of the territories and the individual accomplishments of their residents, we can foster better understanding of and greater appreciation for the many contributions that the territories have made to American life.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 2, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of in-

dividuals from the territories of the United States and the contributions of such individuals in United States history."

A motion to reconsider was laid on the table.

#### APPOINTMENT AS MEMBERS TO COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

The SPEAKER pro tempore. Pursuant to section 4(a) of the Commission on the Abolition of the Transatlantic Slave Trade (Public Law 110-183), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on the Abolition of the Transatlantic Slave Trade:

Mr. Donald Payne, Newark, New Jersey

Mr. Howard Dodson, New York, New York

Ms. Evelyn Brooks Higginbotham, Cambridge, Massachusetts.

□ 1830

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H. Res. 1242; H. Con. Res. 372; and H. Res. 1051, each by the yeas and nays.

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

#### HONORING THE LIFE OF LOUIS JORDAN ON THE 100TH ANNIVERSARY OF HIS BIRTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1242, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1242.

The vote was taken by electronic device, and there were—yeas 348, nays 0, not voting 86, as follows:

[Roll No. 438]

YEAS—348

|             |               |             |
|-------------|---------------|-------------|
| Abercrombie | Baldwin       | Bishop (GA) |
| Ackerman    | Barrett (SC)  | Bishop (NY) |
| Aderholt    | Barrow        | Bishop (UT) |
| Akin        | Bartlett (MD) | Blumenauer  |
| Altmire     | Barton (TX)   | Blunt       |
| Andrews     | Bean          | Boehner     |
| Arcuri      | Berkley       | Bonner      |
| Baca        | Berry         | Bono Mack   |
| Bachmann    | Biggert       | Boozman     |
| Bachus      | Bilbray       | Boren       |
| Baird       | Bilirakis     | Boswell     |

|                    |                  |                  |             |                |                |                    |                  |                  |
|--------------------|------------------|------------------|-------------|----------------|----------------|--------------------|------------------|------------------|
| Boustany           | Graves           | Miller (NC)      | Velázquez   | Watson         | Wilson (SC)    | Bilbray            | Fortenberry      | McCrery          |
| Boyd (FL)          | Green, Al        | Miller, George   | Visclosky   | Watt           | Wittman (VA)   | Bilirakis          | Fossella         | McDermott        |
| Brady (PA)         | Green, Gene      | Mitchell         | Walberg     | Waxman         | Wolf           | Bishop (GA)        | Foster           | McGovern         |
| Brady (TX)         | Hall (NY)        | Moore (KS)       | Walsh (NY)  | Welch (VT)     | Woolsey        | Bishop (NY)        | Fox              | McHenry          |
| Braley (IA)        | Hall (TX)        | Moore (WI)       | Walz (MN)   | Westmoreland   | Wu             | Bishop (UT)        | Franks (AZ)      | McHugh           |
| Broun (GA)         | Hare             | Moran (VA)       | Wamp        | Wexler         | Yarmuth        | Blumenauer         | Frelinghuysen    | McIntyre         |
| Brown (SC)         | Harman           | Murphy, Patrick  | Wasserman   | Whitfield (KY) | Young (AK)     | Blunt              | Garrett (NJ)     | McKeon           |
| Brown, Corrine     | Hastings (FL)    | Musgrave         | Schultz     | Wilson (NM)    |                | Boehner            | Gerlach          | McMorris         |
| Brown-Waite, Ginny | Hastings (WA)    | Myrick           |             |                |                | Bonner             | Giffords         | Rodgers          |
| Buchanan           | Hayes            | Nadler           |             |                |                | Bono Mack          | Gillibrand       | McNerney         |
| Burgess            | Heller           | Napolitano       | Alexander   | Hoekstra       | Pryce (OH)     | Boozman            | Gingrey          | Meek (FL)        |
| Butterfield        | Hensarling       | Neal (MA)        | Allen       | Hulshof        | Radanovich     | Boren              | Gonzalez         | Meeks (NY)       |
| Calvert            | Herger           | Neugebauer       | Becerra     | Hunter         | Reyes          | Boswell            | Goode            | Mica             |
| Calvert            | Hereth Sandlin   | Oberstar         | Berman      | Israel         | Reynolds       | Boucher            | Goodlatte        | Michaud          |
| Camp (MI)          | Higgins          | Obey             | Blackburn   | Johnson (IL)   | Roybal-Allard  | Boustany           | Gordon           | Miller (FL)      |
| Campbell (CA)      | Hinche           | Olver            | Boucher     | Johnson, Sam   | Rush           | Boyd (FL)          | Granger          | Miller (MI)      |
| Capito             | Hinojosa         | Ortiz            | Boyd (KS)   | Jones (OH)     | Ryan (OH)      | Brady (PA)         | Graves           | Miller (NC)      |
| Capps              | Hirono           | Pallone          | Burton (IN) | Kanjorski      | Sánchez, Linda | Brady (TX)         | Green, Al        | Miller, George   |
| Capuano            | Hobson           | Pastor           | Buyer       | Kaptur         | T.             | Braley (IA)        | Green, Gene      | Mitchell         |
| Cardoza            | Hodes            | Paul             | Cannon      | Kilpatrick     | Schiff         | Broun (GA)         | Hall (NY)        | Moore (KS)       |
| Carson             | Holden           | Pence            | Cantor      | Kind           | Schwartz       | Brown (SC)         | Hall (TX)        | Moore (WI)       |
| Carter             | Holt             | Perlmutter       | Carnahan    | Kingston       | Sestak         | Brown, Corrine     | Hare             | Moran (VA)       |
| Castle             | Honda            | Peterson (MN)    | Carney      | Knollenberg    | Shea-Porter    | Brown-Waite, Ginny | Harman           | Murphy, Patrick  |
| Castor             | Hooley           | Petri            | Cohen       | Langevin       | Shimkus        | Buchanan           | Hastings (FL)    | Murtha           |
| Cazayoux           | Hoyer            | Pitts            | Costa       | Loeb sack      | Sires          | Burgess            | Hastings (WA)    | Musgrave         |
| Chabot             | Inglis (SC)      | Platts           | Costello    | Maloney (NY)   | Solis          | Butterfield        | Hayes            | Myrick           |
| Chandler           | Inslee           | Poe              | Courtney    | McNulty        | Souder         | Calvert            | Heller           | Nadler           |
| Childers           | Issa             | Pomeroy          | Davis (IL)  | Miller, Gary   | Space          | Cantor             | Hensarling       | Napolitano       |
| Clarke             | Jackson (IL)     | Porter           | Doyle       | Mollohan       | Tancred        | Camp (MI)          | Herger           | Neal (MA)        |
| Clay               | Jackson-Lee (TX) | Price (GA)       | Drake       | Moran (KS)     | Thompson (MS)  | Campbell (CA)      | Hereth Sandlin   | Neugebauer       |
| Cleaver            | Jefferson        | Price (NC)       | Engel       | Murphy (CT)    | Udall (CO)     | Cantor             | Higgins          | Oberstar         |
| Clyburn            | Johnson (GA)     | Putnam           | Ferguson    | Murphy, Tim    | Udall (NM)     | Capito             | Hinche           | Obey             |
| Coble              | Johnson, E. B.   | Rahall           | Frank (MA)  | Murtha         | Walden (OR)    | Capps              | Hinojosa         | Olver            |
| Cole (OK)          | Jones (NC)       | Ramstad          | Gallely     | Nunes          | Waters         | Capuano            | Hirono           | Ortiz            |
| Conaway            | Jordan           | Rangel           | Gilchrest   | Pascrell       | Weiner         | Cardoza            | Hobson           | Pallone          |
| Conyers            | Kagen            | Regula           | Gohmert     | Payne          | Weldon (FL)    | Carson             | Hodes            | Pastor           |
| Cooper             | Keller           | Rehberg          | Grijalva    | Pearce         | Weller         | Carter             | Holden           | Paul             |
| Cramer             | Kennedy          | Reichert         | Gutierrez   | Peterson (PA)  | Wilson (OH)    | Castle             | Holt             | Pence            |
| Crenshaw           | Kildee           | Renzi            | Hill        | Pickering      | Young (FL)     | Castor             | Honda            | Perlmutter       |
| Crowley            | King (IA)        | Richardson       |             |                |                | Cazayoux           | Hooley           | Peterson (MN)    |
| Cubin              | King (NY)        | Rodriguez        |             |                |                | Chabot             | Hoyer            | Petri            |
| Cuellar            | Kirk             | Rogers (AL)      |             |                |                | Chandler           | Inglis (SC)      | Pitts            |
| Culberson          | Klein (FL)       | Rogers (KY)      |             |                |                | Childers           | Inslee           | Platts           |
| Cummings           | Kline (MN)       | Rogers (MI)      |             |                |                | Clarke             | Issa             | Poe              |
| Davis (AL)         | Kucinich         | Rohrabacher      |             |                |                | Clay               | Jackson (IL)     | Pomeroy          |
| Davis (CA)         | Kuhl (NY)        | Ros-Lehtinen     |             |                |                | Cleaver            | Jackson-Lee (TX) | Porter           |
| Davis (KY)         | LaHood           | Roskam           |             |                |                | Clyburn            | Jefferson        | Price (GA)       |
| Davis, David       | Lamborn          | Ross             |             |                |                | Coble              | Johnson (GA)     | Price (NC)       |
| Davis, Lincoln     | Lampson          | Rothman          |             |                |                | Cole (OK)          | Johnson (GA)     | Putnam           |
| Davis, Tom         | Larsen (WA)      | Royce            |             |                |                | Conaway            | Johnson, E. B.   | Rahall           |
| Deal (GA)          | Larson (CT)      | Ruppersberger    |             |                |                | Conyers            | Jones (NC)       | Ramstad          |
| DeFazio            | Latham           | Ryan (WI)        |             |                |                | Cooper             | Jones (OH)       | Rangel           |
| DeGette            | LaTourette       | Salazar          |             |                |                | Cramer             | Jordan           | Regula           |
| Delahunt           | Latta            | Sali             |             |                |                | Crenshaw           | Kagen            | Rehberg          |
| DeLauro            | Lee              | Sanchez, Loretta |             |                |                | Crowley            | Keller           | Reichert         |
| Dent               | Levin            | Sarbanes         |             |                |                | Cubin              | Kennedy          | Renzi            |
| Diaz-Balart, L.    | Lewis (CA)       | Saxton           |             |                |                | Cuellar            | Kildee           | Richardson       |
| Diaz-Balart, M.    | Lewis (GA)       | Scalise          |             |                |                | Culberson          | King (IA)        | Rodriguez        |
| Dicks              | Lewis (KY)       | Schakowsky       |             |                |                | Cummings           | King (NY)        | Rogers (AL)      |
| Dingell            | Linder           | Schmidt          |             |                |                | Davis (AL)         | Kirk             | Rogers (KY)      |
| Doggett            | Lipinski         | Scott (GA)       |             |                |                | Davis (CA)         | Klein (FL)       | Rogers (MI)      |
| Donnelly           | LoBiondo         | Scott (VA)       |             |                |                | Davis (KY)         | Kline (MN)       | Rohrabacher      |
| Doolittle          | Lofgren, Zoe     | Sensenbrenner    |             |                |                | Davis, David       | Kucinich         | Ros-Lehtinen     |
| Dreier             | Lowey            | Serrano          |             |                |                | Davis, Lincoln     | Kuhl (NY)        | Roskam           |
| Duncan             | Lucas            | Sessions         |             |                |                | Davis, Tom         | LaHood           | Ross             |
| Edwards (MD)       | Lungren, Daniel  | Shadegg          |             |                |                | Deal (GA)          | Lamborn          | Rothman          |
| Edwards (TX)       | E.               | Shays            |             |                |                | DeFazio            | Lampson          | Royce            |
| Ehlers             | Lynch            | Sherman          |             |                |                | DeGette            | Larsen (WA)      | Ruppersberger    |
| Ellison            | Mack             | Shuler           |             |                |                | DeLauro            | Larson (CT)      | Ryan (WI)        |
| Ellsworth          | Mahoney (FL)     | Shuster          |             |                |                | Dent               | Latham           | Salazar          |
| Emanuel            | Manzullo         | Simpson          |             |                |                | Diaz-Balart, L.    | LaTourette       | Sali             |
| Emerson            | Marchant         | Skelton          |             |                |                | Diaz-Balart, M.    | Latta            | Sanchez, Loretta |
| English (PA)       | Markey           | Slaughter        |             |                |                | Dicks              | Lee              | Sarbanes         |
| Eshoo              | Marshall         | Smith (NE)       |             |                |                | Dingell            | Levin            | Saxton           |
| Etheridge          | Matheson         | Smith (NJ)       |             |                |                | Doggett            | Lewis (CA)       | Scalise          |
| Everett            | Matsui           | Smith (TX)       |             |                |                | Donnelly           | Lewis (GA)       | Schakowsky       |
| Fallin             | McCarthy (CA)    | Smith (WA)       |             |                |                | Doolittle          | Lewis (KY)       | Schmidt          |
| Farr               | McCarthy (NY)    | Snyder           |             |                |                | Drake              | Linder           | Scott (GA)       |
| Fattah             | McCaul (TX)      | Speier           |             |                |                | Dreier             | Lipinski         | Scott (VA)       |
| Feeney             | McCollum (MN)    | Spratt           |             |                |                | Duncan             | LoBiondo         | Sensenbrenner    |
| Filner             | McCotter         | Stark            |             |                |                | Edwards (MD)       | Lofgren, Zoe     | Serrano          |
| Flake              | McCrery          | Stearns          |             |                |                | Edwards (TX)       | Lowey            | Sessions         |
| Forbes             | McDermott        | Stupak           |             |                |                | Ehlers             | Lucas            | Shadegg          |
| Fortenberry        | McGovern         | Sullivan         |             |                |                | Ellison            | Lungren, Daniel  | Shays            |
| Fossella           | McHenry          | Sutton           |             |                |                | Ellsworth          | E.               | Sherman          |
| Foster             | McHugh           | Tanner           |             |                |                | Emanuel            | Lynch            | Shuler           |
| Fox                | McIntyre         | Tauscher         |             |                |                | Emerson            | Mack             | Shuster          |
| Franks (AZ)        | McKeon           | Taylor           |             |                |                | Engel              | Mahoney (FL)     | Simpson          |
| Frelinghuysen      | McMorris         | Terry            |             |                |                | English (PA)       | Manzullo         | Skelton          |
| Garrett (NJ)       | Rodgers          | Thompson (CA)    |             |                |                | Eshoo              | Marchant         | Slaughter        |
| Gerlach            | McNerney         | Thornberry       |             |                |                | Etheridge          | Markey           | Smith (NE)       |
| Giffords           | Meek (FL)        | Tiahrt           |             |                |                | Everett            | Marshall         | Smith (NJ)       |
| Gillibrand         | Meeks (NY)       | Tiberi           |             |                |                | Fallin             | Matheson         | Smith (TX)       |
| Gingrey            | Melancon         | Tierney          |             |                |                | Farr               | Matsui           | Smith (WA)       |
| Gonzalez           | Mica             | Towns            |             |                |                | Fattah             | McCarthy (CA)    | Smith (WA)       |
| Goode              | Michaud          | Tsongas          |             |                |                | Feeney             | McCarthy (NY)    | Snyder           |
| Goodlatte          | Miller (FL)      | Turner           |             |                |                | Filner             | McCaul (TX)      | Speier           |
| Gordon             | Miller (MI)      | Upton            |             |                |                | Flake              | McCaul (TX)      | Spratt           |
| Granger            |                  | Van Hollen       |             |                |                | Forbes             | McCotter         | Stark            |
|                    |                  |                  |             |                |                |                    |                  | Stearns          |

## NOT VOTING—86

□ 1856

Mr. GEORGE MILLER of California changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 438, H. Res. 1242, Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth, had I been present, I would have voted “yea.”

## SUPPORTING THE GOALS AND IDEALS OF BLACK MUSIC MONTH

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 372, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 372.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 0, not voting 81, as follows:

[Roll No. 439]

YEAS—353

|             |              |               |
|-------------|--------------|---------------|
| Abercrombie | Baca         | Bartlett (MD) |
| Ackerman    | Bachmann     | Barton (TX)   |
| Aderholt    | Bachus       | Bean          |
| Akin        | Baird        | Becerra       |
| Altmire     | Baldwin      | Berkley       |
| Andrews     | Barrett (SC) | Berry         |
| Arcuri      | Barrow       | Biggert       |



|               |             |                |
|---------------|-------------|----------------|
| Stupak        | Turner      | Welch (VT)     |
| Sullivan      | Upton       | Westmoreland   |
| Sutton        | Van Hollen  | Wexler         |
| Tanner        | Velázquez   | Whitfield (KY) |
| Tauscher      | Visclosky   | Wilson (NM)    |
| Taylor        | Walberg     | Wilson (SC)    |
| Terry         | Walden (OR) | Wittman (VA)   |
| Thompson (CA) | Walsh (NY)  | Wolf           |
| Thornberry    | Wamp        | Woolsey        |
| Tiahrt        | Wasserman   | Wu             |
| Tiberi        | Schultz     | Yarmuth        |
| Tierney       | Watson      | Young (AK)     |
| Towns         | Watt        |                |
| Tsongas       | Waxman      |                |

## NOT VOTING—81

|             |               |                |
|-------------|---------------|----------------|
| Alexander   | Israel        | Reynolds       |
| Allen       | Johnson (IL)  | Roybal-Allard  |
| Berman      | Johnson, Sam  | Rush           |
| Blackburn   | Kanjorski     | Ryan (OH)      |
| Boyd (KS)   | Kaptur        | Sánchez, Linda |
| Burton (IN) | Kilpatrick    | T.             |
| Buyer       | Kind          | Schiff         |
| Cannon      | Kingston      | Schwartz       |
| Carnahan    | Knollenberg   | Sestak         |
| Carney      | Langevin      | Shea-Porter    |
| Cohen       | Loeb sack     | Shimkus        |
| Costa       | Maloney (NY)  | Sires          |
| Costello    | McNulty       | Solis          |
| Courtney    | Melancon      | Souder         |
| Davis (IL)  | Miller, Gary  | Space          |
| Delahunt    | Mollohan      | Tancredo       |
| Doyle       | Moran (KS)    | Thompson (MS)  |
| Ferguson    | Murphy (CT)   | Udall (CO)     |
| Frank (MA)  | Murphy, Tim   | Udall (NM)     |
| Gallegly    | Nunes         | Walz (MN)      |
| Gilchrest   | Pascrell      | Waters         |
| Gohmert     | Payne         | Weiner         |
| Grijalva    | Pearce        | Weldon (FL)    |
| Gutierrez   | Peterson (PA) | Weller         |
| Hill        | Pickering     | Wilson (OH)    |
| Hoekstra    | Pryce (OH)    | Young (FL)     |
| Hulshof     | Radanovich    |                |
| Hunter      | Reyes         |                |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1904

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 439, H. Con. Res. 372, 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, had I been present, I would have voted "yea."

## WELCOMING HENRY NELSON GILLIBRAND

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

Mrs. GILLIBRAND. Mr. Speaker, I rise to announce the birth of the newest upstate New Yorker, Henry Nelson Gillibrand, and to announce his birth to the Members of the 110th Congress.

I want to thank the Members for all their encouragement and good wishes. And I want to thank the friends and all the constituents of upstate New York, from the 20th District of New York, for their good wishes and their prayers.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

## CONGRATULATING JAMES MADISON UNIVERSITY FOR 100 YEARS OF SERVICE AND LEADERSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1051, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 1051, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 80, as follows:

[Roll No. 440]

YEAS—354

|                |                 |                 |
|----------------|-----------------|-----------------|
| Abercrombie    | Castle          | Farr            |
| Ackerman       | Castor          | Fattah          |
| Aderholt       | Cazayoux        | Feeney          |
| Akin           | Chabot          | Filner          |
| Altmire        | Chandler        | Flake           |
| Andrews        | Childers        | Forbes          |
| Arcuri         | Clarke          | Fortenberry     |
| Baca           | Clay            | Fossella        |
| Bachmann       | Cleaver         | Foster          |
| Bachus         | Clyburn         | Fox             |
| Baird          | Coble           | Foxs            |
| Baldwin        | Cole (OK)       | Franks (AZ)     |
| Barrett (SC)   | Conaway         | Frelinghuysen   |
| Barrow         | Conyers         | Garrett (NJ)    |
| Bartlett (MD)  | Cooper          | Gerlach         |
| Barton (TX)    | Cramer          | Giffords        |
| Bean           | Crenshaw        | Gillibrand      |
| Becerra        | Crowley         | Gingrey         |
| Berkley        | Cubin           | Gonzalez        |
| Berry          | Cuellar         | Goode           |
| Biggert        | Culberson       | Goodlatte       |
| Bilbray        | Cummings        | Gordon          |
| Bilirakis      | Davis (AL)      | Granger         |
| Bishop (GA)    | Davis (CA)      | Green, Al       |
| Bishop (NY)    | Davis (KY)      | Green, Gene     |
| Bishop (UT)    | Davis, David    | Hall (NY)       |
| Blumenauer     | Davis, Lincoln  | Hall (TX)       |
| Blunt          | Davis, Tom      | Hare            |
| Boehner        | Deal (GA)       | Harman          |
| Bonner         | DeFazio         | Hastings (FL)   |
| Bono Mack      | DeGette         | Hastings (WA)   |
| Boozman        | Delahunt        | Hayes           |
| Boren          | DeLauro         | Hensarling      |
| Boswell        | Dent            | Herger          |
| Boucher        | Diaz-Balart, L. | Herseth Sandlin |
| Boustany       | Diaz-Balart, M. | Higgins         |
| Boyd (FL)      | Dicks           | Hinches         |
| Brady (PA)     | Dingell         | Hinojosa        |
| Brady (TX)     | Doggett         | Hirono          |
| Braley (IA)    | Donnelly        | Hobson          |
| Broun (GA)     | Doollittle      | Hodes           |
| Brown (SC)     | Doyle           | Holden          |
| Brown, Corrine | Drake           | Holt            |
| Brown-Waite,   | Dreier          | Honda           |
| Ginny          | Duncan          | Hooley          |
| Buchanan       | Edwards (MD)    | Hoyer           |
| Burgess        | Edwards (TX)    | Inglis (SC)     |
| Butterfield    | Ehlers          | Inslee          |
| Calvert        | Ellison         | Issa            |
| Camp (MI)      | Ellsworth       | Jackson (IL)    |
| Campbell (CA)  | Emanuel         | Jackson-Lee     |
| Cantor         | Emerson         | (TX)            |
| Capito         | Engel           | Jefferson       |
| Capps          | English (PA)    | Johnson (GA)    |
| Capuano        | Eshoo           | Johnson, E. B.  |
| Cardoza        | Etheridge       | Jones (NC)      |
| Carson         | Everett         | Jones (OH)      |
| Carter         | Fallin          | Jordan          |

|                 |                  |                |
|-----------------|------------------|----------------|
| Kaptur          | Miller (NC)      | Serrano        |
| Keller          | Mitchell         | Sessions       |
| Kennedy         | Moore (KS)       | Shadegg        |
| Kildee          | Moore (WI)       | Shays          |
| King (IA)       | Moran (VA)       | Sherman        |
| King (NY)       | Murphy, Patrick  | Shuler         |
| Kirk            | Murtha           | Shuster        |
| Klein (FL)      | Musgrave         | Simpson        |
| Kline (MN)      | Myrick           | Skelton        |
| Kucinich        | Nadler           | Slaughter      |
| Kuhl (NY)       | Napolitano       | Smith (NE)     |
| LaHood          | Neal (MA)        | Smith (NJ)     |
| Lamborn         | Neugebauer       | Smith (TX)     |
| Lampson         | Oberstar         | Smith (WA)     |
| Langevin        | Obey             | Snyder         |
| Larsen (WA)     | Oliver           | Speier         |
| Larson (CT)     | Ortiz            | Spratt         |
| Latham          | Pallone          | Stark          |
| LaTourette      | Pastor           | Stearns        |
| Latta           | Paul             | Stupak         |
| Lee             | Pence            | Sullivan       |
| Levin           | Perlmutter       | Sutton         |
| Lewis (CA)      | Peterson (MN)    | Tanner         |
| Lewis (GA)      | Petri            | Tauscher       |
| Lewis (KY)      | Pitts            | Taylor         |
| Linder          | Platts           | Terry          |
| Lipinski        | Poe              | Thompson (CA)  |
| LoBiondo        | Pomeroy          | Thornberry     |
| Lofgren, Zoe    | Porter           | Tiahrt         |
| Lowey           | Price (NC)       | Tiberi         |
| Lucas           | Putnam           | Tierney        |
| Lungren, Daniel | Rahall           | Towns          |
| E.              | Ramstad          | Tsongas        |
| Lynch           | Rangel           | Turner         |
| Mack            | Regula           | Upton          |
| Mahoney (FL)    | Rehberg          | Van Hollen     |
| Manzullo        | Reichert         | Velázquez      |
| Marchant        | Renzi            | Vislosky       |
| Markey          | Richardson       | Walberg        |
| Marshall        | Rodriguez        | Walden (OR)    |
| Matheson        | Rogers (AL)      | Walsh (NY)     |
| Matsui          | Rogers (KY)      | Walz (MN)      |
| McCarthy (CA)   | Rogers (MI)      | Wamp           |
| McCarthy (NY)   | Rohrabacher      | Wasserman      |
| McCaul (TX)     | Ros-Lehtinen     | Schultz        |
| McCollum (MN)   | Roskam           | Watson         |
| McCotter        | Ross             | Watt           |
| McCrery         | Rothman          | Waxman         |
| McDermott       | Royce            | Welch (VT)     |
| McGovern        | Ruppersberger    | Westmoreland   |
| McHenry         | Ryan (WI)        | Wexler         |
| McHugh          | Salazar          | Whitfield (KY) |
| McIntyre        | Sali             | Wilson (NM)    |
| McKeon          | Sanchez, Loretta | Wilson (SC)    |
| McNerney        | Sarbanes         | Wittman (VA)   |
| Meek (FL)       | Saxton           | Wolf           |
| Meeks (NY)      | Scalise          | Woolsey        |
| Melancon        | Schakowsky       | Wu             |
| Mica            | Schmidt          | Yarmuth        |
| Michaud         | Scott (GA)       | Young (AK)     |
| Miller (FL)     | Scott (VA)       |                |
| Miller (MI)     | Sensenbrenner    |                |

## NOT VOTING—80

|             |                |                |
|-------------|----------------|----------------|
| Alexander   | Israel         | Reyes          |
| Allen       | Johnson (IL)   | Reynolds       |
| Berman      | Johnson, Sam   | Roybal-Allard  |
| Blackburn   | Kanjorski      | Rush           |
| Boyd (KS)   | Kilpatrick     | Ryan (OH)      |
| Burton (IN) | Kind           | Sánchez, Linda |
| Buyer       | Kingston       | T.             |
| Cannon      | Knollenberg    | Schiff         |
| Carnahan    | Loeb sack      | Schwartz       |
| Carney      | Maloney (NY)   | Sestak         |
| Cohen       | McMorris       | Shea-Porter    |
| Costa       | Rodgers        | Shimkus        |
| Costello    | McNulty        | Sires          |
| Courtney    | Miller, Gary   | Solis          |
| Davis (IL)  | Miller, George | Souder         |
| Ferguson    | Mollohan       | Space          |
| Frank (MA)  | Moran (KS)     | Tancredo       |
| Gallegly    | Murphy (CT)    | Thompson (MS)  |
| Gilchrest   | Murphy, Tim    | Udall (CO)     |
| Gohmert     | Nunes          | Udall (NM)     |
| Graves      | Pascrell       | Waters         |
| Grijalva    | Payne          | Weiner         |
| Gutierrez   | Pearce         | Weldon (FL)    |
| Heller      | Peterson (PA)  | Weller         |
| Hill        | Pickering      | Wilson (OH)    |
| Hoekstra    | Price (GA)     | Young (FL)     |
| Hulshof     | Pryce (OH)     |                |
| Hunter      | Radanovich     |                |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 440, H. Res. 1051, Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, had I been present, I would have voted "yea."

#### PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal reasons, I was unable to attend several votes. Had I been present, I would have voted "yea" on final passage of H. Res. 1242, Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; "yea" on final passage of my bill, H. Con. Res. 372, 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, and "yea" on final passage of H. Res. 1051—Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. POE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 6041.

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

There was no objection.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4040, CON- SUMER PRODUCT SAFETY MOD- ERNIZATION ACT

Mr. KIRK. Mr. Speaker, pursuant to clause 7(c)(1) of rule XXII, I hereby notify the House of my intention to offer a motion to instruct conferees on H.R. 4040.

The form of my motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4040 be instructed to insist on the provisions contained in the House bill with regard to the definition of "children's product".

#### NO FREEDOM OF SPEECH AT U.N. HUMAN RIGHTS COUNCIL

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

Mr. POE. Mr. Speaker, the U.N. Human Rights Council was formed to have open, lively debate on the basic human rights of all peoples. However, some Muslim nations have put a strong

arm on the council and prevented free discussions of practices that are advocated in the name of religion by a few Muslims. Those practices include female genital mutilation and so-called "honor killings," or murder, of women.

One would think that the mutilation and killing of women would be a front-burner topic with the Human Rights Council. But some Muslims have said this subject is taboo and the discussion of this religious practice and the religious practices of other faiths is off-limits.

So much for the basic human right of free speech.

Those that advocate the mutilation and honor killings of women in the name of religion should be proud of this doctrine of faith and be able to justify it before the U.N. Human Rights Council. But I guess not.

By the way, Mr. Speaker, it seems to me that in the history of humanity, more murders, tortures, and wars have been justified and done in the name of the world's numerous religions than any other reason or cause.

Reason enough in 2008 to discuss this practice of abusing women.

And that's just the way it is.

#### 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.

#### TORTURE UNDERMINES OUR VALUES AND MAKES US WEAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, nothing has stained the honor of the United States in recent years like the use of torture against detainees, detainees in Iraq and detainees elsewhere. Torture goes against our Nation's most basic values, and it undermines the American people's reputation as a compassionate and committed people to human rights.

Torture is not only immoral; it has a practical damaging effect on our foreign policy. When America is involved in torture, we lose the moral authority that is our most powerful weapon in the fight against terrorism. How can we lead the world against terrorism when the world believes that we don't respect the rule of law ourselves?

That is why I want to call attention to a new report on torture that was issued last week by the group Physicians for Human Rights. This group assembled a team of doctors and psychologists to evaluate former detainees held in Iraq, in Afghanistan, and Guantanamo Bay. The team found that the detainees were tortured, even though no charges were ever brought against them or any explanation ever given for their imprisonment.

The torture consisted of beatings, electric shocks, involuntary medication, shackling, and sexual humiliation. Other techniques were used, but they are far too awful for me to mention here. One Iraqi detainee who was held for a time in the notorious Abu Ghraib prison said he was subjected to psychological abuse as well as physical torture. He said that his captors threatened to rape his mother and his sisters.

Former Major General Anthony Taguba, who conducted the Army's investigation of the Abu Ghraib scandal in 2004, wrote a preface to the report. He said, "In order for these individuals to suffer the wanton cruelty to which they were subjected, a government policy was promulgated to the field whereby the Geneva Conventions and the Uniform Code of Military Justice were disregarded. The U.N. Convention Against Torture was indiscriminately ignored . . ."

He continued: "Through the experiences," he said, "of these men . . . we can see the full scope of the damage this illegal and unsound policy has inflicted, both on American institutions and our founding values."

Mr. Speaker, I am sure that there will be some people who will try to discredit this report by charging that it was prepared by a group determined to embarrass the administration. But if they don't believe this report, perhaps they will believe the reporting of the McClatchy newspapers, which conducted an 8-month investigation of the U.S. detention system created after 9/11. The McClatchy investigation found "that the United States imprisoned innocent men, subjected them to abuse, stripped them of their legal rights, and allowed Islamic militants to turn the prison camp at Guantanamo Bay into a school for jihad."

This House did the honorable thing a few months ago when it voted to stop the use of waterboarding and other illegal interrogation techniques. Forty-three retired generals and admirals supported that bill. Eighteen national security experts, including former Secretaries of State and national security advisers, supported it as well. But the President vetoed this bill, sending the world a message that America condones torture.

Torture doesn't work. It doesn't produce good information. It exposes our own troops to torture if they are captured. It creates enemies. In short, torture doesn't make us stronger; it makes us weaker.

Congress must recognize these facts and move to restore our Nation's good name. The best way to begin to do that is by redeploying our troops out of Iraq and then help the Iraqi people to rebuild their lives and their country. I know that this won't happen soon given last week's vote on funding for the occupation of Iraq. But sooner or later, Congress must act. Redeploying out of Iraq will help to heal the wounds of torture and right the wrongs.

Mr. Speaker, it's time for America to be America again: peace loving, compassionate, and a true champion of human rights, and restore our dignity.

#### HADITHA, IRAQ, FIREFIGHT THE MARINES AND THE PRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the New York Times called it the "nightmare" killings of Haditha, Iraq, and the "defining atrocity" of the Iraq War. Maureen Dowd of the New York Times referred to the incident as the "My Lai Acid Flashback." Another New York Times reporter filed 36 stories on what he called the "cold blooded killing," saying, "This is the nightmare everyone worried about when the Iraq invasion took place." Self-proclaimed expert and "worst person ever," Keith Olbermann of MSNBC, called it "willful targeted brutality." Nation Magazine said of the event in Iraq that "members of the 3rd Battalion, 1st Marine Regiment perpetrated a massacre." And even a Member of this House of Representatives said, "Our troops overreacted . . . and killed innocent civilians in cold blood."

It has become the largest investigation in the history of Naval Criminal Investigative Service, which has 65 government agents assigned to this one case. Mr. Speaker, as a former judge and prosecutor, I have never heard of 65 criminal investigators assigned to one case except the 9/11 attack.

What is the terrible atrocity these news sources are talking about?

Well, Mr. Speaker, the Haditha, Iraq, incident took place in November of 2005 when our Marines were attacked by the use of a roadside bomb that exploded, killing one Marine and wounding two others. The Marines were then engaged in a firefight. Twenty-four Iraqis were killed, including some civilians.

After the gun battle was over and the smoke cleared, our government charged four Marines with murder and four others with not properly investigating the case. In a rabid rainstorm of criticism by U.S. journalists who were looking for the scalps of these eight Marines, the eight Marines were tried by a hysterical jury of journalists in the press and apparently found guilty on all charges.

But normally, Mr. Speaker, in America we try folks in our justice system and give them a trial before we send them off to the hangman and the gallows. Be that as it may, now, 2½ years after expensive, intense, and thorough investigation, the facts as portrayed by the sensational National Enquirer-type journalists are not as they were portrayed to be.

According to columnist Michelle Malkin, who covered these cases in depth, seven of the eight Marines have had their cases dropped or dismissed. The eighth is awaiting trial in a real

court, rather than the court of yellow journalism.

These journalists, ironically, are the same ones wanting to close down Guantanamo Bay prison and are worried about the treatment of those alleged terrorists there who may get cold blueberry muffins for their breakfast. But these writers could care less about the presumption of innocence for these eight U.S. Marines, seven of which have had their cases dismissed already. Only in America does the press get teary eyed about the Gitmo detainees but is blissfully ignorant about the justice in the prosecution of our Marines.

Meanwhile, the U.S. Marines are still in the midst of battle in Iraq and Afghanistan and standing vigilant in other places of the world protecting American interests and values. Those values include the freedom of speech and the freedom of the press to say anything it wants, even when the press is totally inaccurate and unfair in the expression of those fundamental rights. And for the U.S. Marines, we say Semper Parati. Semper Parati.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS

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, as the Members of the House are aware, in February of 2006, U.S. Border Patrol agents Ramos and Compean were convicted of shooting and wounding a Mexican drug smuggler who brought \$1 million worth of marijuana across our borders into Texas. The agents were sentenced to 11 and 12 years in prison and now have been in Federal prison for 523 days.

Last week I sent a letter, signed by Congressmen TED POE, DANA ROHRBACHER, VIRGIL GOODE, LOUIE GOHMERT, JOHN CULBERSON, and DON MANZULLO, to ask the U.S. Department of Justice Office of Professional Responsibility to investigate the actions of U.S. Attorney Johnny Sutton in this case.

□ 1930

One of the main reasons for this request stems from the firearm charge used by his office in prosecuting the agents. This charge carried a 10-year minimum sentence. Without this charge, one of the agents, Agent Ramos, would have already completed his sentence and would be out of prison and with his family today.

The office of U.S. Attorney Johnny Sutton charged the agents with the discharge of a firearm during a crime of violence. Yet, there is no such crime. The law makes it a crime to use or carry or possess a firearm in relation to any crime of violence. The Supreme Court ruled last year in *United States vs. Watson* that discharge of a firearm is only a sentencing factor for a judge to consider at the conviction, not for the jury to determine if a crime occurred. However, you can imagine how difficult it would be to convince a jury that two Border Patrol agents, law enforcement officers, were unlawfully using, carrying, or possessing their firearms.

When you look at the history of why Congress enacted this statute, one reason stands out: To warn criminals to think twice before they stick a gun in their pocket on the way to the scene of a crime. This is the reason the statute clearly does not apply, does not apply to law enforcement officers like Ramos and Compean. These men were not carrying guns so they could commit a crime, they were required to carry guns as part of their job.

By focusing the jurors' attention on this nonexistent crime of discharging a firearm, there is reason to believe that Johnny Sutton intentionally manipulated the Federal criminal code to obtain a conviction against these two Border Patrol agents at all costs.

The American people must be confident that prosecutors will not tailor the law to make it easier to secure a conviction in a particular case. Federal prosecutors take an oath to enforce the law, not to make it.

I want the families of Ramos and Compean to know that my colleagues and I will continue to bring this injustice to the attention of the American people and to the White House.

I am most grateful, I am most grateful to Chairman JOHN CONYERS and his staff for their interest in investigating the prosecution in this case. I hope that the House Judiciary Committee will soon hold a hearing on this injustice, and I am also hopeful that the Department of Justice will take this matter seriously and will investigate Mr. Sutton's conduct in this case.

Mr. Speaker, before closing, I want the family, again, of Border Patrol Agents Ramos and Compean, that those of us in Congress on both sides of the aisle, we care about their families, we care about these Border Agents, and never, under any circumstances, should they have been indicted and prosecuted.

I want to thank Chairman JOHN CONYERS for holding hearings on this matter.

CONGRESS OF THE UNITED STATES,

Washington, DC, June 18, 2008.

Re Complaint for Prosecutorial Misconduct  
Against Johnny Sutton, United States  
Attorney, Western District of Texas

H. MARSHALL JARRETT,

Counsel, Office of Professional Responsibility  
United States Department of Justice, Wash-  
ington, DC.

DEAR COUNSEL JARRETT: As Members of Congress, we write this letter to bring to your attention for investigation what we have concluded to be a serious miscarriage of justice by United States Attorney Johnny Sutton. Mr. Sutton supervised, and has vigorously defended, his office's actions in a case wherein two United States Border Patrol agents—Ignacio Ramos and Jose Alonso Compean—have been convicted, and each are now being punished by imprisonment of 10 years, for a crime that does not exist, and therefore, for a crime that could not have been committed.

Specifically, Mr. Ramos and Mr. Compean were charged with violating 18 United States Code Section 924(c)(1)(A) by the “knowing[] discharge[] [of] a firearm . . . during and in relation to a crime of violence.” (Emphasis added). There is, however, no such crime. Rather, Section 924(c)(1)(A) makes it a crime to “use or carry . . . during and in relation to any crime of violence” or to “possess a firearm” “in furtherance of” any such crime. And, as the United States Supreme Court recently pointed out, “discharge” is only a sentencing factor to be considered by the judge after conviction, not by the jury in the effort to determine whether the law has been violated. *United States v. Watson*, 169 L.Ed.2d 472 (2007).

While this distinction might, at first glance, be merely technical, the United States Court of Appeals for the Fifth Circuit, the circuit in which Mr. Ramos and Mr. Compean were convicted, ruled that an indictment that did not allege that a defendant had so used or carried, or so possessed, a firearm was insufficient to charge an offense under Section 924(c)(1)(A). See *United States v. McGilberry*, 480 F.3d 326, 329 (5th Cir. 2007). Indeed, six years before McGilberry, the Fifth Circuit, ruled that “discharging a firearm during and in relation to a crime of violence” was not an “actus reus” element of the offense defined by 18 U.S.C. Section 924(c)(1)(A), but only a factor to be considered at “sentencing” after conviction.” See *United States v. Barton*, 257 F.3d 433, 441–43 (5th Cir. 2001). And one year after Barton (and five years before Watson), the United States Supreme Court agreed, ruling that Section 924(c)(1)(A) did not define “discharge” of a firearm as a separate offense, but only as a “sentencing factor[] to be considered by the trial judge after conviction.” See *Harris v. United States*, 536 U.S. 545, 550–53 (2002).

Notwithstanding these binding precedents in the Western District of Texas, United States Attorney Sutton secured an indictment charging Mr. Ramos and Mr. Compean with the non-existent crime of “discharging” a firearm “in relation to a crime of violence.” By this charge Mr. Sutton facilitated the conviction of the two border control agents by means of jury instructions that focused the jury’s attention upon the “discharge” of the agents’ firearms, rather than upon the lawfulness of the possession, carrying, and use of such firearms in the ordinary course of their employment. Moreover, by this indictment and these instructions, Mr. Sutton obtained a conviction of an offense that carried a minimum 10-year sentence, as provided by the statute, rather than the lesser sentence for violation of Border Patrol rules and regulations. See also,

Brief Amici Curiae of Congressman Walter B. Jones, Gun Owners Foundation, United States Border Control Foundation, United States Border Control, and Conservative Legal Defense and Education Fund, Inc., In Support of Appellants, *United States of America v. Jose Alonso Compean and Ignacio Ramos*, No. 06–51489, U.S. Court of Appeals, Fifth Circuit (May 27, 2007).

It is our firm conviction that, by these actions, Mr. Sutton is guilty of prosecutorial misconduct, the effect of which has imposed an irreversible and substantial effect upon Mr. Ramos and Mr. Compean and their families. Prior to the return of the indictment against Mr. Ramos and Mr. Compean, Mr. Sutton must have known that it was impossible for there to be probable cause for a “crime” never enacted by Congress, as authoritatively and previously decided by the United States Supreme Court and the United States Court of Appeals for the Fifth Circuit. According to Rule 3.09 of the Texas Disciplinary Rules of Professional Conduct, a prosecuting attorney is to “refrain from prosecuting . . . a charge that the prosecutor knows is not supported by probable cause.”

Indeed, the Comments to Rule 3.09 of the Texas Rules of Professional Conduct admonish prosecutors to remember their “responsibility to see that justice is done, and not simply be an advocate.”

On April 1, 1940, then Attorney General Robert Jackson, speaking to United States Attorneys serving in each federal judicial district across the country, reminded them why justice should be their goal, not winning their cases. “The prosecutor,” he said, “has more control over the life, liberty, and reputation than any other person in America. His discretion is tremendous . . . We must bear in mind that we are concerned solely with the prosecution of acts which the Congress has made federal offenses.”

Mr. Sutton has manipulated the federal criminal code to obtain a conviction against two U.S. Border Patrol agents, preferring to win at all costs over his duty as a United States Attorney, and his duty under the Texas Rules of Professional Conduct. This is a matter which your office has a duty to investigate and, on the basis of what we now know, to remedy.

Sincerely yours,

WALTER JONES,  
TED POE,  
VIRGIL GOODE,  
DANA ROHRBACHER,  
LOUIE GOHMERT,  
JOHN CULBERSON,  
DONALD A. MANZULLO,  
*Members of Congress.*

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### OPERATION STREAMLINE

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Speaker CUELLAR, it's perfectly appropriate that you're in the chair today because you and I have served together in the Texas House, and we have worked together, Mr. Speaker, in cooperation with our friend, Congressman CIRO RODRIGUEZ of Del Rio. You and I and CIRO have worked together to successfully implement a program that I want to single out for praise tonight.

In the Laredo sector and the Del Rio sector, the immigration laws of this country are being enforced with a zero tolerance in a program called Operation Streamline. With the full support of the local community that you represent, Mr. Speaker, because the crime rate in Laredo has dropped 70 percent—excuse me; in Del Rio we have seen a 70 percent drop. I think you have seen about a 60 percent drop in the crime rate in the Laredo sector as a direct result of simply enforcing existing law in a team effort, Mr. Speaker, between the Border Patrol, the U.S. Marshals, the prosecutors, the judges, the magistrates, and the sheriffs, with their local Congressman, Congressman CUELLAR. You, Mr. Speaker, CIRO RODRIGUEZ, and myself on the Appropriations Committee, we have been able to bring together that team approach in a bipartisan way that has resulted in a dramatic decline in the crime rate. The illegal crossings in the Del Rio sector are now at the lowest level they have been since the Border Patrol started keeping statistics in 1973.

I bring this to the attention of the House tonight, Mr. Speaker, first of all, to congratulate and praise those fine men and women in the law enforcement community of the Border Patrol in Del Rio and Laredo, also in the Yuma sector, where this is working so well. In particular, in the Laredo and Del Rio sectors we have seen real success because of the teamwork of those law enforcement officers and the judges and the cooperation we have seen at an unprecedented level between members of both parties in making sure the community and the Nation are safe in those sectors.

I am working with you now, Mr. Speaker, as well as with the local Members of Congress in rolling out Operation Streamline, it's called, the zero tolerance program, in the Rio Grande Valley sector. So that the goal is, of course, from the mouth of the Rio Grande now, up through the Del Rio sector, Lake Amastad, that the border will be secure.

Unfortunately, Mr. Speaker, it is a very different story in Tucson, Arizona. In Tucson, Arizona, the local U.S. Attorney refuses to enforce existing law, and in Tucson, if you are arrested by the Border Patrol, for example, in Del Rio or Laredo, you have a 100 percent chance of being prosecuted and serving some time in jail, obviously

with the exception of women and children. The officer will use their good judgment and their good heart.

But if you're arrest in Del Rio or Laredo, you're going to jail. If you're arrested in Tucson, Arizona, Mr. Speaker, carrying less than a quarter ton of dope, you have a 99.6 percent chance of nerve going to jail, and you will probably be home in time for dinner.

It's an unbelievable and outrageous situation that I have worked on behind the scenes as quietly as I can with the Department of Justice, with the U.S. Attorney out there, Diane Humetewa, who refuses to meet with me, who refuses to talk to me, who refuses to cooperate. She, to this day, Mr. Speaker, refuses to do anything to improve the prosecution rate in the Arizona sector of the border. As a result, those officers' lives are in danger. As a result of her refusal to enforce the law, the lives of the people of Arizona are in danger. This Nation is in danger because of the refusal of the U.S. Attorney in Arizona, Diane Humetewa, to do her job.

Frankly, I am sick and tired of it, and it needs to be brought to the attention of the American people here on the floor because we have found a bipartisan solution to this. We have found a solution that people on the border support.

You represent the Laredo sector, Mr. Speaker. I know your community, the people you represent are thrilled with the reduction in the crime rate. It has been a team effort. There are no party labels when it comes to Texans. My good friend, SHEILA JACKSON-LEE, will be speaking in a moment, and we are Texans first. There are no party labels when it comes to what is good for Texas and the Nation.

We have found a solution, Mr. Speaker, in Operation Streamline and the Zero Tolerance Program, enforcing existing law with existing resources and existing personnel in a unified team effort, and it's about time for the U.S. Attorney in Arizona to get with the program and recognize that she has an essential role in protecting this Nation.

Frankly, Mr. Speaker, if the U.S. Attorney in Arizona will not enforce the law and live up to her oath of office, I think she ought to find another job. It's about time for her to just step aside. It's unacceptable for a U.S. Attorney to refuse to enforce the law. Those officers' lives are in danger.

We on the Appropriations Committee, I serve on the Homeland Security subcommittee, Mr. Speaker, we sent 40 additional U.S. Attorneys, prosecutors to the southwest border with specific instructions that those attorneys be used to prosecute border crime. The U.S. Attorney in Arizona got 21 of them, and she will not use them to protect the border or this Nation.

Mr. Speaker, we have done great work in Laredo and Del Rio, and the U.S. Attorney in Arizona needs to get with the program and enforce the law with zero tolerance or find another job.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Mr. PAYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. TOWNS) is recognized for 60 minutes as the designee of the majority leader.

Mr. TOWNS. I want to talk about the energy situation tonight. When I go back to my district, the number one subject today is that people are talking about the cost of fuel. Of course, the other one is affordable housing. But when you look at it, they are all connected.

Of course, when you talk to the taxi drivers, they are saying we cannot make a living because of the fact that gasoline is so high. The bus drivers, the same thing. Hardworking people are finding it almost impossible to make it today because of the price of fuel.

Of course, this is something that has happened all of a sudden. In 2005, gasoline was \$2.20 per gallon in December of 2005. Now, today the price of gasoline is \$4.10 per gallon. That is June 19, 2008, according to the Energy Information Administration, the agency that collects official energy statistics for the United States Government. In other words, gas is just creating a tremendous problem in this Nation.

Now I know people will say, Well, here's the solution. But let me just say to you there is no silver bullet here, that there is no single solution to this problem. But I think the worst thing in the world to do is to continue to ignore the problem.

You have people saying, Well, ethanol is the solution. Then you have others will say that the fact that ethanol might not be the solution, but we need to make certain that we create cars that will go further. All these things are good, but when we are dealing with a problem like this, whenever you make a decision or make an adjustment, there's always something else that is going to happen.

Hybrid cars. People are coming in now saying that, Look, we are having problems. The blind, in particular. We travel by sound. We can't hear. We are getting knocked down in the parking lots. Senior citizens are getting knocked down.

So we need to look at all these things to be able to bring about safety, but at

the same time we have to be able to make certain that the fuel prices come down so people don't have to make a decision as to whether they buy gas or whether they buy food. I mean that is where we are. People who have been volunteering, providing care for seniors, driving them to the shopping mall and driving them to various places, are now saying, I can't do it any more because of the price of gasoline. That, to me, is a shame and a disgrace in one of the wealthiest countries in the world, that we are not paying more attention to our seniors, and of course, as a result, things are getting worse.

What I would like to do now is to yield some time to the gentlewoman from Texas, who has been very involved in these issues over the years. Of course, it's my pleasure to yield to her because she understands how important this issue is, the gentlewoman from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I want to thank my distinguished friend, Congressman Ed TOWNS. I think it's important to note of his leadership on the Energy and Commerce Committee for any number of years. We have joined together on understanding this issue as it impacts our very broad communities.

The distinguished Congressman, as I note, my good friend from Georgia, is on the floor as well. We all come from different districts. He comes from an urban-centered northeastern district that has mass transit very deeply, but as well it's interesting to note that the cost of gasoline impacts all of our constituents.

I come from a broad, if you will, expensive district in the State of Texas that has not only a fledgling metro system, a metro system that we are just beginning to build, mass transit, but as well it is a community that uses its cars.

□ 1945

We carpool. We carpool to work. We live very far apart. It is a very large district. Therefore, the cost of gasoline is very, very costly. So we have to come together to address this question from the perspective of how will the consumer feel? We know there has been a question, a bracelet everybody used to wear asking the question how would a certain heavenly person feel about a question. We now ask, how does the consumer feel?

So I rise today to say that I think it is important for this Congress to come together and to be able to push forward an energy agenda that really gets down to the real individuals that are burdened by this cause. So let me explain, Mr. TOWNS, what I believe is important.

First, let me applaud the leadership for their new direction in energy. It is an important direction. It is a greening direction. It focuses on alternatives. It focuses on creating green jobs and getting a sense of understanding about the smallness of the resources that are

available now, the fossil fuel and other energy resources that need to be utilized, and therefore it is important to, if you will, impress upon Americans the value of conservation. But, at the same time, I think there are a lot of other issues that we can discuss.

I believe we should accept the premise that there are a number of energy resources that this Congress needs to address. For example, I come from Texas, and obviously we utilize fossil fuel. I think it is important to recognize that fossil fuel is present, but I think we need to emphasize looking at independent producers. They were very prominent in years past. These are smaller companies.

I do believe we need to look at where we are exploring off the Gulf, where those States of Louisiana and Texas have willingly accepted the exploration of the Gulf in a safe and environmental way.

Two or three years ago, Congressman NICK LAMPSON and myself passed legislation to encourage the Federal Government to do an inventory of what was available in terms of fossil fuel resources in the Gulf. I think it is important. We know that there are challenges to exploring the Outer Continental Shelf. There are challenges to exploring ANWR. There are challenges in exploring the coast off the East Coast and the California coast and the Florida coast. I believe those issues are issues that we have to work with the local jurisdictions and the governors and consumers for that to be a comfortable process.

But let us not get stuck on that. There are resources in the Gulf. We have found that there is oil shale, I believe, that has been discovered in West Virginia. There are other domestic resources that have been discovered in Mississippi. We need to be able to utilize and to be able to encourage the safe development of existing resources.

We know that our own multinational energy companies are holding leases they have not utilized. I believe it is important to call these individuals into Washington. The President needs to call these individuals into Washington, the heads of these major companies, and let us discuss why these oil leases are not being utilized, because there lies a possibility of additional resources.

Mr. TOWNS, you know that we have been discussing over the years the increasing of minority energy entrepreneurs. They come in all shapes and sizes. But I happen to know an energy company in the State of Texas, Osyka, that is held solely by African Americans with domestic deposits. They have resources. But what do they need? They need investment. They are not overseas. They are right here in the United States, but they need investment.

So I think there are a lot of small, independent producers that the legislative scheme here in the United States does not foster their development, does

not provide them access to capital, does not allow them to build on the resources that they have. You can be assured that the more resources we put out allows us to have the ability to bring down the cost of gasoline.

Let me add an additional point that I think should be considered. When you talk to the multinationals about the cost of gasoline, they will refer you to the antiquated refineries, that they need to build more refineries. That too requires a coming together at the table. I believe we need to have a discussion so they can explain what does it mean by having an antiquated refinery?

There is a new refinery being built in East Texas and in Louisiana. That refinery took a long time to build. But maybe we need to update the refineries. I know that is a questionable proposal and policy to make them more environmentally efficient and safe. That is a key element to dealing with this.

Before I yield back and wait a moment as you yield to the distinguished gentleman from Georgia, I want to cite some numbers that say that the Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent which are in the Persian Gulf.

Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol cannot only help reduce the \$180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. These alternatives should be matched with domestic production. That may help a lot of these small interested producers.

Also the individual oil companies, the large ones who have leases here in the United States, we need to have an inventory and get a determination, as I said, as to why these leases are not being developed. According to the Department of Agriculture, biomass can replace 30 percent of our Nation's petroleum consumption.

So there are ways we can confront this issue. One other way, of course, is to develop more professionals, which we have discussed, and I want to discuss that later.

Let me conclude by saying we have a real crisis in addition to the cost of gasoline. That crisis includes jet fuel. We are seeing the merger of airlines and also a crisis in the airline industry because of the cost of jet fuel. That too impacts on our consumers.

So I frankly believe as we discuss this, Mr. TOWNS, we should talk about what speculators have done to the energy industry. We should talk about minority entrepreneurs who are able to participate in this industry. We should talk about independent producers. We should talk about greening America. We should talk about conservation. And really we should get to the bottom

line of how we help our consumers. I think if we bring all these elements together, we will be able to do so.

I will yield back to the gentleman and will join you at a later time.

Mr. TOWNS. Let me thank the gentlewoman from Texas for her remarks, because, let's face it, she is right. We need to end our addiction to foreign oil. We have to do that. I mean, there are no ifs, ands and buts about it. That is something we must address.

Of course, the gentleman from Georgia has been out at the forefront talking about this issue, and, of course, we are delighted he has joined us in this discussion tonight. We are happy to have HANK JOHNSON from the great State of Georgia, who is a leader on this issue as well. Thank you for joining us. I yield to you.

Mr. JOHNSON of Georgia. I thank my colleague from New York, the esteemed Congressman ED TOWNS. I appreciate very much you speaking on this very important issue. It is an issue that has been creeping like a thief in the night into the pocketbooks and into the pockets of Americans, everyday working Americans.

We have seen the price of gas escalating quietly but steadily ever since 2001. I say to Congresswoman SHEILA JACKSON-LEE from Houston, Texas, whom I am proud to serve with. And I see my other colleague, BARBARA LEE from California. So we have got all parts of the Nation covered here.

But ever since 2001, when the price of gas was at \$1.50, it has steadily gone up. And that is kind of ironic, given the fact that we elected an oilman to be our President and an oilman to be our Vice President. You would have thought that America would be taken care of by our President and our Vice President. But what we have seen since that administration came to power is prices going through the roof. And, like a thief in the night, people have now awakened to see that they have been gouged and stolen from by the oil industry, and it has all been while we were enjoying a deregulated and unregulated market and we were allowing the speculators, instead of the producers, to get a stranglehold on the American economy. So these speculators are driving up the price of gas, driving up the price of oil. It has become the number one issue in this country.

Mr. Speaker, while it is easy to peddle quick fixes, the hard truth is that there is no quick fix. It is kind of like the war in Iraq. We got in a little easier than it is going to take us to get out. By the way, ironically, some people believe that it was for the 35 billion barrels of oil beneath al-Anbar Province in Iraq that we went to war for. Some people believe that.

So oil has driven much of the policies of this administration. And quick fixes will not do at this point. We are rapidly reaching the point of peak oil, peak oil being the moment, Mr. Speaker, after which global oil supplies will



forever decrease. That moment is approaching. Meanwhile, global demand for oil is ever increasing. So we are reaching a point where we have dwindling supply and skyrocketing demand, and that means one thing, among others, but the biggest thing is that gas prices, high gas prices, are here to stay.

Now, the President came up with an energy plan, it was done in secrecy back in 2001, if you will remember. It seems to me that it was Vice President CHENEY who convened a group of people, whom we still have not found out who those people were, in a task force to formulate this country's energy policy. Someone went to court to have the names and identities of those task force members revealed, and I don't think that lawsuit was successful. But I can only speculate on who was in that room setting the oil policy.

That policy went into effect back in August of 2005. When President Bush signed energy legislation into law, gas at the pump was selling for about \$2.85 a gallon. Then, just 1 year later, in 2006, July 26, Energy Secretary Bodman celebrated the 1-year anniversary of energy legislation, kind of like "mission accomplished." And that didn't pan out either. At that point, 1 year after the anniversary of the signing of the Bush administration energy policy, 1 year later gas had gone up to \$3 a gallon. And, of course, back in May it went up, it continued to go up, to \$3.81 in May. But now we are in June heading towards July, and folks are speculating that we will hit \$5 a gallon by the end of the summer, and Americans are hurting.

So it comes as no surprise that the big oil President and the big oil Vice President propose more drilling, instead of suggesting real, lasting solutions to our energy problem.

The most effective way to address this problem is to start conserving. There is so much we can do to conserve energy. It means so much for our environment. We need to clean this environment up.

I returned from a trip just 1 month ago to the North Pole, Mr. Speaker. The folks up there are talking about what is going to happen as the ice melts and it will open up the shipping lanes, so there will be more traffic, more opportunity to traverse that area, and more opportunity to get at that oil that is up in the North Pole. And I suppose we will run all of the polar bears out trying to get to that oil, trying to sip every last drop of oil that this Earth has to offer, while at the same time creating environmental havoc.

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So I would be happy to continue to have dialogue on this issue, but I know that there are other colleagues here who want to address this issue, so I would yield back at this point.

Mr. TOWNS. Thank you, the gentleman from Georgia, for his remarks.

Of course, he's right on the issue. There are no ifs, ands, or buts about it.

We look at the fact that there has been a 5-year trend of record oil profits under this administration. In 2007, the big five oil companies raked in a profit of \$127 billion. That's "B" as in "boy." It is simply unacceptable that consumers are bearing these costs while corporations continue to profit.

Now, the gentlewoman from California, to whom I'm getting ready to yield, has been at the forefront. She has been saying this now for a number of years. Of course, I would say to you that I wish that the country had listened to her because I'm certain, if they had listened to her, we would not have the mess that we have now.

It's my honor to yield 5 minutes to the gentlewoman from California, BARBARA LEE.

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

First, let me thank you for yielding, but let me thank you also for your leadership on this issue and for so many other issues. Your voice is extremely important; your work has been important, and it continues to be quite amazing.

In your coming from New York and in my coming from California, we have very similar issues that we have to deal with in terms of this horrific energy crisis, and so thank you for giving us the opportunity to talk about it one more time.

Also, just as I was listening to my colleague Mr. JOHNSON from Georgia, thank you for that very brilliant presentation and for that historical context. You know, sometimes we forget the past. In the Ghanaian language, in the Akan language, there's a term called "sankofa." In order to move forward, we must look back at our mistakes, and I think what you talked about tonight really makes it very clear that we have to understand how we got to where we are so that we don't make those mistakes again, such as you talked about, which was the drilling in the pristine area in Alaska—in ANWR—and all of the proposals that this administration wants to embark upon.

So thank you very much for that.

To my colleague from Texas, Ms. JACKSON-LEE, you have been on this for many, many years. You come from oil country, and you understand very clearly the oil industry and what we need to do to dig ourselves out of this hole, and so your voice continues to be important in coming from Texas, in understanding that the American people deserve not to have to pay \$5 a gallon for gas. The courage that you've displayed has been amazing. Thank you for your voice and for your leadership.

As we work to reduce skyrocketing prices at the pump, we continue to face opposition from the Bush administration, and our colleagues on the other side of the aisle seem to be content to subsidize the big oil companies' record profits that Mr. TOWNS talked about

and that you talked about, Mr. JOHN-SON and Ms. JACKSON-LEE. They reach record profits quarter after quarter rather than adopt a real solution to meet the energy needs across our Nation.

More specifically, we have proposed legislation that would invest in true, clean and renewable energy sources. Our proposals would also bring much needed accountability, which we need desperately, to the energy markets in order to eliminate the price gouging—do you hear me?—that's taking place and the market manipulation and the speculation that have inflated energy prices to record levels. This week, we will also take up legislation to expand the use of public transit systems to save energy and to reduce greenhouse gas emissions.

In light of this growing energy crisis, I cannot help but to reflect upon the Bush administration's determination to squander our resources on the immoral occupation of Iraq that has directly contributed to the current economic downturn of the high gas prices that the American people are seeing at the pump. Make no mistake. We are in the middle of the Bush-Iraq recession. The economic hardships that Americans face today are the direct result of this administration's failed and flawed policies at home and abroad.

When President Bush took office in January of 2001, the price of oil was \$23 a barrel, and gasoline cost as little as, I think it was, \$1.35 per gallon. Now, after more than 5 years of bombing and bloodshed in Iraq, since the Iraq invasion, oil has topped \$130 a barrel, and gasoline is averaging more than \$4 a gallon. As Congressman JOHNSON said, it probably will hit the unfortunate cost of \$5 per gallon. By some estimates, the war and continued occupation of Iraq could cost the United States more than \$3 trillion. That's a \$3 trillion bill for this administration's failed policies in Iraq that our children and grandchildren will be paying for years to come.

The American people recognize the toll this immoral occupation has taken on our economy. They're in dire need of assistance. Many face the impossible choice of buying food for their families or of purchasing the gasoline they need to go to work. If we want to see prices at the gas pump go down, one of the first and most essential steps we must take is to end the war and occupation in Iraq.

We must also focus on transitioning our economy away from fossil fuels to the greener alternative fuels of the future. This will be a long-term process that will affect communities throughout our nations in different ways. It's very important to note that, as we continue to forge these new frontiers to achieve energy independence and to safeguard the environment, communities will face many complex environmental and public health challenges. The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and minority

communities, putting these vulnerable populations on the front lines of the fight against environmental degradation and global climate change.

The communities in my district, like in Mr. JOHNSON's district and in Mr. TOWNS' district and in Ms. JACKSON-LEE's district, all face the severe consequences of pollution, of urban sprawl and of environmental injustice, which harshly affect people of color and low-income communities. Sadly, this epidemic is hitting our children the hardest.

For example, back at home in my own district, when children grow up in the area of West Oakland, they're seven times more likely to be hospitalized for asthma than is the average child in California. None of us can afford to take this lightly. The health of our community and neighbors affects all of us.

I would also like to just take a moment and recognize the role that California's East Bay is playing at the forefront of the green jobs and green industry movement, which is really a critical part in terms of addressing the energy crisis. One of the most exciting and inclusive solutions to the many issues facing environmental health and our energy crisis is the possibility afforded to us by promoting green jobs' training and the growth of the green economy in America.

A true green economy, one that is sincere in its mission and that is deeply rooted in local communities and businesses, can provide innovative answers to many of the problems that our environment faces. Green jobs provide pathways out of poverty for those most affected by environmental injustice, namely, people of color and our urban youth.

We have been working closely in my district with the Ella Baker Center and with the Apollo Alliance. Mayor Ron Dellums—my predecessor here and our colleague—has been working very hard on a new initiative to support the development of green model cities and to focus on economic development through green job training academies and to create a national green institute to serve as a clearinghouse for the green movement. So there are many, many initiatives to which we need to look forward in terms of providing for an alternative to our dependence on foreign oil.

Let me just conclude by saying and by reminding the country that, most recently, the Bush administration has threatened to veto the House-passed H.R. 5351, which is the Renewable Energy and Energy Conservation Tax Act of 2008. This legislation makes critical investments in clean and renewable energy and energy efficiency that will create hundreds of thousands of new jobs and that will help to maintain the United States' position as a leader in innovation as we move toward true energy independence.

So I have to thank my colleagues again, especially the Congressional

Black Caucus and Congressman TOWNS, for allowing us to come down for an hour to talk about the basic components and reasons for this energy crisis and also for allowing us to provide what we see as some real and practical solutions that we can embrace right now—not next year, but today—if, in fact, the Bush administration and his oil industry administration would accept the fact that they're responsible for this energy crisis. The American people deserve a way out.

Thank you.

Mr. TOWNS. Let me thank the gentlewoman from California for her remarks and to say that you're right. Our priorities are definitely upside down. There's no question about that.

Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. Thirty minutes.

Mr. TOWNS. Thank you very much.

At this time, I'd like to yield 5 minutes to the gentlewoman from Texas, Congresswoman JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank you very much. I'm glad to have an opportunity to engage again and to thank Congressman TOWNS.

As I have listened to both Congressman JOHNSON and Congresswoman LEE, I hope that what is gleaned to our colleagues as they listen to us is that there is a consensus, a meeting of the minds, that we've got to do something different. I applaud Congresswoman LEE's collaboration with her mayor, Mayor Dellums.

As I was standing here, I was reflecting on the work that our city is doing. We have Mayor Bill White, but I'm quite familiar with the Apollo Alliance, and I was just thinking that it's time now for another meeting to be able to join in that kind of expansive effort.

So, if the Apollo Alliance is listening, let me congratulate them, and let me tell them to come on down to Texas. We've had some meetings early on, but it's the whole concept of educating individuals to change their lives.

You said something else, Congresswoman, about energy. You used the word "energy" and the words "energy industry." That's coming from what we perceive to be the oil capital of the world—Houston, Texas. I want you to know a lot of hardworking people are working in the energy industry, and they, too, see a new world of alternative fuels and also an opportunity to match, if you will, efficiently explored fossil fuels, because it does exist. There is something called "clean coal." As I indicated to you, there is something in the gulf, outside of your birthplace in Texas and Louisiana, where they have been quietly exploring oil and gas for a number of years, and it has been efficient. Even during Hurricane Katrina we noted that those rigs still stayed safe in the gulf. So we can find ways to combine these efforts.

As I listened to Congressman JOHNSON and he took us chronologically to

2001, I want to remind him that post 2001, in 2002, there was created the havoc and the travesty and obviously, as he indicated, the crisis of the Iraq war. Whether or not the Iraq war was for oil, as has been debated, it destabilized the region. When you destabilize the region where all of the oil is coming from, you obviously dumb down the resources coming from that area.

But I wanted to bring to the attention of my colleagues that we know that Saudi Arabia, in this meeting that they've held in the last 48 hours, has suggested that they will increase oil production by 200,000 barrels a day to 9.7 million barrels a day, starting on July 1, in response to the current energy crisis.

The concern there, of course, is that China is increasing its needs, and even though we're sort of plateauing out, I do believe that this is an issue that might not be resolved by the increase in the per barrel per day, meaning the 200,000 barrels per day.

We need a summit. We need a summit here in the United States. We need to get all of the parties together, discussing these components—the high gasoline price, the lack of utilization of the independent producers, not giving capital an access to African Americans and to other minorities who, in fact, might be good stewards of the energy resources, such as those who are finding oil in the Deep South, such as those who are engaged in green and in alternative fuels such as wind.

I offered a bill on cellulosic ethanol, which, I think, is really one of the next steps. Of course, this was embodied in the Democratic conservation bill that included cellulosic ethanol. I know there has been debate over corn ethanol, but here is an approach: Through cellulosic ethanol, costly though it may be, it has a long-term impact.

I also believe it's important to support the legislation that has been offered by two of our colleagues—one to be, I believe, JOHN LARSON, who is moving forward on legislation that has to do with the speculator. We have heard, even today, oil analysts who have said that the speculators are adding an artificial price. In fact, the Enron loophole that was offered by Senator GRAHAM has given a whole array, a whole new industry on speculation, and more and more energy companies are pulling back from that. They're dealing with their own product and with their own need, and I want to applaud them for that.

I want to cite Representative VAN HOLLEN's Energy Markets Anti-Manipulation and Integrity Restoration Act. I happen to be a cosponsor of that legislation. I think it's important. I voted to stop the filling on the Strategic Petroleum Reserve, which will help American families by temporarily diverting the 70,000 barrels of oil that goes to the SPR a day and putting them out on the market.

What I think is important, again, Congressman TOWNS, is that we're not

having face-to-face discussions. I asked the question of one of the members of OPEC: What would be the possibility of Members of Congress being observers at the OPEC meeting?

The OPEC meeting has large numbers of African countries. It has large numbers of countries from South America. Then, of course, it has those from the Middle East. I, frankly, believe it's somewhat similar to treaty discussions, that it's somewhat similar to the discussion on race in South Africa when they were on track, that it's somewhat similar to the United Nations. It would be Members of Congress' representing the most powerful law-making body in the world, as described by others, their being able to go to the OPEC meetings as observers and understanding the process of how this oil and gas moves.

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This does not diminish the call for conservation. But I do think it will open our eyes.

Ms. LEE. Let me just say how important that is because we are the people's House. Americans don't understand why they are paying \$4.50 per gallon. They expect us to be able to tell them. I think by observing OPEC, being there, interacting and understanding, listening to the dialogue, will give us a much better handle on what the crisis is from OPEC's perspective and what proposed solutions are coming out of OPEC.

I hope we can move forward on that because I think that is a very creative idea. We have to do things out of the box and do things that are creative because so many people are suffering. Thank you for that, and hopefully we can work together to support that.

Mr. TOWNS. Let me say one other thing. I think the energy summit is just a terrific idea because you have so many people who feel there is a single solution to the problem. There is no single solution to the problem. It is going to require less dependence on foreign oil. We must recognize that. We must promote market-based programs that recognize and reward clean energy technology. We need to do that. And we must launch a cleaner, smarter energy future for America that lowers costs for consumers.

We must look at ethanol and consider wind and look at all of these different things in order to make certain that the problem is solved.

I yield to the gentlelady from Houston, Texas.

Ms. JACKSON-LEE of Texas. If I may quickly conclude so my distinguished friend from Georgia, who has made some valid points about the Iraq war that we are still suffering, I was reading something, Congressman JOHNSON, about the condition of the Iraq oil wells and the difficulty of bringing them online and the need for U.S. investment or other investment.

It is interesting, a lot of people think we are making a lot of money in Iraq;

we are spending a lot of money in Iraq. I will tell you that.

Let me say this. I will thank all three of my colleagues. I will continue to work and pursue an answer. The Representative indicated he was very interested, and would go back and ask. The meeting is in September and I will pursue that. I don't have the exact location, but I believe it is in Europe. If so, it would be easy for us to go.

I think the other part would be to give the energy leadership of these multinationals, and obviously they are in my congressional district, but a forum to be able to have a conversation outside of a hearing setting. We need to ask the hard questions. We need to ask how much of the cost of gasoline is the refinery cost? How much of the cost of jet fuel is refinery cost? What is attributable to having old refineries, and what can you do to make the energy name of your industry more diverse, to have more green and more alternatives such as wind and biomass.

I am told that wind is very expensive, but you can't get that answer if we are not sitting down at the table.

I thank the gentleman for the idea of a summit. We may work on that. Let me conclude by saying we have been working in this Congress. I don't want anyone to think that we have not been sensitive. You listed a whole road map that you, Mr. TOWNS, as a senior member of the Energy and Commerce Committee have been very much involved in. For example, the Renewable Energy and Energy Conservation Tax Act of 2008, a combination of the Ways and Means Committee and the Energy Committee, which I think is very important because it encourages the development of innovative technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to cleaner renewable energy, and modernizing our energy infrastructure.

The note I want to end on is we have to get more young people involved.

Mr. TOWNS. And it also has gas price gouging and market manipulation included in that legislation.

Ms. JACKSON-LEE of Texas. And that is very important.

What I want to end on is we must get more of our young people involved in the energy industry. We worked on this, Congressman TOWNS. We had a bill about geologists. I have listened to Congresswoman LEE as the chairwoman of the Energy Brain Trust, and we are going to try and focus on that and push our communities, Hispanics and African Americans and other minorities and women, to get into this industry and provide their sensitivity and provide their perspective so that they can talk eloquently about what gasoline prices really mean when they are this high. And then to add to the broader community of America who is crying out for relief, I believe we can turn the corner, or we should, and to bring to all of America an opportunity to have reasonable energy resources,

heat in the winter and air conditioning in the summer, and reasonable gasoline prices; because, frankly, I don't think that we can last much longer if we don't bring relief.

I thank you for bringing this very important special order to the floor tonight.

Ms. LEE. I just want to emphasize one point raised by Congresswoman JACKSON-LEE with regard to getting our young people involved. This is a huge new industry. We have proposed the green job training academy to begin to look at the green industry.

It is my understanding that now venture capitalists are looking at this as investment opportunities that will create trillions of dollars in terms of job creation and in terms of an industry. And these are jobs that do not require necessarily a 4-year college degree or a Ph.D. These are jobs, once trained, young people will qualify for and will be able to make a living wage with benefits, good-paying jobs. So we have to provide our young people with these alternatives because they are going to school now and they are getting out of school, and there are no jobs. They have not been trained for the jobs of the future. This has to be an initiative that we pursue.

Mr. TOWNS. I yield to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Congressman TOWNS.

Just listening to the comments of my colleagues, I am intrigued with so many things. My colleague from Texas (Ms. JACKSON-LEE) is pretty much saying we have to have dialogue with our partners around the world, be they friends or foe. Because the bottom line, people talk about the global economy. It is true, we have a global economy. It doesn't always work as fairly as it should, but the bottom line is that we have a global economy. And some folks are making out like bandits, and others are sinking. And so it is time that we have equity in this world.

I know Congresswoman LEE, you have been a woman who has throughout your career insisted on taking care of the have-nots while the haves can continue to be prosperous as well. And so dialogue with our oil-producing nations is so important.

Because by the way, Congresswoman SHEILA JACKSON-LEE, drilling is one of the tools that we need in our tool basket to address this issue. We must take advantage of the leases that have already been granted by this government to the oil companies, that they have been sitting on for years waiting for the price to go up so they can start drilling.

And Congresswoman BARBARA LEE, you talked about the children, and the children are so important. I am looking at an article in today's Washington Post. It says "Fuel Costs May Force Some Kids to Walk." It means that our local boards of education have to pay for the price of diesel fuel which is going through the roof. And to get our

children to school costs a whole lot more money than it did last year. And so that means less money for teachers and less money for school infrastructure, the buildings, less money for books.

This oil crisis is wreaking havoc on us, and our children are looking to us to make the right decision. They are counting on us to make the tough choices for the future. They are counting on this Congress to understand that the most effective way to adapt to this changing reality or this new reality, which is dwindling supply with increased skyrocketing demand, we must as a tool in our toolbox insist upon conservation while we also extend tax incentives to companies to develop solar energy. I mean, we have a vast desert where I think it was 107 degrees out there, or more, sun brightly shining down. Do you mean to tell me that we can't put some solar panels out there and start capturing that sunlight and changing it to electricity, to help take some of the demand away from fossil fuels. It is much cleaner, but I think the oil companies would have a hard time trying to get their fingers and their hands around the sun. So we haven't seen a lot of solar energy.

We are getting more wind coming through because of the global-warming phenomenon, the disruption of our climate. We are getting the wind, but we are not using that wind to help us with our energy needs. We need to do that.

Biofuels. And all of these new things are on the table, but instead what we get is a new plan announced by the President which is more drilling, and drilling in our sensitive areas in our environment.

Ms. LEE. If the gentleman would yield, what you are talking about, which is so important, is a comprehensive energy independence plan. We need a national plan for energy independence that provides for this toolbox, as you describe it, that allows for all of the alternatives.

I read in the newspaper that rural communities, because people have to drive so far to jobs, people are having to make decisions whether or not they can afford to go to work because the cost of gasoline is higher than the cost of their wages. Rural communities throughout our country are being devastated by the price of gasoline. This is an emergency.

Mr. JOHNSON of Georgia. The price of food is going up. So we have food going up. We have energy costs going up. And the American people feel squeezed. They are counting on us to do something to address this issue.

Congressman TOWNS, I just appreciate so much your emphasis on this dilemma that we face. We are, I think, proving that all Americans are concerned about the future of this country insofar as energy is concerned.

Mr. TOWNS. It affects a lot of things. First of all, when you look at young people and you talk about the gas prices and what it costs for them to go

to work, it prevents them from purchasing a home. They can't afford to buy a home and pay all of these high prices for gas. And of course the fact that some buses are not running, which as you indicated means children are going to have to walk to school because of the fact that these buses are saying we are not making a profit because of the gas prices.

So when you look at the facts, they do not have affordable housing, and the fact that they can't afford to buy a home because of the gas prices, and of course we need to look at tax incentives and things that will bring about this discussion that we need to have because this is a serious problem. And to ignore it, it is not going to go away. It is going to get bigger and it is going to get worse.

We have to come together with a policy that is going to protect not only the seniors, the young, and the middle-aged, to protect America. This is something that we must do. We can no longer allow and have the rich continue to get richer and at the same time having people in a position to have to make a decision whether they are going to buy gasoline or whether they are going to buy food. That is wrong, and we should not stand for it.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. You have given an eloquent summary of the crisis that I think most Americans are facing.

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Ms. JACKSON-LEE of Texas. I would like us to move past these hot months that we have right now and begin to look forward into particularly the colder areas of America and begin to think about what is going to happen with heating fuel and this new coming winter season. We sort of got the tail end of the high price of gasoline sort of as we were leaving the winter months or as we were getting into the summer months, and we saw a crisis of people going on a vacation and taking their kids places during the summer facing this very high cost for gasoline per gallon.

But I met with some of my power companies who provide energy, and, of course, I am in a warmer climate than many of my colleagues. But I am concerned about what we will confront with natural gas and other fossil fuels that may be utilized for heating people's homes. What a crisis for elderly and others and families who can't afford their heating fuels.

So I believe that today on the floor of the House we have offered a suggestion. A summit doesn't mean 3,000 people. It means getting all of the parties together that can sit at the table. Get this energy industry at the table. Let them lay out what is a concept of your company, because energy for me means that you are diversified under the concept of energy, green energy, alternative biomass, begin to look at how we can lay down this roadmap.

And then I think, of course, we need to emphasize the environmentally safe exploration of drilling, as my colleague indicated, and the reason why I say that is because it's still going on in the gulf, not as they say—I know it's difficult in other areas. But in the gulf, it's still going on, and it should be environmentally safe.

Then I think as members of the Congressional Black Caucus we need some meetings with the heads of the nations in the Continent in Africa, Angola, Guinea Bassu, Nigeria. Ghana is finding oil. And it would be very helpful to sit down and have a discussion as to how their product can be marketed where there is—I know the bottom line has to do with dollars—but where there is a sense of morality, a sense of rightness on how that works. And again, it ties into my inquiry and outreach that I am going to make to OPEC because I think a lot of heads are better than none. And you listed all of the good works of the Renewable Energy and Energy Conservation Tax Act of 2008, and I think it's important to note this is what the Democrats did.

But I want to invite people to come together during the Congressional Black Caucus, Mr. TOWNS, and we can join together under the energy brain trust. I must pay tribute to my predecessor, and you certainly knew him, Congressman Mickey Leland, who organized the brain trust, on the basis of getting a sense of morality in this industry. In fact, he was coming into it with another energy crisis that was certainly in that time.

So I believe that with all of the hidden resources that we still have, we will open resources that we can address. And the only reason why we're not coming together is I don't think that we're putting our heads together to be able to develop the kind of balanced policy that brings these people together.

I do want to make mention of the fact that I am looking forward to a roundtable discussion with leadership in my district. However, that is the beginning stages of what I think can be a larger question for this Congress to address, for leadership, for members of the Congressional Black Caucus, for our caucus members to address, because our constituents and poor constituents and elderly constituents and ailing constituents are impacted by the high cost of gasoline and heating oil.

And I thank the distinguished gentleman for giving us an opportunity to raise these crucial issues that I believe have to be raised.

Mr. TOWNS. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Thank you for yielding, Mr. TOWNS. I thank you again for your leadership for bringing us together, but it's going to be through your leadership and others here on the floor tonight, our great Speaker, and bringing together Members of this body to make sure that we can have a bipartisan national energy plan.

I said earlier, and I hope we will always remember, that the jobs that are going to be created by the development of new, innovative energy independent industries, such as the green industry, will be millions of jobs for our young people. And we have to also remember, as I talked earlier, about the long-term public health consequences and the environmental concerns as we move toward energy independence and clean energy, green energy, wind, solar, all of the alternatives that will provide for a much better quality of health for all Americans, as well as for a cleaner environment.

So we do have a chance for a win-win-win. We can create millions of new jobs, we can create a trillion-dollar industry, we can create a cleaner environment, we can create livable communities throughout our country if we would just understand the moment we're in and be honest with the American people and be serious and do some of the things we talked about.

But also I think it's important, as I close, to also remember that the occupation of Iraq, the bombing and invasion of the country of Iraq that was a country that was not an imminent threat to the United States of America where there were no weapons of mass destruction, the havoc that we have wreaked on the country of Iraq and Iraqi civilians and our brave troops, this is a big part of why, when the war started, we were paying about \$1.35 per gallon, \$35 per barrel; now we are paying \$4.50, soon to be \$5 a gallon, close to \$140 per barrel.

So we can not forget the economic impacts of this occupation of Iraq and remember that we have to include a demand that we end it and we bring our young men and women home.

Mr. Speaker, I would first like to thank Representative TOWNS for holding this special order tonight on an issue that is on the minds of so many of my constituents.

As the Democratic Majority works to reduce skyrocketing prices at the pump, we continue to face opposition from the Bush administration and my colleagues on the other side of the aisle who appear content to subsidize the Big Oil Company's record profits quarter after quarter rather than adopt real solutions to meet the energy needs of people across the Nation.

More specifically, we have proposed legislation that would invest in truly clean and renewable energy sources.

Our proposals would also bring much-needed accountability to the energy, markets in order to eliminate the price gouging and market manipulation and speculation that have inflated energy prices to record levels.

This week, we will also take up legislation to expand the use of public transit systems to save energy and reduce greenhouse gas emissions.

But, Mr. Speaker, in light of this growing energy crisis, I cannot help but also reflect upon the Bush administration's determination to squander our resources on the immoral occupation of Iraq that has directly contributed to the current economic downturn and the high gas prices the American people are seeing at the pump.

Mr. Speaker, make no mistake, we are in the middle of the Bush Iraq recession. The economic hardship that Americans face today is the direct result of this administration's failed and flawed policies—at home and abroad.

When President Bush was signed into office in January of 2001, the price of oil was \$23 a barrel and gasoline cost as little as \$1.35 per gallon.

Now, after more than five years of bombing and bloodshed in Iraq, oil has topped \$130 a barrel and gasoline is averaging more than \$4 per gallon.

By some estimates, the war and continued occupation of Iraq could cost the United States more than \$3 trillion. That's a \$3 trillion bill for this administration's failed policies in Iraq that our children and grandchildren will be paying for years to come.

The American people recognize the toll this immoral occupation has taken on our economy. They are in dire need of assistance. Many face the impossible choice of buying food for their families or purchasing the gasoline they need to go to work.

If we want to see gas prices go down at the pump, one of the first, and most essential steps we can take, is to end to the war and occupation of Iraq.

We must also focus on transitioning our economy away from fossil fuels to the greener alternative fuels of the future. This will be a long term process that will affect communities throughout our Nation in different ways.

But it is important to note that as we continue to forge new frontiers to achieve energy independence and safeguard the environment, communities will face many complex environmental and public health challenges.

The drastic acceleration of greenhouse gas emissions has often been concentrated in low-income and minority communities, putting these vulnerable populations on the "front lines" of the fight against environmental degradation and global climate change.

The communities in my district face the severe consequences of pollution, urban sprawl, and environmental injustice—which harshly affects people of color and low-income families.

Sadly, this epidemic is hitting our children the hardest. Back home in my district, children growing up in West Oakland are seven times more likely to be hospitalized for asthma than the average child in California.

None of us can afford to take this lightly. The health of our community and our neighbors affects all of us.

As the Representative of California's 9th Congressional District, I would also like to take a moment to recognize the role that California's East Bay is playing at the forefront of the green jobs and green industry movement.

One of the most exciting and inclusive solutions to the many issues facing environmental health is the possibility afforded to us by promoting green jobs training and the growth of the green economy in America.

A true green economy, one that is sincere in its mission and deeply rooted in local communities and businesses, can provide innovative answers to many of the problems our environment faces.

Green jobs provide pathways out of poverty for those most affected by environmental injustice, namely minorities and our urban youth.

To that end, my office has been working closely with the Ella Baker Center, and the

Apollo Alliance in my district, to expand green jobs and green job training programs.

I am also working with the mayor of Oakland on a new initiative to support the development of green model cities that focus on economic development through green job training academies and to create a national green institute to serve as a clearinghouse for the green movement.

While we are convincing long-standing businesses to go green and new businesses to start green, we must ensure that we are also funding opportunities to train our local youth and qualify our existing work force to be able to work in these industries.

I want to end by saying what so many of us deeply understand: over the last eight years the Bush administration has been openly hostile to the environment.

His administration has repeatedly cut funding for the EPA and put forth disastrous environmental policies that have rolled back environmental protections and undermined the safety and well being of our Nation and our planet.

Most recently, the Bush administration has threatened to veto the House passed H.R. 5351, the Renewable Energy and Energy Conservation Tax Act of 2008.

This legislation makes critical investments in clean, renewable energy and energy efficiency that will create hundreds of thousands of new jobs and help to maintain the United States' position as a leader in innovation as we move toward true energy independence.

I urge my colleagues to help bring an end to policies that place corporate profits ahead of the long-term interest of public health and the environment, and instead work toward a greener and more prosperous future for the United States and the world.

Mr. TOWNS. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. About 4 minutes.

Mr. TOWNS. On that I would like to yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Congressman TOWNS.

Mr. Speaker, I just want to point out the fact that in the short time that the Democrats have been in leadership in Congress, we've passed no less than eight bills, passed them on to the President, the President has either threatened to veto them or vetoed them; and now the President proposes a plan that will have little or no impact on gas prices. It will take years to implement, it will threaten the environment and does nothing to decrease our dependence on foreign oil. And this is a plan that JOHN MCCAIN opposed as recently as last week when he made his announcement that he's now in support of this failed policy. So we look like we're headed for Bush-McCain a third term.

And instead of pandering to the oil industry, the President should work with this Congress to come up with a plan to address our long-term energy challenges. And I want to thank you, Congressman TOWNS, for leading up this effort. I'm proud to be among my members of my fellow colleagues in the Congressional Black Caucus because we're showing that we are broad based. We understand what is happening down

home with the average Americans. And we stand with average Americans, regardless of what color, regardless of what shape or size or even sexual inclination. We stand with you because we're all in the same boat together.

Mr. TOWNS. Thank you.

Let me thank all of you for participating in this Special Order. It was said earlier on, I think by Congresswoman LEE, that one reason the food costs have increased along with fuel costs is that fuel is required to both produce and transport food. So in this regard, the rise in fuel costs is felt not only at the pump but at the grocery store as well because people are paying more for our gas.

So I want to thank you for highlighting this tonight because this is something that we just can no longer stand back and ignore.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, I want to thank Congressman TOWNS, and let me extend to my colleagues an invitation to come to Houston and let us have a summit, a discussion, beginning discussion for energy and getting a roadmap for energy.

I would like to thank my fellow CBC Member, Representative TUBBS-JONES for her consistent leadership on the issue of energy. "I am proud to have worked with my dear colleague in the CBC on a number of occasions to promote a most energy responsible America."

We are all painfully aware of the devastation high energy prices have had on American families. This New Direction Congress, of which I am proud to be a part, is fighting to reduce our dependence on foreign oil and 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.

It is undeniable that America, today, is in the midst of an energy crisis. Just this weekend, Saudi Arabia, the world's top oil exporter, announced that it will increase oil production by 200,000 barrels a day to 9.7 million barrels a day starting July 1st in response to the current energy crisis. While this is an important step in the right direction, it is not enough. At a recent world economic forum in Doha, I called for Members of Congress and the United States Government to participate in OPEC's deliberations, in regards to energy production.

I am extremely supportive of the legislation introduced by my distinguished colleague from Maryland, Representative VAN HOLLEN, The Energy Markets Anti-Manipulation and Integrity Restoration Act, of which I am a proud cosponsor. This important legislation would close the so-called Enron loophole by adding energy to the list of items that cannot be traded on deregulated "exempt commercial markets", as well as closing the Foreign Board of Trade (FBOT) loophole by forbidding an exchange from being deemed an unregulated foreign entity if its trading affiliate or trading infrastructure is in the U.S., and it trades a U.S.-delivered contract that significantly affects price discovery.

Just last month, I voted to stop the filling on the Strategic Petroleum Reserve which will help American families by temporarily diverting the 70,000 barrels of oil that go into the SPR

a day, and consequently has the potential to reduce gas prices from 5 to 24 cents a gallon, helping American families, businesses, and the economy as a whole.

There is an undeniable consensus on the importance of America achieving energy independence in the 21st century. It is critical that we terminate our dependence on foreign sources of oil, the majority of which are located in regions of the world which are unstable and in most circumstances, opposed to our interests. Accordingly, there is no issue more essential to our economic and national security than energy independence.

I was happy to vote for the Renewable Energy and Energy Conservation Tax Act of 2008, which is significant and comprehensive legislation that will make substantial strides towards energy independence for our Nation, while also encouraging the development of innovative technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to clean and renewable energy, and modernizing our energy infrastructure.

In addition to being a representative from Houston, Texas, the energy capital of the world, for the past 12 years I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My Energy Braintrusts were designed to be a call of action—to all of the sectors who comprise the American and international energy industry, to the African American community, and to the nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet distinct voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis.

That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy.

Furthermore, I think it is imperative that we involve small, minority- and women-owned,

and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

According to the U.S. Minerals Management Service (MMS), America's deep seas on the Outer Continental Shelf (OCS) contain 420 trillion cubic feet of natural gas (the U.S. consumes 23 TCF per year) and 86 billion barrels of oil (the U.S. imports 4.5 billion per year). Even with all these energy resources, the U.S. sends more than \$300 billion (and countless American jobs) overseas every year for energy we can create at home.

I believe that we should mandate environmentally safe and efficient exploration techniques in the Gulf Coast which energy companies have demonstrated a willingness and capacity to utilize. By ensuring access to increasing sources of energy in an environmentally conscious way, I believe we can decrease our dependence on foreign oil.

I support innovative solutions to our national energy crisis, such as my legislation which alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology.

The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf. Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the \$180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks and municipal solid wastes, which are available throughout our nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions. With its commitment to American biofuels, this legislation calls for a significant increase in the Renewable Fuels Standard. It encourages the diversification of American energy crops thus ensuring that biodiesel and cellulosic sources are key components in the America's drive to become energy independent.

By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.



Mr. TOWNS. Mr. Speaker, the balance of the time I yield to the Congresswoman from Jacksonville, Florida, (Corrine Brown).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I first of all want to thank Congressman TOWNS for hosting this energy information transportation session today.

And I was very excited last weekend that I was in your district, and I was able to ride the train from Union Station to downtown New York. That distance, I was able to do it in 2½ hours, and the goal of our Transportation and Infrastructure Committee is to be able to do it in less time.

Mr. TOWNS. From Washington to New York 2½ hours?

Ms. CORRINE BROWN of Florida. That is right. And we want to do it in 2 hours.

But the key is we were able to do that, and I was able to take that train ride and read and contemplate what we've got to do. We've passed the Amtrak bill. We've got to move this country forward, and I want to thank you for your leadership on this issue.

We've had our heads in the sand long enough on the issues of global warming, and I'm glad that the House Leadership is making this issue a top priority. You only need to look at the constantly rising gas prices to understand why we need to focus on energy independence.

My home State of Florida is particularly vulnerable to weather pattern changes brought about by climate change. Florida on average sits just 98 feet above sea level and each year battles hurricanes with increased frequency and intensity.

Fortunately, the Transportation and Infrastructure Committee is taking the bull by the horns and looking at ways that we can decrease the negative effect our transportation system has on the world's ecosystem.

One simple way to do this is increasing the use of passenger and freight rail. Freight railroads have made major gains in fuel efficiency through training and improved locomotive technology. A single intermodal train can take up to 280 trucks off our highways. Today, one gallon of diesel fuel can move a ton of freight an average of 414 miles, a 76 percent improvement since 1980. And General Electric will soon unveil the world's first hybrid locomotive.

Passenger rails' ability to reduce congestion is well known, with ridership numbers increasing steadily each year. One full passenger train can take 250–350 cars off the roads. Passenger rail also consumes less energy than automobiles and commercial airlines. But we need to get people to wake up and start making passenger rail a priority in this country.

Unfortunately, this also brings up the bigger issue of capacity and what we are able to accomplish with the limited rail capacity that currently exists in the United States. We need to find a dedicated source for increasing rail capacity and we need to do it now to prepare for the future.

This may not be an easy task, but it is the right thing to do for future generations.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to urge Congress to enact legislation to lower gas prices and invest in alternative energy.

In Texas, the price of a gallon of gasoline has risen more than \$1.05 in the past year.

No one drives more than Texans do. With thousands of miles of highways and cities located far from one another, efficient transportation is frequently on our minds.

Nationwide, gas prices have risen from \$2.20 per gallon in December 2005 to \$4.10 per gallon on June 19, 2008, according to the Energy Information Administration, the entity that collects official energy statistics for the United States Government.

Gas prices are hurting our local families. Citizens must make tough economic choices because of the crippling effect that high gas prices is having on their lives.

Congress must show leadership and take action to address this problem of high gas prices.

Congress should work toward the goals of long-term energy solutions that promote economic and environment stability.

We should invest in research to reduce our dependence on fossil fuels. Wind-, solar-, hydrogen-, nuclear-, and geothermal energy sources are all viable options that should be considered.

We should mandate stricter fuel economy standards on all automobiles.

We should utilize alternative fuels that are environmentally sustainable.

We should incentivize the use of public transportation and improve our transportation infrastructure.

We should conduct stronger oversight to determine if gas prices are being artificially inflated.

My years on the Transportation and on the Science Committees have heightened my sensitivity to this subject of rising gas prices.

I have worked to help these committees pass legislation that:

Funds research for environmentally-friendly highway materials;

Secures dollars for our local transportation infrastructure; and

Supports research on alternative fuels, plug-in hybrid cars, hydrogen, ethanol, and other energy sources.

In Texas, we spend a lot of time in our cars. High gas prices are particularly impactful to our economy.

There is no simple or quick solution to this problem of gas prices, but Congress must show leadership and take action to address it.

Mr. Speaker, I am concerned about my constituents. They are asking for relief from escalating gas prices, and I want to be proactive.

The time to act upon this issue is today.

Mr. TOWNS. Thank you very much, Mr. Speaker.

#### ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Thank you very much, Mr. Speaker. I appreciate the opportunity on this special order this evening to talk about a very, very important issue that's facing this country, if not the most important issue, and that is energy.

We have several Members this evening that will be addressing the

House to talk about the energy policies, or lack thereof, in this country. And the first gentleman that I would like to recognize is the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, as I drove around the district today, I got to speak to a number of folks, in fact, even over the weekend; and the number one issue on their mind is our energy policy in this Nation. And they asked me, Rob, what are we going to do about fuel prices? What are we going to do about making sure that we have the long-term interests of this country at heart when we develop this energy policy?

You know, I get to experience that every day. I'm privileged to live close enough to the Capitol here where I commute back and forth every day. I live in a little town that's about 80 miles from here, and I drive that every day. So I get to know what the cost of gas is, and I can really relate to folks back in the district when they ask me, What are we going to do about making sure that we have a good, comprehensive energy policy and making sure that we address fuel prices.

For me, it is about an 80-mile commute, and it is very similar to other folks who live back in the district, whether they live in the upper part of the district in the Fredericksburg area or down in Hampton Roads. Many of them commute day after day. They have to deal with the cost of commuting to get to their work. And they also have to deal with that as they commute to take their families, whether it's to school or whether it's to after-school activities for their children. It's really putting a crimp in their budgets, and they are very, very concerned.

As I drive through the district, I get to see the price of gas each day, and it ranges anywhere from \$4.10 a gallon up in the Washington metro area down to \$3.83 a gallon down in the Tappahannock area. So I know the range of fuel prices in the district, know where the best places are to buy fuel. But it's still extraordinarily expensive for people. And that really makes it difficult on them. It really puts a crimp in their budgets. It creates challenges for them, and it creates hardships for them. And that's something that they say, Why isn't Congress acting? Why aren't you coming up with a solution for these real problems that we have to deal with day in and day out?

And it's frustrating for them. They watch a Congress that really kind of stumbles and doesn't do anything. And I can understand their frustration and understand why they are frustrated with us.

You know, I would like to relate a couple of different stories.

Earlier in the district, I spoke with some folks in the Fredericksburg area,

the Sherman family, and they run a small business, and they rely on diesel trucks in their business. And they said, ROB, we bought diesel trucks for a specific reason. We bought them because of the hauling that we have to do, and diesels are more economical as far as hauling and heavy work. And diesel fuel, when they first bought those vehicles, was less than gasoline. And now we know today diesel is significantly more expensive than gasoline, and they're frustrated. They said, We made that decision. We made that decision based on good business sense, and now today their business is being affected by that.

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In fact, they're having to park their trucks, and it's cutting into their business. So not only is it costing them more to operate, but they also have to make up for that by parking trucks, which reduces the amount of business that they're able to do and affects their bottom line. So not only are they in a situation of having to deal with higher fuel prices, but their margins get pressed, and they do less business because of these higher fuel prices. And they said, ROB, we can't stand that for very long. This really is going to affect what they're able to do.

So we don't have businesses that are growing. We have businesses that are retracting, and they're asking me, ROB, what are you going to do? Why isn't the Congress coming up with a sensible energy policy? And why isn't there a sense of urgency?

You know, folks are saying, look, this is something that affects us day in and day out. We want to feel like Congress has a sense of urgency and is going to Washington to get things done. And they don't want us to sit by idle. They are tired of words. They want action, and I can't blame them.

You know, we have the opportunity to work together to develop a comprehensive energy policy that provides relief to consumers for these high gas and diesel fuel prices and also addresses the issue of our reliance on foreign oil.

A lady today told me she had a great analogy, and I think it's perfect. She said, ROB, did you ever see the movie "*Apollo 13*"? And I said, yes, I did. She reminded me of a scene there where, as the command module and the service module were going to the moon, there was an explosion in one of the oxygen tanks there, and it damaged the primary oxygen tank, which was there to fuel the rocket to send it to the moon. So, obviously, they cut that trip short. But then all the members of the crew, the three members had to move to the command module, and the command module wasn't designed for them to stay in there. You know, those command modules had scrubbers to take out carbon dioxide, these lithium oxide scrubbers, and they weren't designed to keep folks alive for 4 days.

So what happened? They called back to mission control, and the folks in

mission control went to the engineers, and they went together and they put together all the pieces of equipment that they had on board in both the service and command modules, and they put it in a box and they took it in the room with the engineers, and they dumped those items on the table, and they said, come up with a solution to the problem. And they gave them a very specific time limit because obviously their oxygen was going to run out. And those engineers took that time and they came up with an idea, and they solved that problem which assured that those astronauts got back to Earth alive.

That's the same sort of spirit of ingenuity to solve problems that we need to bear with this energy problem. We can do it. We've seen that. We've seen that American ingenuity come to light. We've seen it solve problems, and we know with this particular situation we can put together a comprehensive energy policy that includes everything. We need to put everything in that box, just like those Apollo engineers did, and put it on the table and say let's develop a comprehensive energy policy for this country.

And again, it has to include everything. We have to make sure that we look at domestic sources of energy, again to create energy independence, and looking at our refining capacity to make sure that meets our future needs.

You know, we have vast resources here of energy. We need to make sure that we bring those things to the table, whether it's oil shale out west, oil sands, oil and natural gas in the Outer Continental Shelf. And we can do those things, and we can do those things in an environmentally sound manner. We have the technology to do that to make sure that we don't harm the environment, at the same time creating energy independence for this country. And we do have that ability. Whether it's in ANWR, whether it's offshore, or oil sands, or oil shales, we need to be doing that.

You know, we haven't constructed a refinery in this country in over 30 years. We need to do that. We have the ability to do that. We have the ability to create and build environmentally sensitive refineries and develop our energy here in environmentally sensitive ways.

You know, at the same time, it's critical that we encourage the development of clean energy sources, again, all different parts of the puzzle, and we need to bring those pieces together. We need to look at clean energy sources like wind, solar, hydroelectric, geothermal power. The technology is there. The technology is really developing at this particular point. We need to make sure that we enhance that, that we encourage that.

You know, environmentally friendly power production needs to be part of our portfolio, too, in addition to conservation. You know, I think we all agree that development of our domes-

tic sources has to be part of the puzzle, but we can't take that off the table. It has to be part of what we do in this suite of available resources that we have to solve our energy problems here and to come up with a comprehensive energy policy.

You know, it's that energy policy that's going to determine the health of our economy in years to come. We have to conserve. We have to look at alternative and renewable sources of energy. We have to look at the existing sources that we have here. We have to look at nuclear power. We have to look at every available means to make sure that this country can meet its energy needs and to create energy independence.

You know, we have to really ramp up the effort for research and development, not only of these resources, but of conservation and of other sources of energy. And we have to do that aggressively, in addition to aggressively pursuing the sources of energy that we have already. And we can incentivize conservation, and we can make sure that we encourage the use of more energy efficient equipment, in addition to developing our domestic sources.

So, again, we have to look at an across-the-board comprehensive energy policy and realize that there's no silver bullet for increasing gas prices. You can't just say we're going to do one thing and that's going to create a solution to this problem. We have to, just as the *Apollo 13* engineers did, put everything on the table, put everything in that box, and then put that on the table for us to solve these issues.

But the American people are looking for Congress to take clear-cut action to try to solve this problem, and they expect us to work to come up with that policy. They expect us to hear them, to literally feel their pain, and to make sure that we get things done here. They want to make sure that we're investing in these clean sources, in addition to investing and making sure that we develop the sources that we have here in our continental United States.

And you know, we should not cut off resources within our borders. I mean, we have that available. We don't see other countries throughout the world saying, well, we have these resources and we're not going to use them. And you know, we're in a world economy where we're competing against those other nations, and those other nations are buying energy abroad. They're developing their own sources. If we are going to compete with those economies, we cannot neglect the resources that we have here. We have to make sure that we have those resources available for us just to be able to compete.

I know there's some folks that say, well, you know, that's not going to come on line for 2, 3, 4, 15, 20 years down the road. Well, we need to do this now because it does have an effect on price. We all talk about speculation in the market, and speculation is based

on the expected supply, and if the expected supply goes up because the United States develops its own sources, that will have an effect on prices, in addition to the effect on prices that conservation and other alternative sources will have. So we can multiply that effect if we make sure that we don't take anything off the table in developing this energy policy.

And you know, as I said, I know that we as Members of Congress have an obligation to act, and the American people demand that we act, and they demand that we take a comprehensive look at what we do to address these energy needs, and we come up with a comprehensive energy policy.

You know, we had the opportunity years ago when we went through an energy crisis to develop a policy, and we didn't. Now, we have a renewed opportunity to do that and do what's best for the American people. They demand it. They tell me every day the things that I need to be doing as a Congress Member, and they say, look, you and your colleagues need to be doing that across the board.

So I think we need to make sure that we're cognizant of what the demand is and what the requirement is from the American public on what we should be doing here, and that's a comprehensive energy policy that includes everything.

Again, we need to take that *Apollo 13* box, dump it out there, and say let's have at it, let's create a comprehensive energy policy that ensures the long-term economic viability of this country.

I can tell you, we can no longer afford to wait, and my constituents demand that as well of every other Member of Congress. Now is the time to create a comprehensive energy policy, taking all the tools that we have.

Mr. LATTA. I thank the gentleman for his statement on energy policy in this country.

I'd like to next recognize the gentlelady from Minnesota, Representative BACHMANN. Good evening.

Mrs. BACHMANN. I thank Representative LATTA. I appreciate your leadership on the issue of energy, and although you are a brand new Member of Congress—you haven't been here for a long time—you've shown just extraordinary leadership on the issue that's probably facing more Americans today than any other, and that's the dramatic increase in the price of energy, and I know how passionate you've been on this issue. You've worked tirelessly in your district, and the people of your district in Ohio are fortunate to have you as their representative. Thank you so much for working so hard on this issue.

It's one, Mr. Speaker, that I believe probably every Member of this body is hearing from their constituents over and over and over again. I know that I have as well. I had conducted a meeting with several members of my community who own gas stations, independent owners of gas stations. And

one thing that they told me that broke my heart, they told me that they are seeing 30 percent fewer sales at the pump, and they're also seeing 30 percent fewer sales inside their store, and they're hurting.

One gentleman told me that normally he would spend \$10,000 to purchase the gasoline that would go into the ground in the holding tanks, \$10,000, and that's money that's out of his pocket, sitting there in inventory until it can be sold. And he said, now, I pay \$40,000 to have that inventory in the ground, and now sales are 30 percent less. And so he has more money in the ground, not producing for him, at a higher and higher price level, and he said this is eating up my entire profit margin. There are people going out of business.

And so what he told me is we've got to do something to get gasoline back down from its \$4 a gallon, and that's what we're about here tonight to say there's very good news on the horizon.

It's doom and gloom when you wake up in the morning and you see and you hear on the radio and you see when you drive to the gas station what the price at the pump is. But the good news is, there is an answer, and America can go back to \$2 a gallon gasoline or less. It's entirely possible.

Why? Because we have the answer right here in our country. We are standing on our own solution. We have energy that's available to us, 86 billion barrels, that's according to our own United States department, 86 billion barrels of energy right now that's available to us in the form of oil in the Outer Continental Shelf area.

We have over 10 billion barrels of oil that's fully recoverable up in the arctic energy slope. This is an area of land that Congress originally set aside specifically for the purpose of accessing that energy through drilling to bring back down to the United States. I had the privilege back in the mid-1970s of working two summers up on the Aleutian Chain in Alaska. That's when the Prudhoe Bay, Alaska, trans-Alaska oil pipeline was built. That oil pipeline is currently up. It's running, but it is only half full.

With very little effort, we could actually tap into that oil pipeline, the 10 billion barrels that we know are already in Alaska, and we could fill that pipeline. Rather than having it half empty, we could fill it and bring down another million barrels of oil a day.

And Mr. Speaker, 1 million barrels of oil a day translates into 27 million gallons of gasoline, and that would mean a 50 percent increase in American reserves than we're already tapping today. That's just those 10 billion barrels. That doesn't include the 85 billion barrels that are also available in the Outer Continental Shelf in the deep sea energy reserves that America only has.

But Mr. Speaker, I think most Americans aren't even aware that America is the only country in the world that has voluntarily made it illegal to ac-

cess its own energy. That's right, Mr. Speaker, we are the only country in the world that's made it illegal to access our own energy.

Congress caused this problem. The problem is not OPEC and the problem is not speculators. The problem is the United States Congress. I believe part of the reason why we are seeing Congress's approval ratings at an astoundingly low 12 percent is because Congress has chosen to make it illegal to access the answer that we need, and that's our own energy resources.

Here's another great fact. In the gulf coast region, we have what is probably the world's largest reserve of natural gas. We have 420 trillion, 420 trillion cubic feet of natural gas that's available to us right now off the shore in the Gulf of Mexico. We can access this, and we can bring natural gas into our country, use it to fire up our electrical grid, and also, we could even change our cars and buses, run them on natural gas as well.

□ 2100

America also is home to 25 percent of the Earth's supply of coal right here in the United States, almost an unlimited supply. We have clean coal technology today that's available to us that can process coal and transmit that almost unlimited supply of energy all across the United States.

And as well, nuclear energy. I have a nuclear energy facility in my home district in the Sixth Congressional District of Minnesota, Mr. Speaker. And I'm so grateful we have that because nuclear power supplies almost 20, 25 percent of Minnesota's energy needs. It's a clean, safe, reliable form of energy, and it has zero emissions. I am so excited about this wonderful technology, but unfortunately, Mr. Speaker, again, Congress has made it illegal for us to be able to tap into this wonderful source of energy.

Whether it's nuclear, whether it's coal, whether it's natural gas, whether it's the oil reserves that we have, America has the answer. In fact, this is the industry that we can tap into right now. We don't need to find a magic bullet or a magic alternative. This is energy that we have available to us today that we could tap into today so we can see the American people very soon get back to paying \$2 a gallon.

One thing that happened not too long ago was this body, the United States Congress, sent out stimulus checks to Americans all across the country. Why, Mr. Speaker? Because people in the United States Congress were worried about the economy, so we went to the United States Treasury and we wrote checks that are still being sent out to Americans all across this country. Why? We wanted to encourage Americans to spend money to stimulate the economy.

Do you know what I believe the greatest stimulus would be to Americans? It would be to get gasoline back to \$2 a gallon. And it's so possible. It

was just about 18 months ago that the Democrat majority took over in this body. And when they took over, gasoline, on average, at the national level was \$2.33 a gallon. Mr. Speaker, that average today is about \$4.07 a gallon. That's a dramatic increase in the price of gasoline, unheard of increase in the price of gasoline. It took us 25 years in the United States for gasoline to go from \$1 a gallon to \$2 a gallon. And just in the time that the Democrats have held the gavel they have taken this country from \$2.33 to \$4.08 a gallon.

I was listening to the previous discussion that occurred, and I heard some suggestions about why the price of gasoline has gone up so dramatically. And I find it interesting, because if you look at the votes from 1994 until today, this Congress has already voted on whether or not we should explore in ANWR. We voted on it. In fact, the Congress, back in 1995, sent a bill to President Bill Clinton to say that we should be drilling in ANWR. The House passed that bill, the Senate passed that bill. Unfortunately, it was President Bill Clinton that vetoed that bill; otherwise, we would have already been drilling in ANWR. We wouldn't be in the pickle that we're in today.

But this is the vote and these are the facts. I'm not trying to be partisan because we need to come together, as Democrats and Republicans, and solve this problem now because Americans are feeling real pain and the economy is reeling over energy prices. But here's the facts, Mr. Speaker. This is a fact. Any American can go and find out what the voting has been on ANWR exploration, of bringing energy down from Alaska.

Ninety-one percent of Republicans have voted to explore in ANWR and drill for oil in ANWR, 91 percent; 86 percent of Democrats have opposed drilling. And that hasn't changed today because we already know what the Democrat plan is for energy, they've made it abundantly clear. It is very simple. Their plan has been, let's have the United States Government—that created this problem—take over the oil industry and nationalize oil refineries. That's what they said last week at a press conference, let's nationalize oil refineries. Well, that's not a new idea, but it's not an American idea. And that's not an idea that the American public wants us to embrace. They don't want us to embrace socialism. But that's what we heard Democrats say last week.

Here's the other part of their plan: It is, drive less and pay more. Drive less and pay more. That's not what the American people want. But Senator OBAMA, the nominee of the Democrat party, just recently said it isn't the high price of gasoline that has him worried, it's how quickly that price went up. Well, I'll tell you one thing, Congressman BOB LATTA, Congressman PAUL BROUN and also Congressman ROB WITTMAN, who was on the floor tonight, it's the high price of gasoline that's bothering us.

Republicans don't want to see gas at \$4.08 a gallon, or \$5 or \$6—or whatever that price could be by the end of summer. We don't want it that price because we know for a fact we can get gasoline back down to \$2 a gallon or less very simply if all we do is explore what we already know we have. We've got the resources, we've got the technology. We can do this thing, we're Americans. We're Americans, and we can do this, just like Congressman WITTMAN said, like we did with the *Apollo 13*. We can do this, and it's exciting.

We don't have to go with the Democrat agenda, which is, nationalize the oil industry, take over the oil refineries. We think the United States Government—who didn't do such a great job at Walter Reed Hospital—is going to be brilliant and bring down the price of gas by taking over oil refineries? I don't think so. I don't think that's who I want to trust, not with the American people saying that we have a 12 percent approval rating; I don't think they would trust us either.

And I don't think the American people want us to drive less and pay more. I think what the American people want is what the Republicans are offering. And that's why I'm so grateful to Congressman LATTA tonight for sponsoring this important hour on energy. Because what Congressman LATTA is trying to let the American people know is that we can get back down to \$2 a gallon of gas or less if we open up the key to our own answer, which is, open up America's supplies and do it in a clean, safe, environmentally sensitive way, which we've already done.

How do I know that to be true? Because the United States was one of the only countries in the world last year that actually reduced its emissions. That's right, Mr. Speaker, the United States is one of the only countries in the world that reduced its emissions. All these other countries that signed onto the Kyoto Treaty, the EU, that signed onto this elaborate, bureaucratic-driven cap and trade system, their emissions all went up, ours went down. What's the difference?

We, in this country, believe in freedom. We believe in freedom and we believe in free markets to solve our problems. And they do, free markets solve the problems. It's not socializing our oil industry like the Democrats have suggested. It's not sitting home, putting a sweater on, turning our thermostat down, that's not going to solve the problem. It's not going to be paying more at the pump; that's not going to solve the problem. It is unleashing American ingenuity and finding these new sources of supply, which we already have, with technology that we already have, and bring the supplies in so we can make it happen.

I am so excited about what Congressman LATTA is doing. And I just want to end now with these other statistics, and they're very simple. House Republicans voted 97 percent of the time to

have coal-to-liquid technology, to give us more oil at cheaper prices. Democrats opposed it 78 percent of the time.

Oil shale exploration. The United States is the Saudi Arabia of oil. We have more oil just in Colorado, Utah and Wyoming than all of Saudi Arabia, over 1.3 trillion barrels of oil. Republicans said yes, let's explore that oil 90 percent of the time. Democrats opposed exploring that oil 86 percent of the time.

Outer Continental Shelf, where we have 86 billion barrels of oil. House Republicans voted 81 percent of the time, let's explore, let's access that energy. Democrats, almost the flip, 83 percent opposed exploration.

On refinery increase. Because, you know, we had over 300 refineries not too long ago in this country, we're now down to somewhere near 150 refineries. The Republicans voted 97 percent to increase the number of refineries, Democrats opposed it 96 percent.

I don't take any glory in reading those numbers, but if you average them all together, over 90 percent of the time, Mr. Speaker, Republicans have voted to explore American energy, explore it now so that Americans can pay less. That's our answer. We're not new to this dance. This has been the answer that Republicans have been giving since 1994. That's the answer we want to have. Democrats, since 1994, almost 90 percent have said no, let's not access American resources; in fact, let's make it illegal to access these resources. Well, that's not what the American people say.

Mr. Speaker, over 70 percent of the American people have had it up to here. They're seeing their lives change; they're seeing jobs lost, jobs sent overseas. They want us to explore here, explore now, so they can pay less.

And, Mr. Speaker, we agree with the American people. And Congressman LATTA is leading the charge tonight to let the American people know that we're with them, we're in their corner. We don't think they are the problem. We think the American people are way out in front on this solution.

So I yield back, Congressman LATTA. I yield back because I can't wait to hear what more you have to say on this issue. And thank you for that opportunity.

Mr. LATTA. Well, I thank the gentlelady for yielding back, and also for her enthusiasm and her knowledge of this subject because this is what we have to do in this country because we've got to get the word out to the American people. But as you said, the American people are actually far ahead of Congress right now and they know what we need to do. So I just want to thank you very much for your eloquence tonight on your statement.

At this time, I would like to yield now to my good friend, the gentleman from Georgia (Mr. BROUN), to speak on energy.

I appreciate your being here this evening. Thank you.

Mr. BROUN of Georgia. I thank my good friend for yielding, and I appreciate what you're doing tonight.

Energy is the lifeblood of the American economy. Our economic prosperity is closely tied to the availability of reliable and affordable supplies of energy. Unfortunately, U.S. energy production has grown only 13 percent while energy consumption has increased 30 percent since 1973.

According to AAA, the average American is paying over \$4.07 per gallon for gasoline today. Instead of traveling to spend time with loved ones, record gas prices will keep many Americans home this 4th of July weekend.

Skyrocketing gas prices and a risky dependence upon fuel supply by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance upon foreign oil.

Many here in Congress bemoan America's addiction to foreign oil, yet they refuse to allow access to American oil and gas supplies necessary to cure this addiction. America has been blessed with abundant natural resources, and we should not be hesitant to tap into them, especially at a time when energy cost is so high.

We've heard time and time again about how drilling off the coast in the Outer Continental Shelf will harm the environment. This is pure hogwash. Hurricanes Katrina and Rita destroyed or damaged literally hundreds of drilling rigs without causing the spill of a single drop. Yet congressional Democrats continue to pander to the far left environmental whackos instead of mending the pains of hardworking Americans.

We cannot even drill for oil or gas 200 miles off our own shore. Meanwhile, communist China and Fidel Castro's communist Cuba are moving forward with plans for drilling for oil and gas only 45 miles off of the shores of Key West. Liberal Democrats have also prevented any access to the billions of barrels of oil located in ANWR.

The entire area of ANWR is larger than the combined areas of five States—Massachusetts, Connecticut, Rhode Island, New Jersey and Delaware—yet the proposed drilling area is equal to one-sixth the size of Dulles Airport here in Washington, D.C.

Development of American oil and gas on these lands will help bring the price down and help break the stranglehold on energy that hostile countries in the Middle East enjoy. And this can be done in an environmentally sound manner and should be immediately implemented.

The environmental groups haven't allowed a new oil refinery to be built in the United States for decades, about 30 years. It does little good to increase our use of domestic supplies of oil when we do not have the refinery capacity to quickly convert it into a useable form, gasoline. Members on both sides of the aisle need to stand up to these fringe groups and implement policies that en-

courage the construction of new refineries in the United States.

Liberals also suggest mandating ethanol and renewable fuel production and selling it as the answer to America's energy needs. The 2007 "non-energy" energy bill, or "lack of energy" bill has already proven that the Democratic solution is wrong, dead wrong. Mandating the production of renewable fuels has only led to an increase in world food prices. It is, at best, disingenuous, and at worst, an outright lie to say that renewable fuels can meet America's needs in the near future.

□ 2115

As a good southerner, I love my cornbread and grits. It makes no sense to me to put corn in the tank of my pickup truck.

Energy prices are soaring, and the financial pain that families are feeling at the pump is forcing them to decide what they can and cannot spend. Congressional Democrats act as if they have been living under a rock by continuing to ignore the demands of the American people and refusing to do anything to lower these burdensome prices. Skyrocketing gas prices and a risky dependence on fuel supplied by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance upon Middle Eastern oil.

The United States is the only nation on Earth that forbids development of its own natural resources. Listen to me. Right now America is drilling for ice on Mars; yet we cannot drill for oil in America. That makes no sense. It's idiotic. It's stupid. We must drill on our own lands and we must do it now. We must streamline our oil refinery processes, and we must end our dependence upon Middle Eastern oil.

Our energy prices were not created overnight and will not be solved overnight. Congress must act swiftly to address this growing energy crisis. America's energy policy must make us stronger and less reliant on countries that are hostile to freedom. Passing any so-called energy bill that fails to produce even a single kilowatt of new energy or produce a gallon of gas is not a solution. We must pass legislation that will allow for responsible use of our known American supplies of energy, that reduce excessive and burdensome environmental policies, and that encourage the development of alternative forms of energy. We need to increase nuclear power. It's the only thing that has proven to be incredibly safe. It's a successful source of energy, and it's the only thing that makes sense economically.

I stand ready to fight for this, and I encourage my colleagues to do the same.

Mr. LATTA, I appreciate your working tonight to bring this issue forward. It's absolutely critical for the American public that we stop this dependence

upon Middle Eastern oil. These countries want to destroy us. They hate our freedom. They hate our market system. They hate everything that we stand for. They even hate women. They want to use them as tools. And yet we are funding these countries that want to destroy us. It makes no sense. We have got to develop an energy policy that makes sense economically, environmentally, and makes us not dependent upon these countries that want to destroy us.

I highly commend your effort tonight. I am glad to have joined you tonight, and I look forward to working with you and the rest of the Members.

Congresswoman Michele Bachmann, I just love you and I appreciate your passion and your fervor in fighting for change in our policy. It's absolutely critical. So I applaud your efforts. I know last week I saw you fighting down here on the floor again for the same issues, and I am at awe of your fervor towards this. But we must end our dependence on foreign oil, and I appreciate both of you as well as Congressman Whitman's participation tonight in this Special Order. Thank you so much, and I just praise God for you and your efforts tonight.

Mr. LATTA. Thank you very much, my good friend from Georgia. I really appreciate your being here tonight. And, again, what you say is absolutely what we have to be doing in this country, and I appreciate it. And, again, as we said a little bit earlier, the American people back home get it, but we are not getting it down here in Congress. So I appreciate your words this evening.

Mr. Speaker, we aren't listening to the folks back home. I got home on Friday night from Washington at about 8 o'clock, and gas down at the local gas station was \$4.03. I had to speak at our Buckeye Boys State, which was going on at Bowling Green State University on Saturday morning, and I attended one of my county fairs that day and also went to an event at Bowling Green State University that evening. And the only topic that people are talking about right now is what are we going to do in this country about the high prices of fuel? And, again, they understand there's a problem, but, unfortunately, here in this Congress there is a real question if we actually are getting it.

My district, the Fifth Congressional District, is kind of unique in that we are number nine in manufacturing in the entire United States Congress, ninth out of four hundred thirty-five.

What made this country great was the Industrial Revolution. After the Civil War, we watched what happened as the country took off. We had a situation where we had the resources, we had the people, and we were able to produce a product that the rest of the world wanted. And we did great. But the big thing we have to look at today is that energy equals manufacturing, which equals jobs for Americans, and if

we are not going to be doing that, we're in trouble.

Another great privilege and honor that I have got out there, I am able to go around my district and go to the manufacturing facilities and talk with a lot of the people that are working in these plants. And one of the questions that I always ask them right upfront is how many miles do you drive to work? or how many folks do you have that are driving out of the area? It's not uncommon to hear 30, 40, 50 miles one way for people to come into work. So you multiply that out, and some people driving 500 miles a week. And some people are saying to me, you know what? There's a real problem out there. What happens when gas gets to the price that I'm not going to be able to afford to drive to work and it's not going to be sound for me to do that? We have got a real problem. We have got a real problem. Because the Fifth Congressional District is 140 miles east to west. It's not as large as going to Montana or Wyoming or some other spots in Iowa or some of the other States. But when you're driving that many miles to work, people are going to start asking, is it worth it for me to actually get to work?

At the same time, we have a lot of different manufacturing facilities in Northwest Ohio. We also have certain very unique ones. We have a float glass plant in my district. Five years ago their costs were around \$10 million; today they are \$30 million. There are 40 of these facilities being constructed in China today. Their labor force is cheaper. So when we are competing with cheaper labor compared to our more highly skilled labor, but at the same price of fuel, let's just say, they are going to win because their prices are cheaper. We can't have that happen.

The other thing we have in Northwest Ohio, I come from the largest farming area in Ohio, and when you're looking at the farmers today, they have been planting corn and soybeans, and they are getting ready in the near future to be out there and are going to be harvesting that wheat. But it costs money. It costs a lot in diesel. It costs in chemicals. It costs in fertilizer. And this is all from the same thing, and all of it is coming from petroleum. So when people say they are getting X number of dollars for a bushel of wheat or beans or corn, you've got to look at what that production cost is. And it's rising. And not only is it rising for the farmers and the manufacturers, but also for that man and woman going into that grocery store every week to try to make sure they have food on the table for their family. The costs are going up.

In Ohio 80 percent of all the goods that are delivered are delivered by truck. We don't have a rail system. We don't have a metro system. We don't have a bus system. People in my area, if you're going to get someplace, you can't walk. You can't ride a bicycle. You've got to get in that automobile

and get to work or get to that store. So we have to make sure that folks have that ability to be able to purchase things because if we have too high prices for gasoline, home fuel oil, natural gas, electric costs, rising food bills, that's going to prevent consumers out there from having more disposable income. And when they don't have disposable income out there, what's going to happen? Well, they are going to quit buying, and pretty soon this economy is going to be in shambles. So we have got to do something right now. And, again, the American people understand it, but we have got to understand it here in Congress.

A couple weeks ago when we were having another Special Order, a Member from Texas brought up an example of a person from his district. A trucker from Texas had a load to take to California. It cost \$1,500 in fuel costs to get that to California. That trip cost \$1,500, and he got \$1,700 for the entire trip. By the time you take out all the expenses, the taxes, the depreciation on the truck, he lost money. So we have got a real problem in this country, and that problem is coming up on us right now.

The United States uses about 21 percent of the world's energy as we speak tonight, but the rest of the world is catching up. We were years ago able to make some dumb mistakes in this country because we were always able to correct them quickly because everybody was behind us. After World War II, most of the world all lay in shambles but the United States. But as time went by, these other countries have been catching up, and I think this chart explains it really quickly.

When you look at the energy consumption in this country and where the other countries are, and I'm talking about India and China, you will see that right now we are leading. But in 2015 China and India are going to be at parity with the United States. In 2020 China is going to surpass the United States in energy usage. What does energy usage mean again? Energy usage means jobs. It means manufacturing. And if they get ahead of us, it's going to be very, very tough to catch up. Once again, we have got to do what we have to do for the American people, and that is to make sure that we have the energy to make sure that we have the jobs for the future.

As my colleagues discussed a little bit earlier some of the issues, nuclear, let's just talk about nuclear for a few minutes. France, about 75 percent of all their energy comes from nuclear power. Not only do they have that nuclear power, but they also have that nuclear power they can export to the rest of Europe. So they're producing it and they're shipping it over.

Japan has 55 nuclear reactors with 2 under construction. Russia, 31 reactors in operation and 37 to 42 currently or will be under construction and operational by 2020. India is building 30 new plants in 25 years. They're smaller, about 200 megawatts, but they are

building. China, they are building 40 gigawatt nuclear power stations in the next 25 to 30 years. That's 40 in the next 25 to 30 years.

What about coal? As my colleague from Minnesota brought up about all the coal that we have in this country, what is China doing? Well, right now in China, about 80 percent of their power is electrically generated and 18 percent is hydro, and they are getting into nuclear. China is investing in \$24 billion in clean coal technology.

India, the third largest coal producer and consumer in the world. India is right there at number three. India and China account for 45 percent of coal use.

Hydro, China is constructing the Three Gorges hydro plant, which is going to produce about 18.2 gigawatts, and the Yellow River hydro plan will produce 15.8 gigawatts.

Oil, as my colleague from Georgia has mentioned, drilling offshore, the Chinese, as he just mentioned and as my colleague from Minnesota mentioned, China is negotiating for oil leases off Cuba 50 miles from the U.S. Canada is negotiating. Venezuela is negotiating. Those are in waters that would be considered areas that the United States should be drilling in, and we are not.

The alternatives/supplementals, China is mandating by 2020 15 percent of energy from wind, biomass, solar, and small hydro plants.

Things are happening across the world, but the real question is what is happening in this country? What is happening in this country? And I am afraid to report tonight not much at all.

As we have talked about, what's been going with nuclear in this country? The last plant to be licensed in this country was in 1977. The last plant to go online was in 1996. When you're looking at these things, we are getting farther and farther behind. There is a lot of different things we can be talking about with alternatives or maybe you want to call them supplementals, types of powers, but I think people have got to know what we're talking about. When we're looking at what one 1,000 megawatt reactor would need, you would have to erect between 1,250 to 1,700 wind turbines to get there. I think wind is great, but I think you have to remember we have to have a base load out there to make sure that we can run our plants.

As the gentlewoman from Minnesota mentioned, the United States has 24 to 25 percent of the world's coal. Well, what are we doing about it? In Ohio we have higher sulfur in our coal, and the problem with that is it costs more to scrub it. But we have the technology. We have an individual from Northwest Ohio that has helped bring about and invent a clean coal technology that we can consume this coal without emitting it. We have hundreds of years of reserves on our coal.

As has been mentioned, the oil shale in Utah, Colorado, Wyoming, over 6



trillion barrels of oil equivalence out there, and what are we doing about it? Absolutely nothing.

□ 2130

Congress is standing in the way. Oil and natural gas. When we reimport 65 percent of our oil in this country, that is a problem. That is a problem. We need to start doing something. Our friend from Virginia, Mr. WITTMAN, said a little earlier that what they did with Apollo 13, they had to come up with a solution, and come up with it now. We have got to do that in this country.

John Kennedy, when he was in office, had said that we were going to put a man on the Moon by the end of the 1960s. We did it with Neil Armstrong in 1969. But we have got to have a purpose and make sure we get that done.

We are talking about places where we are restricting ourselves. The only country in the world to fight with both hands tied behind its back is this country. ANWR, we have approximately 10.3 billion barrels of oil. As has been mentioned, we are talking about an area of over 19 million acres, and only talking about drilling and exploring in 2,000 of those acres. When you are looking at 10.3 billion recoverable barrels of oil up there, we have got to get up there. As mentioned a little bit earlier, President Clinton, in 1995, vetoed that legislation, or we would be getting that oil right.

Also, as has been mentioned, we have 420 trillion cubic feet of natural gas offshore. We have 86 billion barrels of oil. Of that, the Federal Government denies access to 92 percent for oil drilling and 90 percent of that area for natural gas. As has been mentioned, even if we got that oil to this country, we haven't done anything for over 2½ decades on refinery.

A bill has been introduced here to say if people have that NIMBY, that "don't put it in my backyard," how about using an abandoned military base to put these facilities in, these refineries.

The scary thing we have got going out there is this, is that as we watch more and more American dollars being spent on all of this fuel and all these other dollars going overseas, and of course we have a \$9 trillion debt right now, the scary thing that we have got going out there is who's buying our debt. Right now, we have about a \$9 trillion national debt. About \$2.6 trillion of that is owned by foreign countries. Japan owns, as of the April statement, about \$592.2 billion, and the Chinese have about a half a trillion dollars of that debt.

We have got to act now. We can't wait. We can't make mistakes. We have to explore, drill, we have got to conserve. We have got to do everything that has been mentioned here tonight. We have got to look at those alternatives of supplementals because, again, you talk to a lot of folks out there and the question as to alter-

natives, well, maybe don't have enough base load out there.

So we have to make sure that we get those wind turbines up. Again, people object to those. In my district, out my back door I can see the only four wind turbines in the State of Ohio. We have solar, with two companies, one in production right now in my district, another going to be going online here in the near future, producing solar panels. I have another company in my district working on hydrogen. There's ethanol, there's biodiesel, but everything put together, we have got to go out there and do it all right, and do it all right, and we've got to do it now.

So, Mr. Speaker, I think that the time is now. The American people are demanding action from this Congress, and we can't make the mistakes of the past because we don't have time to catch up.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. LATTA. I yield to my friend from Georgia.

Mr. BROUN of Georgia. I have got a comment and a question. Last week, we heard members of the other party come to this floor and talk over and over again about the oil companies have thousands of acres that they already have leased and that they are not drilling in them. It's my understanding that a lot of this is land that the oil companies just leased up so that they would have the prerogative to be able to do so in the future.

I think this is correct, is that not so?

Mr. LATTA. To the gentlemen, I believe that is absolutely correct. When you're talking about leases, as you said, you're buying and leasing a lot of an area. It doesn't mean they are all profitable, because if every time you put a well down and struck oil, everybody would be doing it.

Mr. BROUN of Georgia. That is the point that I was just wanting you to bring up, is that all this land that the oil companies have leased over the years, they have temporary leases, that when those leases expire, the land turn back. In fact, I have got a friend, the Dudleys in Athens, Georgia, who lease some land in Alabama to an oil company to drill for gas. They had that lease for a number of years. The oil company never drilled. That lease has expired. So those friends of mine, Randy and Mary Dudley, in Athens, Georgia, today, don't have the lease money coming in as they did. The oil company never drilled there.

That is true all over this country, from what I understand. We just hear from the Democrats over and over again that the oil companies have all this land, but it's land where there's no oil. They just lease it in case that they may be able to find oil or gas. But we know there's oil, we know there's gas on the Outer Continental Shelf. In fact, it's my understanding that only about 15 percent of the land in the Outer Continental Shelf is actually leased, that we could tap into. Is that correct?

Mr. LATTA. That is correct.

Mr. BROUN of Georgia. Well, in fact we know that there is oil and gas out there; in fact, trillions of cubic feet of gas. Gas, when we burn it, is a very clean fuel. Those who adhere to this global warming hysteria, which I think is a hysteria and not fact; in fact, I am a medical doctor and scientifically I have looked at this issue, and there are many scientists on both sides, a lot that say that global warming that we are experiencing is due to natural causes and not due to an increase in carbon output by man's use. But we have got propane that is produced from the refinery of oil. We could produce that. There are a lot of cars and buses that run on propane.

We have natural gas that, in my home in Watkinsville, Georgia, I have a natural gas hot water heater, natural gas stove that I cook my wild game on when I get home and have the opportunity to cook my game and fish that I love to hunt and fish. But all these are clean sources of energy, and we are just not tapping into those.

I thank you for bringing these things up. We have got so many sources of clean fuels, even if global warming is caused by human causes, which I am one that I don't think there's enough scientific data to prove that fact. There are a lot of scientists that do say that. But certainly tapping into our own gas and oil resources can make us less dependent upon foreign oil, make us less dependent upon those who want to destroy us as a Nation. It's a national security interest for us to tap into those resources that we have here.

As I said a few minutes ago, America is the only Nation in the world that won't tap into and develop its own natural resources. It makes absolutely no sense. It's stunningly stupid, stunningly stupid that we don't do that. Right now, we are drilling for ice on mars, yet we cannot drill for oil in America. I just cannot understand that. It makes no sense.

We are being blocked over and over again by the people on the other side who are pandering to the radical environmentalists. I am a conservationist. I started my political activity coming up here as a volunteer, working on conservation issues. I think it's critical that we develop those oil sources.

I congratulate you on bringing this forward tonight.

Mr. LATTA. Thank you. I yield to my good friend from Minnesota.

Mrs. BACHMANN. Thank you, Congressman LATTA. I want to address a point that was brought up by Congressman BROUN and really the absurdity of the remark regarding the oil leases that oil companies have taken up. These lands are owned by the American people and they are leased out to oil companies or natural gas companies. These oil and gas companies have to pay for these leases. They aren't just given to them free of charge. They have to pay for the right to search for the oil.

They take all the risk, and they find the natural resource and they access that natural resource. It doesn't make any sense economically for a company to lease something and waste money on leases that they aren't going to use. It's already in law that if the companies that lease this land, if they are not productive, it's already a law they have to turn the leases back. They can't just lease them forever, get them for free, not pay for that right to lease the land. They have to already turn them back if they aren't productive, because the companies know if there's oil on the land, or if there's gas on the land, they already know if it's there.

Just because they have leased land doesn't mean that there's oil on it or that there's gas on it. It just doesn't make sense someone is going to waste money if they are in a private company. That takes away from profit, and you need to have profits to be able to go forward.

Again, this is the 75th anniversary of the New Deal, and it reminds me of Solomon, who said in Ecclesiastes, "There is nothing new under the sun." And there is nothing new under the sun with a lot of these suggestions we have seen. As a matter of fact, the plan we have seen so far from the Democrats has been this, and it's pretty simple, it is: Drive less, pay more. That is pretty much the plan that we have seen. Oh, yeah, also, let's increase taxes on the domestic production of American energy. That doesn't take too much for the American people to figure out.

If Congress would decide we are going to start taxing food, do you think food would cost more? Of course it would. What about if Congress decided, Let's add taxes to health care, as if that wasn't expensive enough. Would that cost more? Of course it would.

This is not the way the American people want us to go. They don't want us to jack up taxes on American production of oil. They don't want to drive less, they don't want to pay more. They don't want to have America socializing and taking over oil refineries. What the American people want, pure and simple, is freedom. They want freedom, they want the free market, and they want to see energy prices get back down to \$2 a gallon or less.

I know it's possible, I know it can happen, and that is why I am so thankful for your brilliant leadership tonight, Congressman LATTA, and also for Congressman PAUL BROWN, and also for Congressman WITTMAN, who was here earlier this evening speaking, because here's an answer. Here's an answer.

It's here, it's ours, it's for the taking. We can be environmentally sensitive. We can explore here in America now, and we can have Americans pay less. I yield back.

Mr. LATTA. Thank you very much, Mr. Speaker. We appreciate the opportunity to be here tonight on this Special Order.

#### GENERAL LEAVE

Mr. BROUN of Georgia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the topics of tonight's Special Order speeches.

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### KELO THIRD ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. The fifth amendment to the U.S. Constitution states that, "No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

June 23, 2005, marks a very sad day in our Nation's history. Exactly 3 years ago today, five unelected members of the U.S. Supreme Court made one of the most despised rulings in our Nation's history, one of the most egregious, unconstitutional rulings in our Nation's history in its ruling of *Kelo v. City of New London*.

The courts allowed a small Connecticut town to seize a private home to make way for a riverfront development. This activist decision was an attack on middle-class citizens for the benefit of the rich. There have been no worse interpretations of the intent of the fifth amendment than when the Supreme Court seized a private home for the profit of a private company. Yes, a private company.

Justice Sandra Day O'Connor, with whom I have disagreed on many of her decisions, was spot on in her dissent when we stated, "the specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, or any home with a shopping mall, or any farm with a factory."

She added that under the Court's decision in *Kelo*, "any property may now be taken for the benefit of another private party," and "the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has a license to transfer their property from those with fewer resources, to those with more."

□ 2145

The Founders cannot have intended this perverse result."

So detested was the Supreme Court's 2005 ruling that the small home that became the center of the New London land grab has been moved and restored near the center of town as a constant reminder of the town's injustice. That small, pink home once represented a

private home, but now it is a symbol of the evils of an activist court that disregards our constitutional rights.

Our Founding Fathers knew that our liberties were only as secure as our property rights. Property rights are a central institution of Western civilization, yet too often our Nation has violated the basic principles of our Founding Fathers. Federal, State and local governments continue to ignore, neglect, disparage and even fail to understand the importance of property rights.

Today I am pleased to introduce a resolution defending private property rights. This resolution in a very clear manner reflects the intent of our Founding Fathers when they listed private property rights as untouchable by government power. By placing property rights in the fifth amendment to the Constitution, the Founders made the protection of private property a primary aim of the American government. There is no provision in Article I, Section 8, or anywhere else in the Constitution, that allows the unnecessary, predatory seizure of private land.

On this, the third anniversary of one of the Supreme Court's most infamous decisions, I am proud to join property rights advocates all over America in renewing our protest against judicial activism. I applaud the many States that have passed legislation to limit their power to eminent domain and the supreme courts of many States that have barred the practice under their State constitution. I applaud the courage of Susette Kelo and other victims of eminent domain abuse who have stood up to their government and fought for their constitutional rights.

As John Dickinson, signer of the Constitution stated: "Let these truths be indelibly impressed on our minds: (1) that we cannot be happy without being free; (2) that we cannot be free without being secure in our property; and (3) that we cannot be secure in our property if, without our consent, others may as by right take it away."

Private property rights are critical for freedom, and we need to fight for private property rights.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today and June 24.

Mr. HILL (at the request of Mr. HOYER) for today.

Mr. KANJORSKI (at the request of Mr. HOYER) for today.

Ms. KILPATRICK (at the request of Mr. HOYER) for today on account of personal reasons.

Mr. KIND (at the request of Mr. HOYER) for today on account of business in the district regarding flooding.

Mr. McNULTY (at the request of Mr. HOYER) for today and until 3 p.m. on June 24 on account of personal reasons.

Mr. REYES (at the request of Mr. HOYER) for today.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of business in Kansas.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3403. An act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

#### ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 24, 2008, at 9 a.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7256. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potatoes; Grade Standards [Docket AMS-2006-0136; FV-06-303] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7257. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Treatment of Fees Collected by State Child Support Agencies — received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7258. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Dietary Noncariogenic Carbohydrates Sweeteners and Dental Caries [[Docket No. FDA-2006-P-0404] (Formerly Docket No. 2006P-0487)] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead Hazard Information Pamphlet; Notice of Availability [EPA-HQ-OPPT-2004-0126; FRL-8358-6] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7260. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations [EPA-HQ-OAR-2005-0084; FRL-8581-3] (RIN: 2060-AM37) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7261. A letter from the Deputy Division Chief, SCPD, WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets Petition of American National Standards Institute Accredited Standards Committee C63 (EMC) ANSI ASC C63 [WT Docket No. 07-250] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7262. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Improvements to the Nuclear Materials Management and Safeguards System [NRC-2007-0002] (RIN: 3150-AH85) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7263. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2007 Missile Technology Control Regime Plenary Agreements [Docket No. 080208146-8148-01] (RIN: 0694-AE23) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7264. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expansion of the Gift Parcel License Exception Regarding Cuba to Authorize Mobile Phones and Related Software and Equipment [Docket No. 080519687-8707-01] (RIN: 0694-AE37) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7265. A letter from the Secretary, Department of Education, transmitting the fifty-sixth Semiannual Report to Congress on management decisions and final actions

taken on audit recommendations, covering the period October 1, 2007 through March 31, 2008 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7266. A letter from the Secretary, Department of Education, transmitting the thirty-eighth Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2007 through March 31, 2008 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7267. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2007 Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

7268. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7269. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7270. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's semiannual report for the period ending March 31, 2008, in accordance with Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

7271. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2007 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7272. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report covering fiscal year 2007; to the Committee on Oversight and Government Reform.

7273. A letter from the Administrator, National Aeronautics and Space Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Administration's FY 2007 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Oversight and Government Reform.

7274. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the "Fiscal Year 2007 Accounting of Drug Control Funds," pursuant to Public Law 105-277, section 705(d)(Div. C-Title VII); to the Committee on Oversight and Government Reform.

7275. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report

pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7276. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7277. A letter from the Secretary and Director, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7278. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH33) received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7279. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19 [Docket No. 070817467-8554-02] (RIN: 0648-AV90) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7280. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3285-EM in the State of Wisconsin, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7281. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on recommendations made by the Intelligent Transportation Systems Program Advisory Committee, pursuant to Public Law 109-59, section 5305(h)(4); to the Committee on Transportation and Infrastructure.

7282. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report for hurricane and storm damage reduction for Port Monmouth, Middletown Township, Monmouth County, New Jersey; to the Committee on Transportation and Infrastructure.

7283. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — C.A.S.E. Reporting and Property Delegations (RIN: 2700-AD40) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

#### 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. CONYERS: Committee on the Judiciary. H.R. 3546. A bill to authorize the Edward

Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012 (Rept. 110-729). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; with an amendment (Rept. 110-730 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; with an amendment (Rept. 110-730 Pt. 2). Ordered to be printed.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on Transportation and Infrastructure and Energy and Commerce discharged from further consideration. H.R. 3195 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. PENCE, Mr. CONYERS, Mr. HENSARLING, Mr. DUNCAN, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Mr. GALLEGLY):

H.R. 6344. A bill to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes; to the Committee on the Judiciary, considered and passed.

By Mr. BOUSTANY:

H.R. 6345. A bill to establish a demonstration program to provide financial incentives to encourage the adoption and use of interactive personal health records and to encourage health information exchange networks to link clinical data to such personal health records; 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. STUPAK:

H.R. 6346. A bill to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Energy and Commerce, 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 Ms. CORRINE BROWN of Florida (for herself, Mr. MICA, and Mr. GONZALEZ):

H.R. 6347. A bill to facilitate the use of HOPE VI grant amounts by certain public housing agencies that have suffered project delays due to catastrophes or emergencies; to the Committee on Financial Services.

By Mr. GINGREY (for himself, Mr. HUNTER, Mr. LINDER, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mrs. DRAKE, Ms. FALLIN, Mr. FEENEY, Mr. MARCHANT, Mr. KLINE of Minnesota, Mr. SHAD-EGG, Mr. GOHMERT, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. HENSARLING, Mr. KING of Iowa, Mr. LATTA, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. SULLIVAN, Mr. WAMP, Mr.

ROGERS of Kentucky, Mr. ALEXANDER, Mr. GALLEGLY, Mr. PAUL, Mr. SOUDER, and Mr. CALVERT):

H.R. 6348. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 6349. 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.

By Mr. SCHIFF (for himself and Mr. ROGERS of Michigan):

H.R. 6350. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. CHILDERS):

H.R. 6351. A bill to amend the Public Health Service Act to reauthorize the National Health Service Corps Program, 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. BROUN of Georgia:

H.J. Res. 94. A joint resolution whereas there is no greater expression of freedom and liberty than the defense of the God-given right of an individual to hold, possess, and use private property; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. CAPUANO, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. DELAHUNT, Ms. TSONGAS, Mr. TIERNY, and Mr. JOHNSON of Illinois):

H. Con. Res. 376. Concurrent resolution congratulating the 2007-2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season; to the Committee on Oversight and Government Reform.

By Mr. SKELTON:

H. Con. Res. 377. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces; to the Committee on House Administration.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 1294. A resolution supporting the goals and ideals of National Save for Retirement Week; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself and Ms. FALLIN):

H. Res. 1295. A resolution recognizing and commemorating the efforts and contributions of outstanding female veterans of the Armed Forces, and the vital roles women play today as servicemembers in the defense of the Nation; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 594: Mr. UDALL of Colorado, Mr. VIS-CLOSKY, Ms. SLAUGHTER, and Mr. GALLEGLY.

H.R. 643: Mr. CAZAYOUX, Mr. CUMMINGS and Mr. PETERSON of Minnesota.  
H.R. 820: Mr. GORDON.  
H.R. 871: Mr. MOORE of Kansas.  
H.R. 932: Mr. CARSON.  
H.R. 1078: Ms. HERSETH SANDLIN.  
H.R. 1108: Mr. KANJORSKI.  
H.R. 1185: Mr. SERRANO.  
H.R. 1283: Mr. SALAZAR.  
H.R. 1321: Mr. FRELINGHUYSEN.  
H.R. 1386: Mr. KLEIN of Florida.  
H.R. 1507: Ms. LEE.  
H.R. 1621: Mrs. MUSGRAVE and Mr. KING of New York.  
H.R. 1665: Mr. DEFazio.  
H.R. 1820: Ms. MCCOLLUM of Minnesota.  
H.R. 2164: Ms. SUTTON.  
H.R. 2472: Mr. DOYLE and Mr. GENE GREEN of Texas.  
H.R. 2552: Mr. HONDA and Mr. BRADY of Pennsylvania.  
H.R. 2712: Mr. BOEHNER and Mr. BLUNT.  
H.R. 2721: Mr. MAHONEY of Florida.  
H.R. 2880: Mr. HENSARLING.  
H.R. 2911: Mr. WAXMAN.  
H.R. 2994: Mr. DAVID DAVIS of Tennessee.  
H.R. 3098: Mr. ENGLISH of Pennsylvania.  
H.R. 3116: Mr. CARSON.  
H.R. 3195: Mrs. GILLIBRAND.  
H.R. 3234: Mr. CALVERT.  
H.R. 3267: Ms. MCCOLLUM of Minnesota.  
H.R. 3289: Mr. DINGELL.  
H.R. 3334: Mrs. MCMORRIS RODGERS.  
H.R. 3347: Mr. PETERSON of Minnesota.  
H.R. 3457: Mr. SALI.  
H.R. 3546: Mr. BOREN.  
H.R. 3650: Mr. CARNEY.  
H.R. 3769: Mr. CARDOZA.  
H.R. 3874: Mr. BOREN.  
H.R. 3934: Mr. GENE GREEN of Texas and Mrs. BACHMANN.  
H.R. 4099: Mr. PORTER.  
H.R. 4105: Mr. HODES.  
H.R. 4236: Ms. BERKLEY and Mr. CLEAVER.  
H.R. 4544: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. SUTTON, Ms. CORRINE BROWN of Florida, and Mr. BOUSTANY.  
H.R. 4930: Mr. CARTER, Mr. SCHIFF, and Mr. STUPAK.  
H.R. 5131: Mr. TIM MURPHY of Pennsylvania.  
H.R. 5265: Mrs. MALONEY of New York.  
H.R. 5425: Mr. SALI.  
H.R. 5454: Mr. THOMPSON of Mississippi.  
H.R. 5484: Ms. TSONGAS.  
H.R. 5507: Mr. MCGOVERN.  
H.R. 5564: Mr. CHILDERS and Mr. FILNER.  
H.R. 5575: Mr. DOGGETT and Mrs. MALONEY of New York.  
H.R. 5606: Mr. BOYD of Florida and Ms. LINDA T. SANCHEZ of California.  
H.R. 5611: Mr. MORAN of Kansas.  
H.R. 5656: Mr. SOUDER, Mr. BROWN of South Carolina, and Mr. MANZULLO.  
H.R. 5709: Mr. SESTAK, Mr. SHAYS, and Mr. PASCRELL.  
H.R. 5793: Mr. PALLONE.  
H.R. 5821: Mr. HERGER.  
H.R. 5825: Mr. CHILDERS.  
H.R. 5882: Ms. MATSUI.  
H.R. 5894: Mr. WEXLER.  
H.R. 5921: Ms. MATSUI.  
H.R. 5950: Mr. SIRES and Ms. LINDA T. SANCHEZ of California.  
H.R. 6017: Mr. LEVIN.  
H.R. 6039: Mr. DELAHUNT.  
H.R. 6087: Mr. TERRY.  
H.R. 6107: Mr. MORAN of Kansas, Mrs. MUSGRAVE, and Mr. HENSARLING.  
H.R. 6127: Mr. SIRES, Mr. FRANK of Massachusetts, and Mr. WELCH of Vermont.  
H.R. 6129: Mr. FERGUSON.  
H.R. 6137: Mr. CULBERSON.  
H.R. 6151: Mr. DOGGETT.  
H.R. 6184: Mr. SESTAK.  
H.R. 6195: Mr. BRADY of Pennsylvanian, Mr. SESTAK, Mr. CARNEY, Mr. CAPUANO, and Mr. HOLDEN.

H.R. 6199: Mr. HIGGINS, Mr. ACKERMAN, Mr. FOSSELLA, Mr. McNULTY, Mr. ARCURI, Mr. TOWNS, and Mr. MEEKS of New York.  
H.R. 6207: Mr. GOODE.  
H.R. 6220: Mr. PAUL and Mr. BURTON of Indiana.  
H.R. 6230: Mr. CASTLE.  
H.R. 6251: Mrs. LOWEY, Mr. LEVIN, Mr. HILL, Mr. DINGELL, Mr. COSTELLO, Mr. MITCHELL, Mr. RYAN of Ohio, Mr. WALZ of Minnesota, Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. SESTAK, Mr. CHANDLER, Mr. McNULTY, and Mr. THOMPSON of California.  
H.R. 6252: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. ANDREWS, Mr. BACA, Mr. BARROW, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mrs. BONO MACK, Mr. BOUCHER, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. CHABOT, Mr. CHANDLER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Ms. DEGETTE, Mr. DOYLE, Mrs. DRAKE, Mr. ENGEL, Mr. ETHERIDGE, Mr. FARR, Mr. Fortuño, Mr. FOSSELLA, Mr. GOODE, Mr. GORDON, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HIGGINS, Mr. HOBSON, Mr. HOEKSTRA, Mr. ISRAEL, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Ms. KAPTUR, Mr. KING of New York, Mr. KUHL of New York, Mr. MARCHANT, Mr. MEEK of Florida, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. NADLER, Mr. PRICE of Georgia, Mr. REGULA, Mr. ROGERS of Alabama, Mr. ROSS, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SESTAK, Mr. SHULER, Mr. SPRATT, Ms. SUTTON, Mrs. TAUSCHER, Mr. TIBERI, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Ms. WATSON, Mr. WILSON of South Carolina, and Mr. WITTMAN of Virginia.  
H.R. 6253: Mr. ROGERS of Alabama.  
H.R. 6256: Mr. HALL of New York, Mr. WALZ of Minnesota, Ms. HOOLEY, Mr. FARR, Mr. SESTAK, and Mr. LANGEVIN.  
H.R. 6274: Mr. HAYES and Mr. CHABOT.  
H.R. 6278: Mr. MORAN of Virginia.  
H.R. 6286: Mr. HERGER, Mr. WAXMAN, Mrs. TAUSCHER, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Ms. LINDA T. SANCHEZ of California, Ms. MATSUI, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BECERRA, Mr. FILNER, Mr. ROHRABACHER, Mr. CALVERT, Ms. WOOLSEY, Ms. SOLIS, Mrs. BONO MACK, Mr. ISSA, Mr. HONDA, Mr. FARR, Mr. BACA, Ms. HARMAN, Ms. LEE, Ms. ESHOO, Mr. GALLEGLY, Mr. BILBRAY, Mr. COSTA, Mr. SCHIFF, Ms. PELOSI, Mr. THOMPSON of California, Mr. MCKEON, Mr. GARY G. MILLER of California, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. RADANOVICH, Mr. LEWIS of California, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Ms. RICHARDSON, Ms. WATERS, Mr. MCNERNEY, Mr. STARK, Ms. WATSON, Mrs. DAVIS of California, and Mr. CAMPBELL of California.  
H.R. 6298: Mr. WOLF.  
H.R. 6307: Mr. LEWIS of Georgia, Mr. PORTER, Mrs. JONES of Ohio, Mr. TIBERI, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. COOPER, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. BECERRA, Mr. GEORGE MILLER of California, Mr. ENGLISH of Pennsylvania, Mr. POMEROY, Mr. BLUMENAUER, Ms. HIRONO, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. STARK, Mr. BRADY of Pennsylvania, and Mr. TAYLOR.  
H.R. 6309: Ms. VELÁZQUEZ, Mrs. MALONEY of New York, and Mr. MEEKS of New York.  
H.R. 6312: Mr. ROSKAM.  
H.R. 6315: Mr. KIRK.  
H.R. 6330: Mr. LATOURETTE, Mr. LIPINSKI, Mr. HALL of New York, Mr. OBERSTAR, and Ms. CASTOR.  
H.R. 6334: Mr. BUTTERFIELD, Mr. MELANCON, and Mr. MATHESON.  
H.J. Res. 39: Mr. PLATTS.  
H.J. Res. 85: Ms. WOOLSEY and Ms. BERKLEY.

H.J. Res. 89: Mr. KLINE of Minnesota.  
H. Con. Res. 195: Mr. LEVIN.  
H. Con. Res. 253: Mr. ABERCROMBIE, Mr. BERMAN, Ms. CASTOR, and Mr. FILNER.  
H. Con. Res. 315: Mr. MCHUGH and Mr. BONNER.  
H. Con. Res. 341: Mr. HOEKSTRA, Mr. TANNER, Mr. LEWIS of Georgia, Mr. SHULER, Mr. BOREN, Mr. HODES, and Mr. YOUNG of Alaska.  
H. Con. Res. 342: Mr. GONZALEZ, Mr. LAHOOD, and Mr. BACHUS.  
H. Con. Res. 367: Mr. SESSIONS and Mr. WILSON of South Carolina.  
H. Res. 925: Mr. TIM MURPHY of Pennsylvania.  
H. Res. 1008: Mr. TIBERI.  
H. Res. 1090: Mr. WU, Mr. CHABOT, Ms. WOOLSEY, Mr. ROYCE, and Mr. ENGEL.  
H. Res. 1179: Mr. INGLIS of South Carolina.  
H. Res. 1202: Mr. BLUMENAUER.  
H. Res. 1217: Mr. BLUMENAUER.  
H. Res. 1231: Mr. TIM MURPHY of Pennsylvania, Mr. BOREN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. AL GREEN of Texas.  
H. Res. 1266: Mr. SESTAK, Mr. COHEN, Mr. McNULTY, Mr. PAYNE, and Mr. WEXLER.  
H. Res. 1271: Mr. MILLER of North Carolina.  
H. Res. 1273: Mr. KIND.  
H. Res. 1279: Mr. COHEN, Mr. KING of New York, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. DICKS, and Mr. WEXLER.  
H. Res. 1283: Mr. LOEBSACK and Mr. POE.  
H. Res. 1291: Mr. BECERRA, Mr. BACA, Mrs. NAPOLITANO, Mr. SALAZAR, and Mr. REYES.  
H. Res. 1293: Ms. LEE, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. HOLT, Mr. VAN HOLLEN, Ms. MATSUI, and Ms. KILPATRICK.

## DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. POE.

## DISCHARGE PETITION

Under clause 2 of rule XV, the following discharge petition was filed:

(Omitted from the Record of June 20, 2008)

Petition 9, June 18, 2008, by Mr. PHIL ENGLISH on H.R. 2279, was signed by the following Members: Phil English, Todd Tiahrt, Daniel E. Lungren, Bob Goodlatte, Tim Walberg, Devin Nunes, Dennis R. Rehberg, Joseph R. Pitts, Gus M. Bilirakis, Bill Sali, Peter J. Roskam, Mac Thornberry, John T. Doolittle, Kay Granger, K. Michael Conaway, Charles W. Boustany, Jr., J. Randy Forbes, Kevin Brady, Howard P. "Buck" McKeon, Todd Russell Platts, Thomas G. Tancredo, Jean Schmidt, Paul C. Broun, Jim Jordan, Rodney P. Frelinghuysen, Frank D. Lucas, Edward R. Royce, Thomas M. Reynolds, Mary Bono Mack, Connie Mack, Dana Rohrabacher, Wally Herger, Mike Rogers of Alabama, Roy Blunt, Patrick J. Tiberi, Steve Chabot, Deborah Pryce, Robert E. Latta, Joe Barton, Michael T. McCaul, Ron Paul, Randy Neugebauer, Sam Johnson, John R. Carter, Howard Coble, Adrian Smith, David Davis, Sue Wilkins Myrick, Tom Price, Tom Latham, Spencer Bachus, Donald A. Manzullo, Bill Shuster, Henry E. Brown, Jr., John Shimkus, Mike Rogers of Michigan, Scott Garrett, Terry Everett, Dan Burton, Lynn A. Westmoreland, George Radanovich,

John Abney Culberson, Fred Upton, Marsha Blackburn, Joe Wilson, Jeff Miller, Mario Diaz-Balart, John Boozman, Sam Graves, Tom Cole, Robin Hayes, Michael C. Burgess, Phil Gingrey, Jeff Flake, Chris Cannon, Christopher Shays, Candice S. Miller, John E. Peterson, Greg Walden, Ron Lewis, John R. "Randy" Kuhl, Jr., Adam H. Putnam, Geoff Davis, Eric Cantor, Patrick T. McHenry, Nathan Deal, John Linder, Frank A. LoBiondo, Mike Ferguson, Thelma D. Drake, John Campbell, Doug Lamborn, Tim Murphy, Bob Inglis, Kenny Marchant, Michael R. Turner, Zach Wamp, Heather Wilson, Ted Poe, Harold Rogers, Lamar Smith, Darrell E. Issa, Cathy McMorris Rodgers,

Dean Heller, Ed Whitfield, Steve King, Ken Calvert, Michael K. Simpson, Ginny Brown-Waite, Thaddeus G. McCotter, Jeb Hensarling, J. Gresham Barrett, Ray LaHood, Ric Keller, Robert J. Wittman, Jo Bonner, Robert B. Aderholt, David L. Hobson, Joe Knollenberg, Jo Ann Emerson, Jerry Moran, Steve Scalise, John A. Boehner, Marilyn N. Musgrave, Jim McCrery, Vernon J. Ehlers, Virginia Foxx, Judy Biggert, Gary G. Miller, Pete Sessions, Barbara Cubin, Stevan Pearce, Kevin McCarthy, Michele Bachmann, Paul Ryan, John Sullivan, Charles W. "Chip" Pickering, W. Todd Akin, and Steven C. LaTourette.

DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 8 by Mr. WALBERG on the H.R. 3089: VIRGIL H. GOODE, Jr., TODD TIAHRT, JOE KNOLLENBERG, JOHN E. PETERSON, JERRY MORAN, JIM MCCRERY, BARBARA CUBIN, KEVIN MCCARTHY, JOHN SULLIVAN, and TIM MURPHY.

Petition 6 by Mr. BOUSTANY on H.R. 1843: MICHELE BACHMANN.

Petition 4 by Mr. ADERHOLT on H.R. 3584: MICHELE BACHMANN.





United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, MONDAY, JUNE 23, 2008

No. 104

## Senate

The Senate met at 3 p.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, when we are far from You, we are unhappy. Remove from our lives anything that would keep us from being close to You.

Today, may our Senators feel Your presence and abide in Your wisdom. Provide them with solutions to problems that have eluded the powers of human reason. Lord, make Your purposes clear to them so that they may run and not be weary. As they surrender themselves more completely to You, let the light of Your peace shine in their hearts. Make their thoughts and feelings what they ought to be as they strive to live worthy of Your love. Lord, watch over them and their loved ones, both now and in the years to come.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA 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 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. AKAKA 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, if any, from the two leaders, the Senate will resume consideration of the House message to accompany H.R. 3221, the housing reform legislation. As has been announced earlier, there will be no rollcall votes today. The next vote will occur tomorrow morning around 11 a.m. That vote will be on a motion to invoke cloture on the Dodd-Shelby substitute with respect to the housing reform legislation. Senators will have until 11:30 a.m. tomorrow to file amendments to the substitute.

This week, we expect to turn to the consideration of the emergency supplemental appropriations bill and the FISA legislation, and, of course, we need to consider moving to the Medicare Improvements for Patients and Providers Act that Senators BAUCUS and GRASSLEY are negotiating.

Mr. President, in short, we have FISA, the supplemental, housing, and Medicare that we need to focus on. When we finish those this week, I think there will be an opportunity for us to leave. We do have to vote on a number

of judges whom we have indicated we would vote on, and we are going to try to do those tomorrow afternoon. We think that can be accomplished. Right after the caucus, we can start voting on those judges.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983 (to the House amendment striking section 1 through title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the U.S. Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S5949

FISA AMENDMENTS ACT OF 2008—  
MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 827, H.R. 6304, the Foreign Intelligence Surveillance Act.

The ACTING PRESIDENT pro tempore. The motion is debatable.

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The ACTING PRESIDENT pro tempore. The clerk will report.

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 the debate on the motion to proceed to Calendar No. 827, H.R. 6304, the FISA Amendments Act of 2008.

Sheldon Whitehouse, Patty Murray, Max Baucus, Tim Johnson, Ken Salazar, Barbara A. Mikulski, John D. Rockefeller, IV, Herb Kohl, Robert P. Casey, Jr., Daniel K. Inouye, Mary Landrieu, Blanche L. Lincoln, Mark L. Pryor, Dianne Feinstein, Thomas R. Carper, Joseph Lieberman, Claire McCaskill.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to address the issues on legislation which is coming from the House of Representatives amending the Foreign Intelligence Surveillance Act.

The issues on which the Senate will vote on the House bill involve very fundamental questions of constitutional rights versus the war on terrorism. We have legislation which has come from the House of Representatives which would grant retroactive immunity to the telephone companies on a showing that the companies receive written requests from the Government saying the program was legal.

At the outset, I recognize the telephone companies as good citizens. But the test of whether what has been done is legal is not determined by the assertion by the Government to the telephone companies that the program is legal. That determination can only be made by the courts on evaluation of congressional authority under article I, which has been exercised in the Foreign Intelligence Surveillance Act of 1978, since amended, contrasted with the President's article II powers as Commander in Chief. That test has not been waived.

I submit the historians will look back upon the period of time from 9/11

to the present and beyond as the greatest expansion of executive authority in the history of the country. I believe additional law enforcement tools were necessary. In my capacity as the chairman of the Judiciary Committee, I led the fight for the PATRIOT Act reauthorization on this floor to give law enforcement broader power.

But, at the same time, I have expressed my deep concern that there be a determination by the courts as to whether the warrantless wiretapping is valid under the Constitution. We have seen great stress laid upon the provision in the House measure that the exclusive means for wiretapping will be provided by the statute. But that does not stop the President from asserting his authority under article II of the Constitution.

The Foreign Intelligence Surveillance Act of 1978 has a similar provision of exclusivity, but that did not stop the President from initiating the Terrorist Surveillance Program which was kept secret for years from the Congress. The President has a sound constitutional argument that you cannot amend the Constitution by statute; you cannot take away the President's constitutional authority by a statute, but it is up to the courts to strike the balance and to make that determination.

Regrettably, Congress and the efforts which we have made have, I submit, been totally insufficient. We have had the so-called signing statements as an expansion of executive authority, and Congress has been unable to assert its authority under the Constitution on the legislation we send to the President. The Constitution is plain. Each House passes legislation. There is a conference report, and it is sent to the President and presented. Then the President has the option of either signing or vetoing.

But a practice has arisen in the past, very extensively used by this administration, to put in signing statements which are at material variance—that really directly contradict what is in the legislation. There may be some justification for a signing statement on some minor matters on an administrative level, but in my formal statement I go into a couple of examples on a controversy on enhanced interrogation, or so-called torture, which passed the Senate 90 to 9.

In a celebrated meeting between Senator McCain and President Bush, they reached a compromise. Then when the legislation went to the President, the President issued a signing statement saying that he had the authority to disregard it under his powers as Commander in Chief, article II authority.

In a similar vein on the PATRIOT Act reauthorization, we put in restrictions on what the law enforcement officials could do, negotiated with the administration, signed into law by the President, and again a statement was made that if the President chose to exercise his constitutional authority, article II power, he felt free to do so.

I introduced legislation to give the Congress standing to go to court to challenge these signing statements. The legislation has not gotten very far because of the impossibility of overriding a veto and because of the concern as to whether the constitutional standard of the case and controversy would be met. So here we have the unfettered practice of these signing statements as an example of executive authority.

Second, the Supreme Court review of the Terrorist Surveillance Program and habeas corpus has been inadequate. In the Detroit case, the Federal court finding the Terrorist Surveillance Program unconstitutional was appealed to the Sixth Circuit. After lengthy delays, the Sixth Circuit reversed the Detroit Federal court on the grounds of lack of standing. Then, again, after months of delay, the case went to the Supreme Court of the United States which, again, denied certiorari.

The issue of standing has sufficient flexibility, as demonstrated by the dissent in the Sixth Circuit, that the Supreme Court could have taken up the issue. The question on the Terrorist Surveillance Program presents the sharpest conflict of our era on the clash between the President's authority under article II as Commander in Chief and the authority of Congress to enact statutes, as we did under the Foreign Intelligence Surveillance Act of 1978.

Similarly, on habeas corpus, notwithstanding the Rasul decision, the Court of Appeals for the District of Columbia in Boumediene essentially disregarded the holding of the Supreme Court in Rasul when the Circuit Court for the District of Columbia said the decision by the Supreme Court turned on a statutory interpretation.

Habeas corpus is provided for in two ways under our law: No. 1, it is descended from the Great Writ, the Magna Carta, of 1215, and it is embodied in our constitutional law as made plain by Justice Stevens in Rasul. And there is also a statutory provision for habeas corpus. In the Military Commissions Act, the Congress modified the statutory provision, and the Court of Appeals for the District of Columbia saw fit to say that once the statute was changed, habeas corpus didn't apply—really flying in the face of what the holding was in Rasul.

Finally, a protracted period of time later, in Boumediene, the Supreme Court reinstated habeas corpus as it was bound to do based upon the clear holding of Rasul and the long history of the issue.

Congress has similarly been ineffective in curtailing executive authority in the National Security Act of 1947, which requires the President to notify the intelligence committees of both the House and Senate, and for protracted periods of time the executive branch ignored that requirement. Only when the confirmation of General Hayden as Director of CIA came up was

there some compliance with that requirement.

The Judiciary Committee, during my tenure as chair, sought to bring in the telephone companies, sought to issue subpoenas to find out what the telephone companies were undertaking. On that situation, as I have said on the floor of the Senate, Vice President CHENEY personally went behind my back to talk to Republican members of the Judiciary Committee without talking to me at any stage. That effort was made because the telephone companies, unlike the executive branch, unlike the President—the telephone companies do not have executive privilege.

Similarly, the Senate defeated my amendment on the Foreign Intelligence Surveillance Act which would have substituted the Government for the telephone companies as the parties defendant. There was a way that the telephone companies could have been recognized for their good citizenship and held harmless by having the Government step into their shoes. But that amendment was defeated.

I submit the case for this determination has a very important dimension beyond the customary doctrine of separation of powers because we are asked to give retroactive immunity to something while we don't even know on the record the full import of what is involved. The warrantless wiretapping, the data mining by the telephone companies is known only to some Members of Congress. It is not known to the public. I intend to offer an amendment which will require that the district court—the House bill now lodges jurisdiction in the district court to make the determination on the legality of FISA—my amendment will call for the district court to make the determination as to whether what has been done by the telephone companies is constitutional.

The ultimate vote on this matter is a tough one. There are quite a number of provisions in the House bill which are protective of civil liberties. I have detailed them in my formal written statement. So when I come to a balance as to voting for the bill or not, my inclination is to vote in favor of the bill because of the importance of the ongoing activities of the telephone companies, notwithstanding my deep concern for civil rights. But there is a much better alternative, and that much better alternative would have been to have substituted the Government for the telephone companies as the party defendant or, now, to submit the question of constitutionality to the district court.

My vote was misunderstood on the Military Commissions Act. When I had led the fight to retain habeas corpus in that bill, it was defeated 51 to 48—but we later voted for the bill because of its recognition of the applicability of the Geneva Conventions and other important parts of the bill. I said at the time that because of the severability clause, the Supreme Court of the

United States would reinstate habeas corpus—which, of course, in the past couple of weeks, we know the Supreme Court has done.

We are dealing here, essentially, with very subtle and very nuanced provisions. There are very tough judgments to be made in the legislative context. The war on terrorism is still on the front burner. We do not know what is going to come next.

So that any time there is a balance as to what we ought to do, because of the value which I think is present from this data-mining and the work done by the telephone companies, I think it ought to be maintained. But where we have an option of doing it in a constitutional way, either by sunshine or by submitting it to the court, that is the preferable course of conduct.

I ask unanimous consent that the full text of a detailed statement summarizing my position and a draft amendment be printed in the RECORD so my colleagues will have an opportunity to review both my written statement and my oral presentation of the proposal for an amendment which I intend to offer when the bill comes up.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### FLOOR STATEMENT ON FISA

The Senate is coming to a critical vote on our duty to exercise our most fundamental constitutional obligation on separation of powers: to strike the appropriate balance between the war against terrorism and protecting civil rights. We are asked by the House of Representatives to approve their bill on amending the Foreign Intelligence Surveillance Act, a bill which gives retroactive immunity to the telephone companies that facilitated warrantless surveillance, but does not require a judicial determination that the government's program was constitutional.

It is totally insufficient to confer immunity merely because the companies received written requests from the government saying the program was legal. While it is true that the standard of review has been changed from "abuse of discretion" to "substantial evidence" in this bill, the real question is "substantial evidence" of what? Only that the President authorized the program and the government sent written requests to the companies assuring them it was legal. The court is not required to find that the requests were lawful, or that the surveillance itself was constitutional.

The provision that the legislation will be the exclusive means for the government to wiretap is meaningless because that specific limitation is in the 1978 Act and it didn't stop the government from conducting the warrantless Terrorist Surveillance Program with the telephone companies' assistance. The bill leaves the President with his position that his Article II powers as commander in chief cannot be limited by statute. That is a sound constitutional argument, but only the courts can ultimately decide that issue, and this bill dodges the issue by limiting judicial review.

The constitutional doctrine of separation of powers has been mangled since 9/11. I believe that, decades from now, historians will look at the time between 9/11 and the present as the greatest expansion of unchecked executive power in the history of the country. I believe that much, if not most, of that power

was necessary to fight terrorism and I led the fight as Chairman of the Judiciary Committee to expand law enforcement powers under the PATRIOT Act. I also offered numerous pieces of legislation designed to bring the Terrorist Surveillance Program under federal court review and to ensure that vital intelligence gathering could continue with appropriate oversight. In the 109th and 110th Congresses, I introduced several versions of the National Security Surveillance Act (first introduced on March 16, 2006), the Foreign Intelligence Surveillance Improvement and Enhancement Act (with Senator Feinstein, first introduced on May 24, 2006), and the Foreign Intelligence Surveillance Oversight and Resource Enhancement Act (first introduced on November 14, 2006).

There has to be a check and balance. The Congress has been totally ineffective, punting to the courts and then seeking to limit the courts' authority as the House of Representatives is now doing. The problem is compounded by the fact that the Supreme Court had ducked and delayed deciding where the line is between Congressional authority under Article I and presidential authority under Article II.

Let me document the ineffectiveness of Congress:

(1) Signing Statements: The constitution is explicit that Congress sends legislation to the president who has only two options: sign or veto. Instead on key provisions limiting executive authority, including Senator McCain's amendment—adopted 90 to 9 in the Senate—to ban "cruel, inhuman or degrading" treatment of any prisoner held by the United States, and the new PATRIOT Act sections requiring audits and Congressional reporting to ensure the FBI does not abuse its terrorism-related powers to secretly demand the production of records, the President has signed the Congressional presentment and then issued a statement asserting his Article II power to ignore those limitations.

My legislation to give Congress standing to challenge the constitutionality of those signing statements has gone nowhere because of three factors: (1) The disinclination of Congress to challenge the president in the context of getting blamed if there were another terrorist attack; (2) the virtual impossibility of overriding a veto; and (3) the doubts by a few that such legislation would satisfy the constitutional requirements of the case and controversy.

(2) Requiring Supreme Court Review of the TSP and Habeas: The efforts to get a Supreme Court ruling on the constitutionality of the Terrorist Surveillance Program were ducked by the Supreme Court. The ruling of the U.S. District Court in Detroit holding the Terrorist Surveillance Program unconstitutional was reversed by the 6th Circuit on a 2-1 vote on lack of standing and the Supreme Court denied certiorari. The doctrine of standing has enough flexibility, as demonstrated by the dissent in the 6th Circuit, to have enabled the Supreme Court to take up the most fundamental clash between Congress and the president in our era, if the Supreme Court had the courage to do so.

The Supreme Court acted almost as badly on the habeas corpus issue in initially denying certiorari on the D.C. Circuit's decision in *Boumediene*, which ignored the plain language in *Rasul* confirming that habeas corpus was a constitutional right, not just one based on legislation which Congress had changed. Only when confronted with the overwhelming evidence on the inadequacy of the Combat Status Review Tribunals did the Supreme Court finally grant a petition for reconsideration on certiorari and ordered the District Courts to grant habeas corpus review after a very long delay.

(3) Violation of the National Security Act: The Congress was remedy-less to do anything when the President ignored the National Security Act of 1947 which requires notification of programs like the Terrorist Surveillance Program to the House and Senate Intelligence Committees. It was only when the administration needed the confirmation of General Michael Hayden to be Director of the CIA that any effort at compliance was made.

(4) Subpoenas for Telecoms: My efforts as Chairman of the Judiciary Committee in June 2006 to get information about the telephone companies' warrantless wiretapping were obstructed by an unusual breach of protocol by Vice President DICK CHENEY personally when he went behind my back to urge other Judiciary Committee members to oppose my efforts to subpoena the telephone companies which, unlike the administration, could not plead executive privilege.

(5) Military Commissions Act: Congress has been docile, really inert, in failing to push back on the executive's encroachment on our authority. My amendment to retain habeas corpus in the Military Commissions Act was defeated 48-51. Meanwhile, the Graham-Levin amendment to the National Defense Authorization Act for Fiscal Year 2006 passed by the shocking vote of 84-14 despite the fact that it was drafted overnight, had no hearing and virtually no debate with my having only two minutes to speak in opposition. On its face the amendment stripped the Supreme Court of jurisdiction by vesting exclusive jurisdiction with the District of Columbia Circuit. It would be hard to find an amendment on a more important subject given less scrutiny and passed with less thought and in such haste.

(6) FISA Substitution Amendment: Similarly, the Senate defeated my amendment to the Foreign Intelligence Surveillance Act which would have substituted the government for the telephone companies as the defendants in the pending litigation. That would have protected the telephone companies but left the courts to decide if the program was constitutional.

The Senate now has the opportunity to provide for judicial review by amending the House Foreign Intelligence Surveillance Act bill to authorize the U.S. District Courts to determine the constitutionality of the administration's program before granting immunity to the telephone companies.

The case for that determination has an important extra dimension beyond separation of powers. It involves a repugnant factor; namely, that the government had instigated and maintained for many years a secret practice, the scope of which is unknown to the public and known only to some members of Congress. It smacks of Star Chamber proceedings from old England. Now the administration insists on retroactive immunity and the House has complied. It is time the Senate stood up and earned its reputation as the "world's greatest deliberative body" and at least demonstrate some courage, if not a full profile, by insisting on judicial review.

In offering an amendment for judicial review, I am mindful of the importance of what the telephone companies have been doing on the war against terrorism from my classified briefings. It is a difficult decision to vote for retroactive immunity if my amendment fails, but I will do so, just as I voted for it when my substitution amendment failed because I conclude that the threat of terrorism and the other important provisions in the House bill outweigh the invasion of privacy.

I do so with great reluctance because it sets a terrible precedent for the executive to violate the Foreign Intelligence Surveillance Act, the National Security Act of 1947, and the presentment clause of the constitution

and then receive a Congressional pardon. It is especially galling since Congress could both protect the telephone companies by substitution and allow the lawsuits to go forward or authorize their continuance by my amendment.

I also intend to vote for the bill regardless of what happens to my amendment because of the other important features of the bill. It requires prior court review of the government's foreign-targeted surveillance procedures, except in exigent circumstances (the 7-day exception). Also, the FISA Court must determine whether—going forward—the foreign targeting and minimization procedures satisfy the Fourth Amendment. The bill also requires prior, individualized court orders based on probable cause for U.S. persons when they are outside the country. And, the bill requires a comprehensive Inspector General review of the Terrorist Surveillance Program.

I know that this nuanced position of fighting retroactive immunity and then voting for the bill will be misunderstood because of the complexity of the issues and the subtleties of my rationale.

I have been similarly misunderstood in my castigation of the provisions eliminating statutory habeas corpus and court-stripping in the Military Commissions Act and then voting for the bill. I did so, and gave my contemporaneous reasons, because the Act contained many important provisions, such as implementing the Geneva Conventions in accordance with the Supreme Court's Hamdan ruling. The Act also brought the military commissions within Congressional authorization and the law—something the current bill seeks to do for vital intelligence gathering. I said at the time that the Supreme Court would strike the exclusion of habeas corpus, leaving the rest of the Act intact under the severability clause, and that did happen in *Boumediene*.

It is my hope that my colleagues in the Senate and House too would give a little extra consideration to this issue because it is past time for Congress to assert itself and at least leave the courts free to determine constitutional rights and separation of powers.

#### DRAFT AMENDMENT

In section 802(b) of the Foreign Intelligence Surveillance Act of 1978, as added by section 201 of the Act, strike paragraph (1) and insert the following:

“(1) REVIEW OF CERTIFICATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

“(B) COVERED CIVIL ACTIONS.—In a covered civil action relating to assistance alleged to have been provided in connection with an intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, a certification under subsection (a) shall be given effect unless the court—

“(i) finds that such certification is not supported by substantial evidence provided to the court pursuant to this section; or

“(ii) determines that the assistance provided by the applicable electronic communication service provider was unconstitutional.

Mr. NELSON of Florida. Mr. President, Floridians are hurting—foreclosures are skyrocketing. According to one estimate, at the end of March 2008, Florida had nearly 200,000 properties in foreclosure. In the first quar-

ter of 2008, Florida had the second highest total of foreclosures, nationwide—up 17 percent from the previous quarter and 178 percent from last year. Statewide, one in every 97 households received a foreclosure filing. In May, Cape Coral Ft. Myers, Florida, had the second highest foreclosure rate in the Nation, with one in every 79 homes receiving a foreclosure filing. This crisis isn't limited to subprime mortgages or risky borrowers—it destroys the value of entire communities. The ripple effect translates into big losses for the State's economy—an estimated \$35.9 billion decrease in home value and tax base in Florida.

I rise to discuss a bipartisan amendment that have filed with my colleague from Minnesota, Senator COLEMAN. This amendment provides common-sense relief to homeowners trying to stay in their homes and avoid foreclosure.

Current law imposes a 10 percent penalty for individuals choosing to make an early withdrawal from their retirement savings. There are exceptions to this penalty: years ago, we allowed first time homeowners to use their retirement savings to help purchase a home. Surely, we can agree that in 2008 we should allow homeowners to use a small portion of their savings to save their home.

Our amendment waives the 10 percent penalty for folks wishing to make an early-withdrawal to help avoid foreclosure. To be eligible for this waiver, homeowners must have proof that they are participating in a Government or industry sponsored foreclosure prevention program, like HOPE NOW, or the HOPE for Homeowners Program established in the bill we are considering today. This benefit is limited to 2 years, and the withdrawal amount is capped at \$25,000. Taxpayers will also have 2 years to repay what they borrowed from their retirement savings. This amendment is fully offset.

I received an email from Wayne, who lives in Stuart, FL. Wayne is an Air Force Veteran who recently lost his job, and in order to try to keep his home, he liquidated his 401(k) savings and paid the 10 percent penalty. The housing bill we are considering today gives tax credits for first time homebuyers to purchase homes, but current tax law penalizes folks like Wayne, who are trying their best to save their home, using their own money.

In many instances, a home is the greatest single source of wealth for Americans. It makes sense to make a limited exception to allow homeowners to use every tool available to stay in that home, and save their greatest investment. I encourage my colleagues to support this amendment.

Mr. COLEMAN. Mr. President, I rise with my colleague from Florida to speak on behalf of our amendment to allow homeowners penalty-free use of up to \$25,000 in retirement funds to keep their house.

Before I speak to the amendment, I would like to thank, first, the chairman of the Banking Committee Senator DODD and ranking member Senator SHELBY, as well as the chairman of the Finance Committee, Senator BAUCUS and ranking member Senator GRASSLEY for their leadership in putting this important bipartisan housing bill together. And, I have special thanks for Senators BAUCUS and GRASSLEY for working with us on this important amendment.

The need to act to address the housing crisis could not be more urgent. In my travels throughout my State, I have seen how the housing crisis is hurting families, communities and the economy.

Just to underscore how serious this situation really is for the Minnesota economy, we learned last week that more Minnesotans are out of work than since 1983. We are talking about construction workers of which nearly 7,000 have lost a job during the past year.

We are talking about folks like Ron Enter and his wife whose small building materials business is being devastated by the housing crisis. They have already significantly reduced their workforce and warn of more cutbacks if the housing market does not improve in order to keep their business going.

Bottom-line, our housing woes have spilled over into the rest of our economy, and as a result it is a problem that is undercutting entire communities and their families.

This amendment presents a bipartisan solution that's in the spirit of the cooperation demonstrated by Senators DODD, SHELBY, BAUCUS, and GRASSLEY on this housing package.

During my travels and housing town hall forums I have held back home in Minnesota, I have met more and more folks who are tapping into their retirement savings in a desperate effort to keep their homes—average, hard-working folks such as Terri Ross, a nurse, who I met at a housing town hall forum in St. Cloud, where she talked about using her retirement savings to keep her home.

The problem is that as homeowners across Minnesota and the Nation use their retirement savings to save their homes, they are getting hit hard with a 10-percent early withdrawal tax penalty.

As we are on the verge of passing this bipartisan legislation to address the housing crisis, Senator NELSON and I believe that one more way we can responsibly address the housing crisis is to temporarily waive this 10 percent penalty. Given that the Tax Code waives the 10 percent penalty for early withdrawal from individual retirement accounts, IRAs, for first-time home purchases, I believe that it is only fair to waive this penalty for those who want to keep their homes.

At the end of the day, we should not penalize homeowners for trying to keep a roof over their heads and wanting to

remain a part of the community they have called home.

In an effort to address a point of concern raised by the distinguished Senator from Connecticut when we were on the floor in April, Senators NELSON and I are proposing that this relief be made available only to those homeowners who participate in government or industry sponsored foreclosure prevention programs such as the HOPE for Homeowners Program and FHA Secure. We do agree that it would make good sense to ensure that lenders also do their part to help homeowners keep their homes.

And, that is why in this amendment, homeowners could only use this relief in cases where the lenders also provide relief. We believe that this is fair and right. We believe that this modification to our previous proposal will ensure there is, to quote the chairman "commensurate responsibility on the part of the lender."

I urge my colleagues to support this commonsense and much-needed amendment and thank my colleague from Florida for his great work on this amendment.

#### RESTORE CONFIDENCE IN MORTGAGE SECURITIES

Ms. SNOWE. Mr. President, I wish to speak to an amendment that I will offer which will increase the trustworthiness of the Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Bear Stearns and the huge losses suffered throughout the financial industry demonstrate a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage-backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making securitized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a

problem whose effects have not been confined to Wall Street. To put it simply: When big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to lose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that "knowledge is power." My amendment would give investors the knowledge to make intelligent calculations of risk and, as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my amendment creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan-to-value ratios, debt service to income ratios, and borrowers' credit standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities. This legislation would, however, create incentives for improving industry rating practices. Open publication of the board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage-backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the board to rate their security, or they could elect not to submit their product to the board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets

and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a "good housekeeping seal of approval" for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and adopt this commonsense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

#### NOMINATION OF MICHAEL E. O'NEILL

Mr. SPECTER. Mr. President, I now ask consent that my next remarks be labeled nomination of Michael E. O'Neill for the United States District Court for the District of Columbia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I am pleased to submit my very strong recommendation to my colleagues to confirm the nomination of Michael E. O'Neill for the District Court for the District of Columbia. The President submitted his name last Thursday. I had tried to come to the floor to speak at that time but could not do so.

I am pleased to do so now. Michael O'Neill has an extraordinary record. He

graduated summa cum laude from Brigham Young University and received his law degree from Yale Law School. He was editor of the Articles and Book Reviews of the Yale Law Journal; and Articles Editor of the Yale Journal on Regulation.

He served as a law clerk to Judge David Sentelle and clerked for the Supreme Court of the United States for Justice Clarence Thomas.

I ask unanimous consent that his full resume be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MICHAEL E. O'NEILL

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Birth: 1962, Wisconsin.

Legal Residence: Maryland.

Education: B.A., summa cum laude, Brigham Young University, 1987; J.D., Yale Law School, 1990—Editor of Articles and Book Reviews, Yale Law Journal; Articles Editor, Yale Journal on Regulation.

Employment: Law Clerk, Honorable David B. Sentelle, United States Circuit Judge for the District of Columbia Circuit, 1990–1991; Litigation Counsel, Honors Program, Appellate Section, Criminal Division, U.S. Department of Justice, 1991–1994; Special Assistant United States Attorney, United States Attorney's Office for the District of Columbia, 1993; Special Counsel, Detailee from Dept. of Justice, Senate Judiciary Committee, Senator Orrin Hatch, 1994–1996; Law Clerk, Honorable Clarence Thomas, United States Supreme Court, 1996–1997; General Counsel, Senate Judiciary Committee, Senator Orrin Hatch, 1997–1998; Associate Professor of Law, George Mason University School of Law, 1998–present; Commissioner, United States Sentencing Commission, 1999–2005; Chief Counsel and Staff Director, Senate Judiciary Committee, 2005–2007.

Mr. SPECTER. It is especially worthwhile to have Mr. O'Neill confirmed because of the example it sets for people who come to undertake public service.

Mr. O'Neill served on the Judiciary Committee for a protracted period of time. When Senator HATCH was the Chairman, he was special counsel from 1994 to 1996 and general counsel from 1997 to 1998, before he became associate professor of law at George Mason University School of Law; and he served as chief counsel and staff director for the 2 years I served as Chairman of the Judiciary Committee.

I do not need a resume to tell people how competent he is and how public spirited he is and what an outstanding Federal judge he would make.

There have been quite a number of situations where people working on the Judiciary Committee have gone on to Federal judgeships. I think it is a very healthy thing to have that as a motivation to come for public service. People have come to serve on the Judiciary Committee, leaving jobs making half a million dollars or more for \$100,000. The public service is so important that it is exemplary to give them this recognition to motivate our people to come to take these jobs.

One example I would note is Stephen Breyer, who was special counsel and chief counsel to the Senate Judiciary Committee back in 1980 for then-Chairman TED KENNEDY. Mr. Breyer was then appointed on the First Circuit and is now on the Supreme Court of the United States.

I ask unanimous consent that this table be included in the RECORD showing the movement of people who have served on the Judiciary Committee and the jobs which they have taken in other Federal positions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

| Name                  | Previous position(s)   | Senator      | Nomination position  | Date nominated | Date confirmed |
|-----------------------|--|--------------|--|----------------|----------------|
| Beryl Howell          | General Counsel, U.S. Senate Judiciary Committee   | Leahy        | U.S. Sentencing Commission   | 1/9/2007       | 2/28/2007      |
| Stephen Breyer        | Special Counsel, U.S. Senate Judiciary Committee   | Kennedy      | Judge, First Circuit   | 11/13/1980     | 12/9/1980      |
|                       |  |              | (Breyer Later Nominated) Associate Justice, Supreme Court <sup>1</sup> | 5/17/1994      | 8/3/1994       |
| Paul D. Clement       | Chief Counsel, U.S. Senate Judiciary Subcommittee on the Constitution, Federalism and Property Rights  | Ashcroft     | Solicitor General, Department of Justice                               | 3/14/2005      | 6/8/2005       |
| Sharon Prost          | Chief Counsel  | Hatch        | Judge, U.S. Court of Appeals, Federal Circuit                          | 5/21/2001      | 9/21/2001      |
| Paul Redmond Michel   | Counsel/Administrative Assistant   | Specter      | Judge, U.S. Court of Appeals, Federal Circuit                          | 12/19/1987     | 2/29/1988      |
| Randal Ray Rader      | Chief Counsel, Senate Judiciary Committee, Subcommittee on the Constitution, 1981–1986 Counsel to U.S. Sen. Orrin G. Hatch, 1981–1988 Chief Counsel/Minority Staff Director, Senate Judiciary Committee, Subcommittee on Patents, Trademarks and Copyrights, 1987–1988 | Hatch        | Judge, U.S. Court of Appeals, Federal Circuit                          | 6/12/1990      | 8/3/1990       |
| Ralph K. Winter, Jr.  | Consultant, U.S. Senate Judiciary Committee, Subcommittee on Separation of Powers (1968–1972)  | Ervin        | Judge, Second Circuit  | 11/18/1981     | 12/9/1981      |
| Emory Sneed           | Chief Minority Counsel, U.S. Senate Judiciary Subcommittee on Antitrust and Monopoly (1979–1981)   | Thurmond     | Judge, Fourth Circuit  | 8/1/1984       | 10/4/1984      |
| Dennis W. Shedd       | Counsel  | Thurmond     | Judge, District of South Carolina                                      | 10/17/1990     | 10/27/1990     |
|                       |  |              | Judge, Fourth Circuit  |                |                |
|                       |  |              | (Shedd Later Nominated) Judge, Fourth Circuit                          | 5/9/2001       | 11/19/2002     |
| Edward J. Damich      | Chief Intellectual Property, Counsel for the Senate Judiciary Committee  | Hatch        | Judge, United States Court of Federal Claims                           | 9/29/1998      | 10/21/1998     |
| Lawrence Baskir       | Chief Counsel and Staff Director to the Constitutional Rights Subcommittee of the Senate Judiciary Committee   | Ervin        | Judge, United States Court of Federal Claims                           | 1/7/1997       | 10/21/1998     |
| Reed O'Connor         | Counsel, U.S. Senate Judiciary Committee   | Hatch/Cornyn | Judge, Northern District of Texas                                      | 6/27/2007      | 11/16/2007     |
| Terry Wooten          | Chief Counsel, U.S. Senate Judiciary Committee   | Thurmond     | Judge, District of South Carolina                                      | 6/18/2001      | 11/8/2001      |
| Dee Vance Benson      | Counsel, U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, 1984–1986 Chief of staff, U.S. Sen. Orrin Hatch, 1986–1988  | Hatch        | Judge, District of Utah  | 5/16/1991      | 9/12/1991      |
| Kristi DuBose         | Chief Counsel (1997–1999)  | Sessions     | Judge, Southern District of Alabama                                    | 9/28/2005      | 12/21/2005     |
| Henry Michael Herlong | Legislative Assistant  | Thurmond     | Judge, District of South Carolina                                      | 4/9/1991       | 5/9/1991       |
| Mary McLaughlin       | Chief Counsel, Subcommittee on Terrorism, Technology and Government, Committee on the Judiciary (1995)   | Specter      | Judge, Eastern District of Pennsylvania                                | 3/9/2000       | 5/24/2000      |
| Patti Saris           | Staff Counsel, U.S. Senate Judiciary Committee, 1979–1981  | Kennedy      | Judge, District of Massachusetts                                       | 10/27/1993     | 11/20/1993     |
| Nora M. Manella       | Counsel to the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee (1976–1978)   | Tunney       | Judge, Central District of California                                  | 3/31/1998      | 10/21/1998     |



| Name                          | Previous position(s)  | Senator          | Nomination position   | Date nominated | Date confirmed |
|-------------------------------|---|------------------|---|----------------|----------------|
| Brett Tolman .....            | Counsel .....   | Specter .....    | U.S. Attorney, District of Utah .....                                 | 6/9/2006       | 7/21/2006      |
| William Walter Wilkins .....  | Legal Assistant .....   | Thurmond .....   | U.S. Attorney, District of South Carolina .....                       | 5/7/2008       | 6/4/2008       |
| Bennett William Raley .....   | Chief Counsel, U.S. Senate Judiciary Subcommittee on the Constitution, Federalism and Property Rights (1995).       | Brown .....      | Assistant Secretary of the Interior for Water and Science.            | 5/24/2001      | 7/12/2001      |
| Anthony Lowe .....            | Senior Legislative Counsel, U.S. Senate Judiciary Subcommittee on Antitrust, Competition and Business Rights.       | DeWine .....     | Federal Insurance Administrator, Federal Emergency Management Agency. | 3/22/2002      | 7/25/2002      |
| Lee Sarah Liberman Otis ..... | Chief Counsel, U.S. Senate Judiciary Subcommittee on Immigration.   | Hatch .....      | General Counsel, Department of Energy .....                           | 4/25/2001      | 5/24/2001      |
| Jon D. Leibowitz .....        | Chief Counsel and Staff Director, U.S. Senate Judiciary Subcommittee on Antitrust, Business Rights and Competition. | Kohl/Simon ..... | Commissioner, Federal Trade Commission .....                          | 9/10/2004      | 11/21/2004     |
| Ray Kethledge .....           | Counsel .....   | Abraham .....    | Judge, Sixth Circuit .....  | 3/19/2007      | pending        |

<sup>1</sup> Stephen Breyer's nomination was particularly remarkable because he was nominated by President Carter on November 13, 1980, after Carter had lost the election to Ronald Reagan. Senate Democrats, who had just lost control of the Senate, held a swift confirmation vote on Breyer during a lame duck session on December 9, 1980.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

#### UNANIMOUS-CONSENT REQUEST— H.R. 3540

Mr. REID. I ask unanimous consent the Senate Finance Committee be discharged from further consideration of H.R. 3540 and the Senate proceed to its consideration now; further, that a Baucus substitute at the desk, which is a 6-month FAA extension and a highway trust fund fix, be agreed to, the bill as amended be read a third time and passed, and the motion to reconsider be laid on the table with no intervening action or debate.

I would say, before I hear from my distinguished colleague, the junior Senator from Arizona, that I, of course, would rather be asking consent to finish the whole FAA bill, the complete bill. This is a 6-month extension, which is so important. The Highway Trust Fund is also upside-down. It is out of money. This would extend the FAA bill for 6 months, which is important. There are so many more things in that bill. In fact, I have spoken to the President's Chief of Staff on how important the FAA bill is.

But at this stage we have some problems. So, anyway, we have gone for a 6-month extension and doing something to fix the highway trust fund.

That is what this consent agreement is all about.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reluctantly, on behalf of Senator DEMINT, I will object at this time. I expect—I know the majority leader has talked with our staff, as well—the issues that are relating to this can be worked out in a relatively—obviously, before the end of this week, we hope.

The PRESIDING OFFICER. Objection is heard.

#### TRIBUTE TO BARDSTOWN/ LOUISVILLE ARCHDIOCESE

Mr. MCCONNELL. Madam President, this year marks the celebration of the 200th anniversary of the Diocese of Bardstown, which was established in Kentucky as one of the oldest dioceses in the country. Pope Pius VII carved it from one of the oldest dioceses in the New World.

The territory of the Bardstown Diocese once covered a giant swath of land, including what are now the States of Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Missouri, and half of Arkansas. The Bardstown Diocese was established alongside the dioceses of Boston, Philadelphia and New York. Its seat was eventually moved to Louisville, Kentucky, and made an archdiocese. But its place in the history of American Catholicism continues to be a point of pride across Kentucky.

Kentuckians celebrate this bicentennial throughout the year at the St. Thomas Church, considered the “Cradle of Catholicism” in the Bluegrass State and still located in Bardstown. A two-story log house that stands on St. Thomas property is the oldest structure related to the Catholic faith in our region of the United States.

Built in 1795 by Thomas and Ann Howard, the property was willed to the church by Mr. Howard in 1810, and it became the first home of the St. Thomas Seminary, the first seminary west of the Alleghenies. It later served as the residence of Bishop Benedict Joseph Flaget, first bishop of the Bardstown Diocese.

Bishop Flaget and others who worked to establish the Bardstown Diocese were pioneers of the land as well as of the spirit. Kentucky was the western frontier of the young United States at that time, and frontier life posed many hardships.

But the diocese survived and thrived, and the visit of Pope Benedict XVI to the United States earlier this year was timed to coincide with its anniversary.

Madam President, Kentucky is proud to include one of the oldest outposts of faith and freedom in America. I ask unanimous consent that a story from the Louisville Courier-Journal about the celebration of the Bardstown Diocese's anniversary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Apr. 9, 2008]

#### CATHOLICS CELEBRATE KENTUCKY BICENTENNIAL, BARDSTOWN EVENTS MARK 200 YEARS

(By Peter Smith)

BARDSTOWN, KY.—Dorothy Ballard and her sister Martha Willett have been coming to St. Thomas Church, considered the “cradle of Catholicism” in Kentucky, all their lives.

Their parents were married there in 1920, and “all of the children have been baptized here, made the first Communion here, confirmed here,” and several of them have been buried from the parish, Ballard said.

So they weren't missing yesterday morning's Mass that began a daylong celebration of the bicentennial of the Archdiocese of Louisville, where about 150 people filled the historic brick church.

“I feel real special that I'm part of this celebration,” Ballard said.

Archbishop Joseph E. Kurtz presided at the Mass.

“We pause and give thanks to the Lord for these 200 years of blessed presence of the church within our Central Kentucky, and we ask the Lord to continue to bless us as we move forward,” he said.

The archdiocese also marked the bicentennial yesterday with services at the Cathedral of the Assumption in downtown Louisville and at the Basilica of St. Joseph Proto-Cathedral in Bardstown.

St. Thomas was chosen to lead off the celebration because the log house that still stands on its property once was the modest capital of frontier Catholicism.

Pope Pius VII created the Diocese of Bardstown on April 8, 1808, along with those in Boston, New York and Philadelphia. Previously, the diocese of Baltimore had covered the entire new American republic.

The Bardstown diocese originally spanned the entire frontier area between the Alleghenies and the Mississippi River, and between the Great Lakes and Tennessee.

The seat of the Bardstown diocese eventually was moved to Louisville, which later became an archdiocese. Its original territory is now divided into more than 40 dioceses across 10 states.

The Rev. Steve Pohl, pastor of St. Thomas, said he and many parishioners trace their roots to those pioneer days, when Catholic families of English descent migrated from Maryland to Kentucky in search of better land. They were served by priests fleeing persecution that followed the French Revolution.

Their settlements in Nelson, Washington and Marion counties gave the region the nickname “the Holy Land,” as attested to by such enduring biblical place names as Holy Cross, Gethsemani and Nazareth.

St. Thomas is home to a recently restored log home, owned by Catholic farmers Thomas and Ann Howard and given to the church as a base for the growing diocese.

The diocese's first bishop, Benedict Joseph Flaget, lived there for several years, and the

house also was host for Kentucky's first Catholic seminary and the first nuns in the Sisters of Charity of Nazareth.

"I'm really in joy about today," said John Cissell, who traces his roots to early Catholic settlers here. His father was long active in the church and is buried in the cemetery on the church grounds.

"I just feel like I'm carrying on a tradition," he said.

Pohl, whose ancestors also include an early settler, said the parish is holding a reunion this summer of descendants of Maryland Catholics who settled in Kentucky in the early years.

Pope Benedict XVI will recognize the bicentennials of Louisville's and other historic dioceses at a Mass at Yankee Stadium in New York on April 20.

The archdiocese also plans a large celebration at Slugger Field in Louisville this summer.

#### SALUTE TO "CORM & THE COACH"

Mr. LEAHY. Madam President, it is my privilege today to salute Vermont radio personalities Steve Cormier and Tom Brennan, best known to Vermonsters as the morning team "Corm & the Coach" on Champ 101.3.

Sixteen years ago, University of Vermont basketball coach Tom Brennan made a guest radio appearance on Steve Cormier's radio show. The two of them hit it off, not only as a duo, but with listeners. What started as a guest spot ended up becoming an extremely popular morning radio show for 16 years.

Recently, Coach Brennan decided to go out on top, as he did when he retired from the University of Vermont following three consecutive America East Conference championships. "Corm & the Coach" will air for the final time on Wednesday, July 2, 2008. Fortunately for Vermonsters, Corm will remain on the air, continuing to keep us both entertained and informed, and Coach Brennan will continue to provide expert college basketball analysis on ESPN.

I have had the good fortune to appear on "Corm & the Coach" many times, and thought it important to take this opportunity to extend my appreciation to both of them. In honor of a great 16 years of "Corm & the Coach," I ask unanimous consent that the article by Mike Donoghue of the Burlington Free Press, *Corm To Carry On, Without The Coach*, be printed in the RECORD.

There being no objection, the material was ordered to be printed in The RECORD as follows:

[From the Burlington Free Press, June 11, 2008]

CORM TO CARRY ON, WITHOUT THE COACH  
(By Mike Donoghue)

"Corm and the Coach," the popular morning drive-time radio show that helped thousands of Champlain Valley listeners wake up for almost 16 years, will sign off July 2.

Tom Brennan, who retired as the University of Vermont men's basketball coach in 2005, plans to leave local radio next month, he and co-host Steve Cormier said Tuesday.

"I'm just really tired. I just don't want to turn into a cranky old man," Brennan said.

"I tried to make things better for people," he said. "I just knew it was time for me to

pack it in. I'm very appreciative of the faithful listeners. It was really nice when you would hear from them that we had helped make their day," he said.

Cormier, who is also program director at WCPV-FM, will continue to do the morning show.

Cormier said more details will be released this morning on the "Corm and the Coach" show, which airs Monday through Friday from 5 to 9 a.m. on Champ 101.3 (WCPV-FM) in Colchester and 102.1 in Randolph. "The Best of Corm and the Coach" is part of the Saturday morning broadcasts.

Brennan will continue to work as an in-studio basketball analyst for ESPN, which he joined in 2005.

Cormier said Brennan's departure has nothing to do with the pending sale of the station by Clear Channel to Vox Communications this summer. The sale is expected to be completed by midsummer, Cormier said.

"He's just tired. Tom said if it was an afternoon show, it would be fine, but getting up at 4 a.m. is not," Cormier said. "I got him 10 more years than I thought I would."

"Corm and the Coach" began with Brennan stopping by to do morning sports reports, but blossomed into one of the highest rated local shows through the years.

During the show, Brennan has enjoyed providing wake-up calls to bleary-eyed opposing coaches, members of the media and other newsmakers. He read his poetry about current events over the airwaves and is in demand as a public speaker and master of ceremonies. The show has supported a number of charities, including its own golf tournament.

Brennan coached the Catamounts for 19 years. The team won the America East championships and made NCAA tournament appearances in his final three seasons. The highlight of his career was UVM's upset of Syracuse in the 2005 NCAAAs.

Cormier said the initial game plan is to continue the show with producer Carolyn "Burkie" Lloyd until the new owners take over, at which time discussions will be held. He said guest celebrities might be asked to co-host.

"All good things must come to an end," Cormier said.

#### PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Madam President, I started looking at the financial relationships between physicians and drug companies several years ago. I first began this inquiry by examining payments to individuals who served on FDA's Advisory Boards. More recently, I began looking at payments from drug companies to professors at our nation's medical schools and more specifically at the payments from Astra Zeneca to a professor of psychiatry at the University of Cincinnati.

I then moved on to look at several psychiatrists at Harvard and Mass General Hospital. These physicians are some of the top psychiatrists in the country, and their research is some of the most important in the field. They have also taken millions of dollars from the drug companies and failed to report those payments accurately to Harvard and Mass General.

For instance, in 2000 the National Institutes of Health awarded one Harvard physician a grant to study atomoxetine in children. At that time, this physician disclosed that he received less than \$10,000 in payments from Eli Lilly

which makes Straterra, a brand name of atomoxetine. But Eli Lilly reported that it paid this same physician more than \$14,000 for advisory services that year—a difference of at least \$4,000.

I would now like to report what I have found out about another researcher—Dr. Alan Schatzberg at Stanford. In the late nineties, Dr. Schatzberg helped to start a company called Corcept Therapeutics—Dr. Schatzberg is a copatent owner on a drug developed by Corcept. That company applied to the Food and Drug Administration for approval to market Mifepristone for psychotic depression.

Dr. Schatzberg is a well-known psychiatrist and has received several grants from the National Institutes of Health to study Mifepristone. While Dr. Schatzberg has reported some of his income from Corcept Therapeutics to Stanford, he did not report a profit of \$109,179 from the sale of 15,597 shares of Corcept stock on August 15, 2005 because he was not required to do that under Stanford's rules.

But if it is not required by Stanford, I submit to you that it should be. Why? Because in his Stanford disclosures, Dr. Schatzberg only had to report whether he had more than \$100,000 of stock in Corcept Therapeutics. However, his filings with the U.S. Securities and Exchange Commission show that he has control of 2,738,749 shares of Corcept stock worth over \$6 million.

In addition, in 2002 Dr. Schatzberg did not report any income from Johnson & Johnson, but the company reported to me that it paid Dr. Schatzberg \$22,000 that year. And in 2004, Dr. Schatzberg reported receiving between \$10,000–\$50,000 from Eli Lilly. But Eli Lilly reported to me that they paid Dr. Schatzberg over \$52,000 that year.

Before closing, I would like to say that Stanford has been very cooperative in this investigation, as have been many of the drug companies. I ask unanimous consent to have my letter to Stanford printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, June 23, 2008.

Dr. JOHN L. HENNESSY,  
President, Stanford University, Office of the President, Stanford, CA

DEAR DR. HENNESSY: First, I would like to thank you again for working with me to lower student tuition at Stanford University (Stanford/University). It was a great leap forward in the effort to help students afford a quality education. Next, I would like to bring several other issues to your attention regarding Stanford, its conflict of interest policies, and a particular faculty member at your University.

As you know, the United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of

Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Stanford, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and taxpayer funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States regarding about 30 physicians. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. As you know universities like Stanford require doctors to report their related outside income. But I am concerned that these requirements are sometimes disregarded.

I have also been taking a keen interest in the almost \$24 billion annually appropriated to the National Institutes of Health (NIH) to fund grants at various institutions such as Stanford. Institutions are required to manage a grantee's conflicts of interest. However, I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug companies.

To bring some greater transparency to this issue, Senator KOHL and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug companies to report publicly any payments that they make to doctors, within certain parameters.

I am also writing to assess the implementation of financial disclosure policies at Stanford University. In response to my letter of October 25, 2007, Stanford provided me with copies of the financial disclosure reports that Dr. Alan Schatzberg filed during the period of January 2000 through June 2007.

My staff investigators carefully reviewed each of Dr. Schatzberg's disclosure forms and detailed the payments disclosed. Subsequently, I asked that Stanford confirm the accuracy of the information. In March 2008, Stanford's Vice Provost and Dean of Research provided clarifications and additional information from Dr. Schatzberg pursuant to my inquiry.

In addition to obtaining information from Stanford, I also contacted executives at several major pharmaceutical and device companies and asked them to list the payments that they made to Dr. Schatzberg during the years 2000 through 2007. These companies voluntarily and cooperatively reported additional payments that do not appear to have been disclosed to Stanford by Dr. Schatzberg. For instance, in 2002 Dr. Schatzberg did not report any income from Johnson & Johnson, but the company reported to me that it paid Dr. Schatzberg \$22,000 that year. And in 2004, Dr. Schatzberg reported receiving between \$10,000-\$50,000 from Eli Lilly. But Eli Lilly reported to me that they paid Dr. Schatzberg over \$52,000 that year.

Because these disclosures do not match, I am attaching a chart intended to provide to Stanford a few examples of the data reported to me. This chart contains columns showing the payments disclosed in the forms Dr. Schatzberg filed with Stanford and the amounts reported by several drug and device companies.

The lack of consistency between what Dr. Schatzberg reported to Stanford and what several drug companies reported to me seems to follow a pattern of behavior. More specifi-

cally, I have uncovered inconsistent reporting patterns at the University of Cincinnati, and at Harvard University and Mass General Hospital.

#### INSTITUTIONAL AND NIH POLICIES

Let me now turn to another matter that is of concern. Stanford requires every faculty member to make an annual disclosure related to both conflict of commitment (where no financial information is requested), and conflict of interest. As noted to me in your letter dated March 14, 2008, "It is our obligation to avoid bias in research, including that conducted with federal funds."

Based upon the information provided to me to date, Stanford has a zero dollar threshold for disclosures for research involving human subjects. Faculty members are required to disclose a range of amounts received from outside relationships that are related to a faculty member's research activities (such as participation on advisory boards or boards of directors, or consulting). In most instances, the University's standard for a significant financial interest is whether the faculty member received \$10,000 or more in income, holds \$10,000 or more in equity for publicly traded companies, or has any equity in the company in the event the company is privately held.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least \$10,000 in value or 5 percent ownership in a single entity.

Again based upon the information provided to me, it appears that Stanford takes failures to report outside income quite seriously. As noted in your correspondence dated March 14, 2008, "It is our obligation to avoid bias in research, including that conducted with federal funds." You then described a Stanford investigation conducted in 2006 regarding a researcher who failed to report gifts, meals and trips from a device company. That faculty member was later terminated.

Based upon information available to me, it appears that Dr. Schatzberg received numerous NIH grants to conduct studies involving Mifepristone for treating depression. Corcept Therapeutics, a publicly traded company, has applied to the Food and Drug Administration for approval to market Mifepristone for psychotic depression. These grants funded studies during the years 2000 through 2007 that examined the treatment of psychotic major depression using Mifepristone. During these years, Dr. Schatzberg, consistent with Stanford's conflict policy, disclosed to Stanford a financial relationship with Corcept Therapeutics (Corcept) including stock ownership of over \$100,000 and payments for activities including its Board of Directors, Advisory Board Membership, consulting, licensing agreements, and royalties. According to his disclosures, these payments were between \$50,000 to \$100,000 in the years 2003 through 2005, and between \$10,000 to \$50,000 in the years 2001, 2002, 2006, and 2007.

However, it appears based upon the information available, Dr. Schatzberg did not and was not required to report a profit of \$109,179 from the sale of 15,597 shares of Corcept stock on August 15, 2005. This transaction is found in his publicly available filings with the U.S. Securities and Exchange Commission (SEC). Earlier that year, Dr. Schatzberg began enrolling an estimated 100 patients for a clinical trial, sponsored by the NIH, to evaluate Mifepristone to treat psychotic depression.

Further, while Dr. Schatzberg appropriately disclosed to Stanford that his stock shares were valued at over \$100,000, I am not certain that this number captures the stocks' true value. Dr. Schatzberg carries an equity interest in Corcept with over 2 million shares of stock. For instance, as of January 31, 2008, he reported to the SEC that he held 2,438,749 shares of Corcept stock, with sole voting power for 2,738,749 shares. On June 12, 2008, Corcept stock closed at \$2.24 a share, meaning that his stock is potentially worth over \$6 million. Obviously, \$6 million is a dramatically higher number than \$100,000 and I am concerned that Stanford may not have been able to adequately monitor the degree of Dr. Schatzberg's conflicts of interest with its current disclosure policies and submit to you that these policies should be re-examined.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. And the NIH must rely on strong institutional conflict of interest policies to ensure the integrity of the grant making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members.

Accordingly, I request that Stanford respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. For each of the NIH grants received by Dr. Schatzberg, please confirm that he reported to Stanford University's designated official "the existence of [a] conflicting interest." Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

2. For each grant identified above, please explain how Stanford ensured "that the interest has been managed, reduced, or eliminated." Please provide an individual response for each grant that Dr. Schatzberg received from January 2000 to the present, and provide any documentation supporting each claim.

3. Did Dr. Schatzberg violate any federal or Stanford policies by not revealing his stock sale in 2005? If not, why not?

4. Is Stanford considering any changes in its disclosure policies to more fully capture the degree of a conflict when a faculty member owns shares in a company that are in excess of \$100,000?

5. Please report on the status of any possible reviews of research misconduct and/or discrepancies in disclosures by Dr. Schatzberg, including what action if any will be considered.

6. Please report if a determination can be made as to whether or not Dr. Schatzberg violated guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

7. Please provide a total dollar figure for all NIH monies received annually by Stanford University. This request covers the period of 2000 through 2007.

8. Please provide a list of all NIH grants received by Stanford University. This request covers the period of 2000 through 2007. For each grant please provide the following:

a. Primary Investigator;

- b. Grant Title;
- c. Grant number;
- d. Brief description; and
- e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or

information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than July xx, 2008. All documents responsive to this request should be sent electronically in PDF format to

Brian\_Downey@finance.rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224-4515.

Sincerely,

CHARLES E. GRASSLEY,  
Ranking Member.

#### SELECTED DISCLOSURES BY DR. SCHATZBERG AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

| Year | Company              | Disclosure filed with Institution | Amount company reported |
|------|----------------------|-----------------------------------|-------------------------|
| 2000 | Bristol Myers Squibb | No amount provided                | \$1,000                 |
|      | Eli Lilly            | No amount provided                | \$10,070                |
| 2001 | Bristol Myers Squibb | No amount provided                | \$4,147                 |
|      | Concept Therapeutics | >\$10,000-\$50,000 <sup>a</sup>   | n/a                     |
|      | Eli Lilly            | No amount provided                | \$10,788                |
| 2002 | Bristol-Myers Squibb | Not reported                      | \$2,134                 |
|      | Concept Therapeutics | >\$100,000 <sup>b</sup>           | n/a                     |
|      | Concept Therapeutics | <\$10,000 <sup>c</sup>            | n/a                     |
|      | Concept Therapeutics | <\$10,000 <sup>d</sup>            | n/a                     |
|      | Eli Lilly            | No amount provided                | \$19,788                |
|      | Johnson & Johnson    | Not reported                      | \$22,000                |
| 2003 | Bristol-Myers Squibb | No amount provided                | \$4,000                 |
|      | Concept Therapeutics | <\$10,000 <sup>e</sup>            | n/a                     |
|      | Concept Therapeutics | >\$10,000-\$50,000 <sup>f</sup>   | n/a                     |
|      | Concept Therapeutics | >\$100,000 <sup>g</sup>           | n/a                     |
|      | Concept Therapeutics | <\$10,000 <sup>h</sup>            | n/a                     |
|      | Concept Therapeutics | <\$10,000 <sup>i</sup>            | n/a                     |
|      | Eli Lilly            | No amount provided <sup>j</sup>   | \$18,157.34             |
| 2004 | Bristol-Myers Squibb | <\$10,000                         | \$0.00                  |
|      | Concept Therapeutics | >\$10,000-\$50,000 <sup>a</sup>   | n/a                     |
|      | Concept Therapeutics | >\$100,000 <sup>g</sup>           | n/a                     |
|      | Eli Lilly            | >\$10,000-\$50,000 <sup>k</sup>   | \$52,134                |
|      | Pfizer               | Not reported                      | \$2,500                 |
| 2005 | Bristol-Myers Squibb | <\$10,000                         | \$0                     |
|      | Concept Therapeutics | >\$10,000-\$50,000 <sup>a</sup>   | n/a                     |
|      | Concept Therapeutics | >\$100,000 <sup>g</sup>           | na                      |
|      | Eli Lilly            | >\$10,000-\$50,000                | \$9,500                 |
|      | Pfizer               | No amount provided                | \$2,000                 |
| 2006 | Bristol-Myers Squibb | Not reported                      | <sup>l</sup> \$6,000    |
|      | Concept Therapeutics | <\$10,000 <sup>h</sup>            | n/a                     |
|      | Concept Therapeutics | >\$10,000-\$50,000                | n/a                     |
|      | Concept Therapeutics | >\$100,000 <sup>g</sup>           | n/a                     |
|      | Eli Lilly            | >\$10,000-\$50,000 <sup>m</sup>   | \$20,500                |
|      | Pfizer               | Not reported                      | \$300                   |
| 2007 | Eli Lilly            | Not reported                      | \$10,063                |

<sup>a</sup> Physician disclosed payment for Advisory Board Membership, Board of Directors, and consulting.

<sup>b</sup> Physician disclosed payment for equity.

<sup>c</sup> Physician disclosed payment for serving as a Director, consultant.

<sup>d</sup> Physician disclosed payment for royalties.

<sup>e</sup> Physician disclosed payment for serving as a Advisory Board Member.

<sup>f</sup> Physician disclosed payment for consulting.

<sup>g</sup> Physician disclosed stock ownership.

<sup>h</sup> Physician disclosed payment for licensing agreement.

<sup>i</sup> Physician disclosed payment for serving as Director, Board of Directors.

<sup>j</sup> Physician disclosed payment of <\$10,000 for consulting, and did not provide amounts received for research, grants and gift funding.

<sup>k</sup> Physician disclosed payment of <\$10,000 for Advisory Board Membership, and >\$10,000-\$50,000 for honoraria for papers or lectures, and consulting.

<sup>l</sup> Bristol-Myers Squibb stated that Stanford intended to pay Dr. Schatzberg \$6,000 for conducting an annual course for which the company provides a grant.

<sup>m</sup> Physician disclosed payment for serving as a Advisory Board Member and consulting.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee was not able to estimate the total amount of payments disclosed by Dr. Schatzberg during the period January 2000 through June 2007 due to the fact that some amounts were not provided and in other instances ranges were used. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in his disclosures.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heart-breaking and touching. To respect their efforts, I am submitting every e-mail sent to me through [energy\\_prices@crapo.senate.gov](mailto:energy_prices@crapo.senate.gov) to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIKE. Thanks for the invitation to vent. Well, that is not what you asked, but here goes. I'm one of those poor widows living on

Social Security supplemented by a little bit of freelance writing, and energy costs are increasingly adding to sleepless nights as I worry about how to keep going. Do not cue the violins.

I agree with your points on increasing our energy independence, and believe that we are indeed stewards of the earth who will be held accountable by our Creator for how we manage it. I contend that these two points are not mutually exclusive, and who better than the great people of the United States to figure out how to do it.

I'm also interested in understanding how futures markets play into the increased cost of gasoline—anything you can tell me about that? Further, how about drastic changes to the red tape required to get nuclear plants up and running?

One last thing: If you have any influence with Senator John McCain, please use it to encourage him to come up with an aggressive energy policy post haste and present it to the voters. If ever there were a time, this is it, and he needs all the help he can get from those of us who are supporting him out of common-sense duty rather than devotion. Help, help.

Thanks for your ear and I hope this gets to you and not only your staff.

KATHY.

Mike, My family and I are making choices to limit our expenses as is rational, but we

have means and discretionary income to juggle. My wife who is a public school administrator tells a different story regarding some of the pupils she sees right now in her summer school programs. They are showing up to school without breakfast, without a lunch, and no money to even buy snacks. Her schools have not offered free and reduced meals for summer school in the past (did not need to), but are trying desperately to do so now. Their parents, many of whom are working lower-paid jobs, are making very hard choices.

Think of the lowest paid tier of workers in our economy. They may not live in comfortable neighborhoods close to their work. Often they drive cars that are affordable up front, but get deplorable gas mileage thereafter. Forget insurance of any kind. In an economy like ours where housing starts and services are down, many of these fathers are working less hours and driving further away to get them. The choices are becoming untenable.

I realize that some of the hesitation to address energy in America is part social engineering (which in my opinion is the realm of the passive-aggressive and grossly irresponsible), and part is Washington's age-old reluctance to govern proactively rendering it ineffectual in matters that matter. But, many of your constituents cannot coast through this crisis until it sorts itself out. Worse, the inaction of your colleagues gives

us very little hope that our crisis is temporary (if nothing changes, nothing changes).

A perfect storm is brewing for our economy; government needs to allow the free market and investors opportunities to produce more energy. Aside from ANWR, there are plenty of places in the lower 48 to bring online (as well as refining capacity) to address this muddle in less than 10 years. Tell your colleagues to lead, follow, or get out of the way!

In the short-term we are going to see more foreclosures, dependency on state and federal aid, and hospitals like ours will see bad debt and charity care skyrocket. Not a time for inaction. Thanks for your interest in this cause, I hope you are able to rally the millionaire's club to some kind of rational response.

REV. MARK, Nampa.

You and Congress know what needs to be done. Drill now—drill HERE! Join China and Cuba off our own shores and become self-reliant again. Start drilling in Anwar. Start drilling in Montana. Start using the resources in Colorado in shale. And build more refineries—and you—CONGRESS—loosen the hurdles that make it impossible for anyone drilling and/or building those refineries we need so desperately—loosen the restrictions that hinder providing alternatives (such as nuclear and solar). Stop wasting time telling “stories”—and loosen the restrictions that environmentalists have shackled us with! Do your job.

Just let us become a self-reliant nation again!

DAVE.

SENATOR CRAPO, This is a Republic! We elected you and you fellow Congress men and women to represent us. So far all my family has seen is a lot of incompetency! No one in Congress has done anything to help the situation. Everyone is geared up to their special interests so that they can get re-elected to another term. You guys need to kick the lobbyist out of the halls of Congress and start representing us. My family cannot take trips to see fellow family members, an event that takes place each year, because we cannot afford the fuel costs. Put yourselves in a private room and figure this thing out without any outside forces influencing you. If you cannot do this, resign, and let us find someone who can. I personally do not care if it is nuclear power or Anwar or raising standards for the auto industry or rationing gas. Protect our environment but try to get us out of this mess and solve this problem. You guys are below President Bush in positive polling. Do not you get it???

DON, Star.

Dear Sir: My wife and I are retired and had planned to enjoy our retirement years by traveling all over the great state of Idaho and see the attractions we did not have time to see when I was employed. This included taking our boat out on the great lakes and rivers during Idaho's hot summers.

Now with the combination of high property taxes in Boise, and high fuel prices, we are unable to realize our retirement dreams. The property taxes are going to force us out of our home in which we have lived for 15 years and the high fuel prices will force us to stay at home.

We can no longer afford to take vacations to Yellowstone and the other National Parks. We cannot visit my two sons located in San Francisco and Texas. We cannot afford to drive our diesel truck so our boat towing days in McCall are over with.

The do nothing Congress has once again lived up to its name with respect to energy.

As you know, the US has huge oil reserves off shore along both coastlines, huge deposits of oil in the Alaskan arctic, but the useless Congress will not lift a finger to allow for exploration of this oil. This forces us all to be held captive by the Middle East, Mexico, and Venezuela since we are so dependent on their oil. The Democrats in Congress place a higher value on politics and listening to the tree hugger and special interest group minorities than on the wishes of the vast middle class of Americans who want the US to be more self-sufficient in oil.

We have vast coal reserves which cannot be used for the same reasons.

I am opposed to the use of nuclear power due to the nuclear waste disposal problem and Congress reluctance to open Yucca Flats.

Please—cannot you do something to allow drilling on our own land to rid us of our dependency on the Middle East?

Yours truly,

ED AND CAROL, Boise.

What's the matter with all the Bozos in Washington? As they sit finely with all of their “not hard-earned” tax dollars paying them for what? They sure have screwed up America. Special interests, etc. . . . We have our own energy sources right here, right now. Let's use it. . . . NOW!!! The polar bear is on the brink of extinction? I do not think so, since their population has increased from 5000 to 35000 worldwide in the last 25 years. Why we let the elite environmentalists erode our backbone in America is beyond me. Stupid politicians have no idea what it means to live paycheck to paycheck. I have no idea how I can afford furnace oil for next winter. There is no way I can pay these prices for furnace oil, let alone gasoline for the cars. It gets damn cold here in the winter and last winter lasted like 9 months. Tell those asses sitting on their asses to get off their asses and open up our country to what we have available right here. . . . Do I sound mad?? No kidding. . . . I am sick of politicians being stupid. Time to stand up and take our country back. Time to weed out the enemy within. Time to do what we should do and be self-sufficient as a country.

MAGGIE.

I could not agree with you more that Congress needs to get moving and do something productive about our country's energy plan. Should we increase our own domestic production—absolutely. ANWR, offshore drilling etc should be used immediately. Enough of the environmentalists blocking every attempt to increase our own production. Nuclear power is a no-brainer. We have the proven technology to produce clean efficient fuel. Again, enough of the environmentalists trying to block every move to store the nuclear waste. How many 100's of millions of dollars have already been spent on Yucca Mountain to use it for the safe storage of nuclear waste—let's use it!! Wind and solar are definitely alternatives but being able to produce the quantity of power we need may not be reality. Use them to supplement more reliable sources such as Nuclear.

In summary it is time we take back our own country and for Congress to do something—leading, not political bickering, would be a refreshing idea.

Thank you

DALE, Meridian.

We do not want nuclear!!

Idaho is already a dumping ground. Nuclear is dirty, dirty energy!

Nuclear waste issues must be resolved first.

Stick to wind, solar, clean and renewable energy.

YVETTE.

SENATOR CRAPO, Increased domestic oil production or an expanded nuclear energy research are not the best directions for Idaho or the country. If we are talking about the health of our land and people then we should concentrate our research dollars on technical innovation and alternative energies. Just one outcome of technological innovation, the Toyota Prius, has saved more oil in a few years than we would get in over twenty years of drilling in the Arctic National Wildlife Refuge. Idaho has incredible alternative resources available. With thermal waters less than a mile below surface throughout the state, we would be an excellent choice for leading the nation in geothermal energy. We have desert areas of the state where the sun shines almost 365 days a year, and plains areas where we could harvest wind power.

We do not need lower gas taxes. We need better public transportation. We need leadership that encourages conservation. We need investment in education and research that has the promise of providing a future for our children that is not dependent on nations who do not have our best interests in mind. We have always had independent minds in Idaho. Lets have clean, sustainable energy independence as well.

PATRICIA.

The rate of increase in fossil fuel cost is unprecedented and demonstrates that the current administration and prior congresses have failed the American Citizens and for that matter the world by not properly addressing this issue. The energy crises has been a long time in the making and many good people, much of the scientific community and a rare politician or two (i.e. Al Gore) have been trying to do something.

I recently bought a home and am watching a minimum of \$100/week in fuel cost going to the moving. This has been going on for a few months and will do so for a few more. I rarely take trips from my home in the Lenore and Orofino area to Lewiston to shop. It is just too expensive. Plus the cost of everything else is ramping up due to the fuel cost increases. It saddens me that so much profit is being realized by a few. The economic profits are being controlled and directed to those who also control the flow of public resources. This is capitalism at its worst.

Throughout your career, you have demonstrated an indifference to the problem and have associated yourself with those who mischaracterized environmentalists rather than working with them. Your rating by the League of Conservation Voters is a paltry 13% for this year! Now you want to say you are on the same side. Do you really think we can believe or trust you? The biggest part of conservation is reducing demand—not simply looking to pump up more carbon from fragile environments. I think it would be best if you step aside and allow a new generation of thinkers without your baggage and not linked to pollution-generating industries to take the lead.

If you truly want to see all America and the world prosper in the future it will take a commitment on your part, to accept a change in the cultures of people, corporations, and government—away from use-up, me only, and profits as the bottom line, to a sustainable economy within the framework of a sustainable healthy environment. This, obviously, does not detract from a major goal of this nation—the pursuit of happiness. Happiness is a personal issue that is influenced by outside factors. Consumerism has made many people believe that more leads to happiness, but the experience of the last half century should speak for itself. Some of the old values such as free time, time with family and friends, having simple hobbies, pursuing knowledge, etc are all examples of low environmental impact ways to be happy.

I wish you the best in your retirement and commend you on your career. Encourage your grandchildren to follow a new path.

TOM.

As a travel writer and photographer, I am usually on the go much of the time. It used to be nothing to travel a day or two by car to go do a story somewhere for one of the many magazines I write for. But now, due to the high cost of gasoline, I've got to really look at the distances I have to travel because of the high cost of gasoline. There are story opportunities I have to turn down not because of the distance itself, but because of the cost of gasoline to cover that distance.

I am retired, so it is not about making a lot of money. If my travel costs are less than what I'll be paid for the articles and photography, I'll usually go do the story. It has been like I'm always on vacation. But now, the travel costs are becoming so expensive it's becoming harder every day to except assignments that require extensive driving to destinations to do the articles. My happy style of travel and retirement are coming to a fast close because of gas prices.

My dream when I retired in 1998 was to see as much of the United States as possible and be on the road exploring the unique places I never got around to while I was working. I thought I might even do a book like John Steinbeck did, "Travels With Charlie", and illustrate it with my photography from around the United States. Well, that is down the tubes as well.

Whenever I leave the house to go somewhere, I have to make sure that I get three or four things done on the trip so as not to waste gas. It has become a real struggle. I feel sorry for the people that have to drive far every day to go to work, it has got to be knocking them for a loop with the price of gas what it is.

JERRY.

I think we desperately need an energy policy that will utilize our own proven oil and gas reserves. I blame congress in part for the current high energy prices due their continually politicizing the adoption of a workable national energy policy.

MEL, Boise.

I live in Ashton, Idaho, and drive to Idaho Falls to teach at Idaho State University, so the cost of gas matters. Yet, I also welcome the high costs of gasoline if it forces us to an awareness of how destructive burning fossil fuels is and forces us to change. I absolutely oppose more production of fossil fuels, and urge you to take alternative energy sources seriously: wind, solar, and support these with the kind of subsidies you so easily give to agriculture. Above all, it is time to do something about public transportation, especially the restoration of rail services to rural areas, or support for connecting Idaho to Portland/Denver. Give Idaho transportation alternatives, rather than working within the same addiction to automobiles and fossil fuels. My "story" is outrage that government has given so little thought to alternatives.

DARRELL.

DEAR SENATOR CRAPO, I strongly believe our efforts to address these energy costs should be concentrated on getting more use out of clean, renewable energy that is already available. Most of us could go a great deal further in our energy conservation efforts; incentives might help. There is already a great deal available in wind and solar energy, I think that with incentives to utilize them and research money directed at improving them we can start to establish a sustainable energy usage for the long term.

Increasing drilling in the United States will at most give us a few years of additional oil, if that, at the cost of possibly despoiling a beautiful natural zone and damaging critical bird nesting habitat.

Increasing our use of nuclear power when we still have not figured out a safe means of dealing with the waste is similarly irresponsible over the long term.

I too have felt the high energy prices, but I do not think they should be used as an excuse to increase our efforts in a failed direction that is causing severe damage to the global environment. It is time that we stop and consider how we can move our energy policy in a different direction for our long-term health.

ARIA, Moscow.

I am a substitute teacher for School District #331 in Minidoka County. I have been subbing for 13 years and, until this last year, I worked mostly full days but the occasional half day for teachers who, for various reasons, didn't need to be gone all day. I will no longer go in for half days because it is not economically feasible. We, as subs, are not paid well anyway, and to only get half pay, with gas prices like they are, is not possible anymore. I substitute at the secondary level and there are two schools in Rupert that I work at regularly, Minico High School is about ten minutes away and West Minico Middle School is 20 minutes away. I do not go to Minico or West much any more because of high gas prices. I think we really need to "drill here, drill now" because something has got to give. Our wages are not going up! Thank you for caring. . . .

PATTY, Rupert.

We continue to build our economy on oil yet we can not produce enough oil in this country for energy independence. It wouldn't matter if we could, because we are capitalist. We would just sell the oil on the global market.

We need to look at our current natural resource and use them to our advantage. Brazil switched to sugarcane ethanol, but corn is not the answer to the United States. Our natural resource is coal and natural gas. We should concentrate on making coal cleaner and switch our economy to electricity powered by coal, hydro, nuclear, and wind (most likely in that order). That is energy independence. Quit fighting for something that doesn't exist.

BRENT, Boise.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JOSEPHINE LONG

• Mr. DODD. Madam President, today I honor the career of Josephine Long, a wonderful woman and extraordinary teacher. Ms. Long has worked in the District of Columbia Public School System for 33 years, touching the lives of hundreds of children. Ms. Long was born in Raleigh, NC, and moved to Washington, DC, as a child. She has lived here ever since, raising two daughters and two sons. Ms. Long received certification in early childhood education from both Gallaudet University and Prince George's Community College. Since then, Ms. Long has had a positive impact in many classrooms, working for the majority of her career with special needs children and for the past 2 years at the School-Within-School at Peabody, a DC public school.

Colleagues have long admired Ms. Long for her optimistic attitude and the special concern and attention she gave to her students with special health concerns. Perhaps Ms. Long's most impressive strength as a teacher was the respect she showed her students; she spoke to them and treated them with maturity, sharing her life experiences, recounting daily encounters, and listening intently when they shared their thoughts as well. Ms. Long made her students laugh and was always generous; every day, she shared her lunch cookies among 22 different students.

As both a father and the chair of the Senate Subcommittee on Children and Families, I know very well the importance of a quality education. While many factors contribute to the success of our schools, perhaps none can make more of a difference than a teacher with the ability to connect with her students. Ms. Long did just that for more than 30 years, and I commend her for her dedication to the District of Columbia Public School System. On behalf of all the students she has touched over her many years of teaching, I thank her for her unwavering commitment to the education of her students. I congratulate Josephine on her retirement and wish her only the best in the years to come.●

##### TRIBUTE TO DANIEL SAFSEL

• Mr. KERRY. Madam President, I would like to congratulate and honor Daniel Safsel, a passionate fourth grader who raised the level of environmental awareness at his elementary school. Daniel urged his school newspaper, the Siwanoy Express, to stop printing and distributing copies of its newsletter and to send it via email instead. As a result of his efforts, the newspaper recently launched their first trial run of the "green" express. Daniel should be extremely proud that he was able to make a valuable contribution toward creating a greener future.

Even though we are faced with a worldwide environmental crisis, Daniel's actions show that young Americans can do their part in ensuring that we live in a safer and cleaner environment. Students like Daniel inspire and remind us all of the power of making our voices heard.

I heartily applaud Daniel Safsel for his initiative in seeking to make his community greener. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect.●

##### TRIBUTE TO LIEUTENANT COLONEL EDWARD M. FORTUNATO

• Mr. LIEBERMAN. Madam President, I wish to publicly commend and congratulate LTC Edward M. Fortunato, U.S. Army, upon his retirement after 20 years of military service. I have come to know and respect Lieutenant



Colonel Fortunato over the past 3 years, during which time he served as the congressional liaison for all Army aviation programs. In this capacity, Lieutenant Colonel Fortunato was instrumental in improving the understanding of Senators and staff concerning a myriad of Army aviation issues, in particular the reinvestment of Comanche helicopter funding to restructure Army aviation for the 21st century, the wars in Iraq and Afghanistan, and Army transformation. He was instrumental in the successful authorization and appropriation of the light utility helicopter, armed-reconnaissance helicopter, joint cargo aircraft, Chinook multiyear, Apache, Black Hawk multiyear and numerous unmanned aerial vehicle and aviation R&D projects.

Lieutenant Colonel Fortunato escorted numerous congressional delegations to over 20 countries, including 3 to Iraq and Afghanistan. I myself was privileged to have him as an escort at my specific request for my own visits abroad and in larger delegations. He worked tirelessly to ensure my visits were coordinated with all the relevant agencies, military leaders, heads of state and government officials so I could focus on the issues that were critical to my service as the chairman of the Senate Armed Services Air Land Subcommittee. I am extremely grateful for the support, friendship and perspective Ed provided me and my staff.

Lieutenant Colonel Fortunato's congressional assignment was the capstone to an outstanding career of service to our Nation. He served as an aviation officer in numerous command and staff positions. His operational assignments began in the famous 101st Airborne Division, AASLT, during Operations Desert Shield/Desert Storm with further assignments as part of JTF-Bravo in Honduras, 2nd Infantry Division in Korea and the 25th Infantry Division, I, in Hawaii. Lieutenant Colonel Fortunato then served in a number of program and acquisition positions to include program manager for the Army Special Operations Aviation Regiment MH-60 Black Hawk fleet and various high level assignments within the Army Secretariat.

Lieutenant Colonel Fortunato holds an MBA from George Washington University and a bachelor's of science in business and marketing from George Mason University. His military awards include the Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Air Medal, Parachutist Badge, Pathfinder Badge, Air Assault Badge, the Army Aviation Association's Order of St. Michael, and he is a Senior Army Aviator with over 1,100 hours.

Son of a soldier, Lieutenant Colonel Fortunato is married to the former Monique Childress of Roanoke, VA. They have two children, Isabella, 13, and Edward, 11. I congratulate them on their husband and father's retirement from the Army. The demands of military life are such that military fami-

lies also sacrifice and serve the Nation along with their soldier, and I thank Monique, Isabella and Ed for their service.

The Army, the Senate, and the Nation are fortunate to have had the service of such a great officer as LTC Ed Fortunato. I wish him Godspeed.●

#### TRIBUTE TO DR. AMAR BOSE

● Mr. KERRY. Madam President, in May, Dr. Amar Bose was inducted in the National Inventors Hall of Fame. I would like to take this opportunity to recognize his outstanding accomplishments that have helped change our society and improve the way we live every day.

A pioneer in modern acoustics, Dr. Bose is founder, chairman and technical director of the internationally-recognized audio company that bears his name, Bose Corporation.

Raised just outside Philadelphia, Dr. Bose began his career at the age of 13, repairing radios in his basement during WWII.

His passion for technology continued at MIT, where he earned bachelor, masters and doctoral degrees in electrical engineering. In 1956, Dr. Bose was asked to join the faculty at MIT, where he taught for 45 years.

His research at MIT led to the development of new, patented technologies. With those patents, he founded Bose Corporation in Massachusetts in 1964. He has achieved worldwide acclaim with the introduction of groundbreaking products, including the 901® Direct/Reflecting speaker system, customized sound systems for automobiles, and active noise-reducing headphones. Under his leadership, 100 percent of profits are reinvested back into the company, enabling research and advancements in non-audio areas.

In 2004, after 25 years of research, he introduced a revolutionary suspension system that combines superior comfort and control in the same vehicle.

Dr. Bose has done extensive work for the Armed Forces and NASA. He was named Inventor of the Year in 1987, by the Intellectual Property Owners Association and holds numerous patents in the fields of acoustics, electronics, nonlinear systems, and communication theory.

He is a member of the Audio Hall of Fame, the recipient of a Distinguished Service Citation from the Automotive Hall of Fame, and has been inducted in the Consumer Electronics Hall of Fame. He is an elected member of the National Academy of Engineering and of the American Academy of Arts and Sciences.

Congratulations Dr. Bose on being inducted into the National Inventors Hall of Fame and for your outstanding work at the Bose Corporation.●

#### 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 nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

#### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on June 23, 2008, during the adjournment of the Senate, received a message from the House of Representative, delivered by Ms. Niland, one of its reading clerks, announcing that the Speaker had signed the following enrolled bills:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

S. 188. An act 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.

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

#### MESSAGE FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 841 (b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), and the order of the House of January 4, 2007, the Speaker and the Majority Leader of the Senate jointly appoint to the Commission on Wartime Contracting: Mr. Michael J. Thibault of Reston, Virginia, cochairman. Further, pursuant to the aforesaid authority, the Speaker appoints the following member on the part of the House of Representatives to the

Commission on Wartime Contracting: Mr. Clark Kent Ervin of Washington, DC.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6703. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General William R. Looney III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6704. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Robert Magnus, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6705. A communication from the Principal Deputy, Office of the Assistant Secretary (Research, Development and Acquisition), Department of the Navy, transmitting, pursuant to law, notification that the Navy proposes to donate the submarine ex-DOL-PHIN (AGSS 555) to the Maritime Museum of San Diego; to the Committee on Armed Services.

EC-6706. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the report of two modifications made in 2008 to the auction process; to the Committee on Banking, Housing, and Urban Affairs.

EC-6707. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report on the auctions held by the Department during the period of January 1, 2007, through December 31, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-6708. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Affiliate Marketing Rule" (RIN3084-AA94) received on June 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6709. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions and Implementation Under the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003: Final Rule and Statement of Basis and Purpose" (RIN3084-AA96) received on June 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6710. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Supplemental Wages" (Revenue Ruling 2008-29) received on June 19, 2008; to the Committee on Finance.

EC-6711. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to List of User Fee Airports: Additions of Capital City Airport, Lansing, Michigan and Kelly Field Annex, San Antonio, Texas" (CBP Dec. 08-23) received on June 19, 2008; to the Committee on Finance.

EC-6712. A communication from the President, National Center for Policy Analysis, transmitting its 2008 First Quarter Report; to the Committee on Finance.

EC-6713. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires originally designed for use on Heavy Mobility Tactical Wheeled Vehicles; to the Committee on Foreign Relations.

EC-6714. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires originally designed for use on M977 Heavy Expanded Mobility Tactical Truck; to the Committee on Foreign Relations.

EC-6715. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires primarily used on military heavy trucks, and for other purposes; to the Committee on Foreign Relations.

EC-6716. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Presidential Library Facilities" (RIN3095-AB16) received on June 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6717. A communication from the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Post-Employment Conflict of Interest Restrictions" (RIN3209-AA14) received on June 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 802. To amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI (Rept. No. 110-394).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 3985. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes (Rept. No. 110-395).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 3181. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110-396).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 3182. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110-397).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

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 (Rept. No. 110-398).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Ms. LANDRIEU):

S. 3176. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide mental health and substance abuse services; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. HAGEL, Mr. SMITH, and Mr. DURBIN)):

S. 3177. A bill to develop a policy to address the critical needs of Iraqi refugees; to the Committee on Foreign Relations.

By Mr. BURR:

S. 3178. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3179. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY):

S. 3180. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. BYRD:

S. 3181. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 3182. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

### ADDITIONAL COSPONSORS

S. 667

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1103

At the request of Mr. BINGAMAN, the name of the Senator from Vermont

(Mr. LEAHY) was added as a cosponsor of S. 1103, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of Medicare coverage of medical nutrition therapy services.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1595

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1595, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1977

At the request of Mr. OBAMA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1977, a bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Vermont

(Mr. SANDERS) 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. 2102

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Hawaii (Mr. INOUE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2120

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2120, a bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. VOINOVICH) 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. 2433

At the request of Mr. WYDEN, his 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. 2510

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2579

At the request of Mr. INOUE, the names of the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2652

At the request of Mr. COLEMAN, his name 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. 2681

At the request of Mr. INHOFE, the names of the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2771, a bill to require the president to call a White House Conference on Children and Youth in 2010.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2795

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) 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. 2976

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2976, a bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3141, a bill to provide for non-discrimination by eligible lenders in the Federal Family Education Loan Program.

S. 3168

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3168, a bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes.

S. 3169

At the request of Mr. LUGAR, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 3169, a bill to authorize United States participation in, and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund.

S.J. RES. 41

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 300

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 594

At the request of Mr. BROWN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 594, a resolution designating September 2008 as "Tay-Sachs Awareness Month".

AMENDMENT NO. 5013

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 5013 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5020

At the request of Mr. ENSIGN, the names of the Senator from Virginia (Mr. WARNER), the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 5020 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5022

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. SNOWE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 5022 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR:

S. 3178. A bill to amend title 38, United States Code, to authorize dental

insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to introduce bill that would give our veterans, surviving spouses, and certain dependent children the option to buy dental insurance coverage through the Department of Veterans Affairs. My bill is based on a very successful program that has been in place since 1998 for military retirees and their families.

Under the TRICARE Retiree Dental Program, TRDP, military retirees are given the option to purchase dental coverage under a contract managed by the Department of Defense. Since the program started, over one million eligible participants have chosen to buy dental coverage through this plan, including over 56,000 in my home state of North Carolina. Those individuals have access to a network of about 112,000 dental plan providers across the nation. Premiums range from \$14 to \$48 per month per person, depending on the region and type of dental plan selected. With this kind of success, it seems only fitting that we offer the same kind of benefit to our veterans.

VA runs the largest integrated health care system in the nation. Although VA provides dental benefits to the 7.9 million veterans enrolled in the health care system, these benefits are either limited to a select group of people or can only be provided under very limited circumstances. For example, VA provides comprehensive dental care to veterans for 180 days after they leave service; who have service-related dental conditions; who are in nursing homes and require dental care; or who fall under other very strict guidelines.

My bill would supplement this limited coverage by giving veterans and survivors the option to purchase a more comprehensive dental plan. Of course, many veterans may have dental coverage through their employers or through an individual policy. My bill extends this dental plan option to all enrolled veterans.

As I mentioned, the bill is modeled after the successful program that is now offered to TRICARE retirees. Federal employees also have access to a similar benefit option for dental coverage. Like these other programs, this VA program would be entirely voluntary, be financed through premiums and, most importantly, provide needed coverage from a network of dental professionals in local communities.

This bill would not replace VA's dental services; it is just another option for those who want to have access to group insurance rates that they could not otherwise get on their own. This idea is like the 44 year relationship VA has with Prudential, who provides active duty servicemembers and veterans with group life insurance policies. The most important part of the relationship is that servicemembers and veterans are well-served and get to reap

the benefits of group rates and competition.

This is a good example of how we can build on innovative and successful approaches to improving options for our veterans. I believe my bill is another step in that direction, and I ask my colleagues for their support.

By Mr. REID (for Mr. KENNEDY):

S. 3180. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3180

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

# SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking “June 30, 2008” and inserting “July 31, 2008”.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171), by the College Cost Reduction and Access Act (Public Law 110-84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5024. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 5025. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5026. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5027. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5028. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD

(for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5029. Mr. NELSON, of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 5024. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

### DIVISION —COMMERCIAL TRUCK FUEL SAVINGS

#### SEC. 01. SHORT TITLE.

This division may be cited as the “Commercial Truck Fuel Savings Demonstration Act of 2008”.

#### SEC. 02. FINDINGS.

Congress finds that—

(1) diesel fuel prices have increased more than 50 percent during the 1-year period between May 2007 and May 2008;

(2) laws governing Federal highway funding effectively impose a limit of 80,000 pounds on the weight of vehicles permitted to use highways on the Interstate System;

(3) the administration of that provision in many States has forced heavy tractor-trailer and tractor-semitrailer combination vehicles traveling in those States to divert onto small State and local roads on which higher vehicle weight limits apply under State law;

(4) the diversion of those vehicles onto those roads increases fuel costs because of increased idling time and total travel time along those roads; and

(5) permitting heavy commercial vehicles, including tanker trucks carrying hazardous material and fuel oil, to travel on Interstate System highways when fuel prices are high would provide significant savings in the transportation of goods throughout the United States.

#### SEC. 03. DEFINITIONS.

In this division:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner of Transportation of a State.

(2) COVERED INTERSTATE SYSTEM HIGHWAY.—

(A) IN GENERAL.—The term “covered Interstate System highway” means a highway designated as a route on the Interstate System.

(B) EXCLUSION.—The term “covered Interstate System highway” does not include any portion of a highway that, as of the date of the enactment of this Act, is exempt from the requirements of subsection (a) of section 127 of title 23, United States Code, pursuant to a waiver under that subsection.

(3) INTERSTATE SYSTEM.—The term “Interstate System” has the meaning given the

term in section 101(a) of title 23, United States Code.

#### SEC. 04. WAIVER OF HIGHWAY FUNDING REDUCTION RELATING TO WEIGHT OF VEHICLES USING INTERSTATE SYSTEM HIGHWAYS.

(a) PROHIBITION RELATING TO CERTAIN VEHICLES.—Notwithstanding section 127(a) of title 23, United States Code, the total amount of funds apportioned to a State under section 104(b)(1) of that title for any period may not be reduced under section 127(a) of that title if a State permits a vehicle described in subsection (b) to use a covered Interstate System highway in the State in accordance with the conditions described in subsection (c).

(b) COMBINATION VEHICLES IN EXCESS OF 80,000 POUNDS.—A vehicle described in this subsection is a vehicle having a weight in excess of 80,000 pounds that—

(1) consists of a 3-axle tractor unit hauling a single trailer or semitrailer; and

(2) does not exceed any vehicle weight limitation that is applicable under the laws of a State to the operation of the vehicle on highways in the State that are not part of the Interstate System, as those laws are in effect on the date of enactment of this Act.

(c) CONDITIONS.—This section shall apply at any time at which the weighted average price of retail number 2 diesel in the United States is \$3.50 or more per gallon.

(d) EFFECTIVE DATE AND TERMINATION.—This section shall not remain in effect—

(1) after the date that is 2 years after the date of enactment of this Act; or

(2) before the end of that 2-year period, after any date on which the Secretary of Transportation—

(A) determines that—

(i) operation of vehicles described in subsection (b) on covered Interstate System highways has adversely affected safety on the overall highway network; or

(ii) a Commissioner has failed faithfully to use the highway safety committee as described in section 06(2)(A) or to collect the data described in section 06(3); and

(B) publishes the determination, together with the date of termination of this section, in the Federal Register.

(e) CONSULTATION REGARDING TERMINATION FOR SAFETY.—In making a determination under subsection (d)(2)(A)(i), the Secretary of Transportation shall consult with the highway safety committee established by a Commissioner in accordance with section 06.

#### SEC. 05. GAO TRUCK SAFETY DEMONSTRATION REPORT.

The Comptroller General of the United States shall carry out a study of the effects of participation in the program under section 04 on the safety of the overall highway network in States participating in that program.

#### SEC. 06. RESPONSIBILITIES OF STATES.

For the purpose of section 04, a State shall be considered to meet the conditions under this section if the Commissioner of the State—

(1) submits to the Secretary of Transportation a plan for use in meeting the conditions described in paragraphs (2) and (3);

(2) establishes and chairs a highway safety committee that—

(A) the Commissioner uses to review the data collected pursuant to paragraph (3); and

(B) consists of representatives of—

(i) agencies of the State that have responsibilities relating to highway safety;

(ii) municipalities of the State;

(iii) organizations that have evaluation or promotion of highway safety among the principal purposes of the organizations; and

(iv) the commercial trucking industry; and

(3) collects data on the net effects that the operation of vehicles described in section

04(b) on covered Interstate System highways have on the safety of the overall highway network, including the net effects on single-vehicle and multiple-vehicle collision rates for those vehicles.

**SA 5025.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table as follows:

On page 175, between lines 2 and 3, insert the following:

**SEC. 1132A. GRANTS FOR FINANCIAL LITERACY EDUCATION.**

(a) **DEFINITION OF SECRETARY.**—In this section, the term “Secretary” means the Secretary of Education.

(b) **GRANTS TO PROMOTE ELEMENTARY AND SECONDARY FINANCIAL LITERACY EDUCATION ASSISTANCE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(i) a State educational agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301); or

(ii) a State partnership consisting of—

(I) a State educational agency; and

(II) a nonprofit organization with experience and a proven quality track record in financial literacy or personal finance education programs.

(B) **ELIGIBLE LOCAL ENTITY.**—In this subsection, the term “eligible local entity” means—

(i) a local educational agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301); or

(ii) a local partnership consisting of—

(I) a local educational agency; and

(II) not less than 1 of the following:

(aa) A nonprofit organization with experience and a proven track record in quality financial literacy or personal finance education programs.

(bb) An educational service agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301).

(cc) A recipient of an Excellence in Economic Education grant under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7267 et seq.).

(dd) An institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(ee) A community organization.

(ff) A representative of local business.

(2) **AUTHORIZATION.**—The Secretary shall award grants to eligible entities to enable such entities—

(A) to award subgrants to local entities to provide financial literacy education; and

(B) to carry out activities designed to promote financial literacy education.

(3) **APPLICATION.**—An eligible entity that desires to receive a grant under this sub-

section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(4) **FORMULA.**—From the total amount appropriated for this subsection under subsection (d) for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount that bears the same relation to such total amount as the amount such State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for such fiscal year bears to the total amount received by all States under such part for such fiscal year.

(5) **USE OF FUNDS.**—

(A) **SUBGRANTS TO ELIGIBLE LOCAL ENTITIES.**—

(i) **AUTHORIZATION OF SUBGRANTS.**—An eligible entity that receives a grant under this subsection shall use 75 percent of such grant funds to award subgrants to eligible local entities.

(ii) **APPLICATIONS.**—

(I) **IN GENERAL.**—An eligible local entity that desires to receive a subgrant under this subparagraph shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

(II) **REVIEW OF APPLICATIONS.**—The eligible entity shall review applications submitted under subclause (I) in the same manner as applications are reviewed under section 5534(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7267c(b)).

(iii) **USE OF FUNDS.**—An eligible local entity that receives a subgrant under this subparagraph—

(I) shall use the subgrant funds to—

(aa) implement teacher training programs to embed financial literacy and personal finance education into core academic subjects;

(bb) administer financial literacy assessments on not less than an annual basis in, at a minimum, the grade levels selected by the State pursuant to subparagraph (B)(i); and

(cc) implement financial literacy activities and sequences of study within core academic subjects; and

(II) may use the subgrant funds to implement school-based activities, including after-school activities, to enhance student understanding and experiential learning with consumer, economic, and personal finance concepts.

(iv) **REPORT.**—An eligible local entity that receives a subgrant under this subparagraph shall include in the annual report card under section 1111(h)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)) the same information on student achievement on the financial literacy assessments, administered pursuant to subparagraph (B)(ii), as required, pursuant to such section 1111(h)(2), of the other State academic assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(B) **STATE ACTIVITIES.**—An eligible entity that receives a grant under this subsection shall use 25 percent of such grant funds to carry out the following:

(i) The development of financial literacy standards in not less than 3 grade levels, including not less than 1 grade level in elementary school, not less than 1 grade level in middle school, and not less than 1 grade level in high school.

(ii) The development of appropriate financial literacy assessments in the grade levels determined under clause (i) that are valid, reliable, and comparable across the State.

(iii) Teacher professional development programs to embed financial literacy or personal finance education into core academic subjects.

(iv) An evaluation of the impact of financial literacy or personal finance education on students' understanding of financial literacy concepts.

(6) **MATCHING FUNDS.**—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount equal to 25 percent of the amount of the grant award to carry out activities required under this section.

(c) **GRANTS TO PROMOTE POSTSECONDARY FINANCIAL LITERACY EDUCATION ASSISTANCE.**—

(1) **AUTHORIZATION OF GRANT AWARDS.**—The Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to provide financial literacy courses or course components to students.

(2) **DEFINITION OF ELIGIBLE ENTITY.**—In this subsection, the term “eligible entity” means—

(A) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) a partnership consisting of—

(i) an institution of higher education; and

(ii) a nonprofit organization with experience and a proven track record in quality financial literacy or personal finance education programs.

(3) **APPLICATION.**—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(4) **USE OF FUNDS.**—An eligible entity that receives a grant under this subsection shall use the grant funds to develop and implement financial literacy education, activities, student organizations, or counseling that increase student knowledge in consumer, economic, and personal financial concepts.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **ELEMENTARY AND SECONDARY FINANCIAL LITERACY EDUCATION GRANTS.**—There is authorized to be appropriated to carry out subsection (b) \$75,000,000 for each of the fiscal years 2009 through 2014.

(2) **POSTSECONDARY FINANCIAL LITERACY EDUCATION GRANTS.**—There is authorized to be appropriated to carry out subsection (c) \$75,000,000 for each of the fiscal years 2009 through 2014.

**SA 5026.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE VIII—FEDERAL BOARD OF CERTIFICATION**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Restore Confidence in Mortgage Securities Act of 2008”.

**SEC. 802. PURPOSE.**

It is the purpose of this title to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to:



documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

#### SEC. 803. DEFINITIONS.

As used in this title—

(1) the term “Board” means the Federal Board of Certification established under this title;

(2) the term “mortgage security” means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term “insured depository institution” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term “Federal financial institutions regulatory agency” has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

#### SEC. 804. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

#### SEC. 805. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income ratios and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

#### SEC. 806. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

- (1) the Comptroller of the Currency;
- (2) the Secretary of Housing and Urban Development;
- (3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;
- (4) the Undersecretary of the Treasury for Domestic Finance; and
- (5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

#### SEC. 807. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

#### SEC. 808. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and

report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this title shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

#### SEC. 809. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this title, in carrying out its functions under this title, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this title.

#### SEC. 810. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this title, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

#### SEC. 811. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

#### SEC. 812. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: “Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.”.

**SA 5027.** Mr. VITTER submitted an amendment intended to proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 428, line 17, before “The Federal” insert “(a) IN GENERAL.—”

On page 428, after line 24, insert the following:

(b) EXCESS FEES.—To the extent that any fees charged and collected under subsection (a) exceed the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, such excess fees shall deposited in the Deficit Reduction Fund established under subsection (c) to be used only to make payments to reduce the deficit.

(c) DEFICIT REDUCTION FUND.—There is established in the general fund of the Treasury a fund to be known as the “Deficit Reduction Fund”.

(d) REPORT.—The Comptroller General shall, on an annual basis, conduct a study and submit a report to Congress on—

(1) the actual cost of maintaining information on the Nationwide Mortgage Licensing System and Registry; and

(2) if the fees charged under subsection (a) are excessive.

**SA 5028.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 410, strike line 22 and all that follows through page 423, line 5, and insert the following:

(7) **REGISTERED LOAN ORIGINATOR.**—The term “registered loan originator” means any individual who—

(A) meets the definition of a—  
 (i) loan originator and is an employee of—  
 (I) a depository institution;  
 (II) a subsidiary that is—  
 (aa) owned and controlled by a depository institution; and  
 (bb) regulated by a Federal banking agency; or  
 (III) an institution regulated by the Farm Credit Administration; or

(ii) loan originator and is an exclusive agent who shall have entered into a written agreement with only one national bank or one Federal savings association, and is subject to regulation and examination by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, as applicable, pursuant to a program providing for the use of such exclusive agents which has been approved by such agency, respectively; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) **RESIDENTIAL MORTGAGE LOAN.**—The term “residential mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(10) **STATE-LICENSED LOAN ORIGINATOR.**—The term “State-licensed loan originator” means any individual who—

(A) is a loan originator other than a “registered loan originator”; and

(B) is licensed by a State or by the Secretary under section 1508 and is registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(11) **UNIQUE IDENTIFIER.**—

(A) **IN GENERAL.**—The term “unique identifier” means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) **RESPONSIBILITY OF STATES.**—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

**SEC. 1504. LICENSE OR REGISTRATION REQUIRED.**

(a) **IN GENERAL.**—An individual may not engage in the business of a loan originator without first—

(1) obtaining, and maintaining annually—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) **LOAN PROCESSORS AND UNDERWRITERS.**—

(1) **SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.**—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator.

(2) **INDEPENDENT CONTRACTORS.**—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator.

**SEC. 1505. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.**

(a) **BACKGROUND CHECKS.**—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant’s identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) **ISSUANCE OF LICENSE.**—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court—

(A) during the 7-year period preceding the date of the application for licensing and registration; or

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a net worth or surety bond requirement, as required by the State pursuant to section 1508(d)(6).

(c) **PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.**—

(1) **MINIMUM EDUCATIONAL REQUIREMENTS.**—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) **APPROVED EDUCATIONAL COURSES.**—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) **LIMITATION AND STANDARDS.**—

(A) **LIMITATION.**—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) **STANDARDS.**—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) **TESTING OF LOAN ORIGINATORS.**—

(1) **IN GENERAL.**—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) **QUALIFIED TEST.**—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless the test adequately measures the applicant’s knowledge and comprehension in appropriate subject areas, including—

(A) ethics;

(B) Federal law and regulation pertaining to mortgage origination;

(C) State law and regulation pertaining to mortgage origination;

(D) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) **MINIMUM COMPETENCE.**—

(A) **PASSING SCORE.**—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) **INITIAL RETESTS.**—An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test.

(C) **SUBSEQUENT RETESTS.**—After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(D) **RETEST AFTER LAPSE OF LICENSE.**—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) **MORTGAGE CALL REPORTS.**—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as

the Nationwide Mortgage Licensing System and Registry may require.

**SEC. 1506. STANDARDS FOR STATE LICENSE RENEWAL.**

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

**SEC. 1507. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL AGENCIES.**

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, and together with the Farm Credit Administration, develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, or exclusive agents of a national bank or Federal savings association as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator under this subsection, the appropriate Federal banking agency and the Farm Credit Administration shall, at a minimum,

furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employee's or exclusive agent's identity, including—

**SA 5029.** Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 588, between lines 14 and 15, insert the following:

**SEC. —. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.**

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, in the case of an individual who is an eligible taxpayer, the aggregate amount of distributions received by the individual which may be treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the lesser of—

(A) the individual's qualified mortgage expenditures for the taxable year, or

(B) the excess (if any) of—

(i) \$25,000, over

(ii) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) ELIGIBLE TAXPAYER.—The term "eligible taxpayer" means, with respect to any taxable year, a taxpayer—

(A) with adjusted gross income for the taxable year not in excess of \$55,000 (\$110,000 in the case of a joint return under section 6013), and

(B) who provides certification to the Secretary of participation in the Hope for Homeowners Program established under section 1402 of the Housing and Economic Recovery Act of 2008 or any other government or mortgage industry-sponsored foreclosure prevention plan during such taxable year.

(3) TREATMENT OF PLAN DISTRIBUTIONS.—

(A) IN GENERAL.—If a distribution to an individual would (without regard to paragraph (1) or (2)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$25,000.

(B) CONTROLLED GROUP.—For purposes of subparagraph (A), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAYED.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 2-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term "qualified foreclosure recovery distribution" means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term "qualifying mortgage expenditures" means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term "applicable mortgage" means a mortgage which—

(i) was entered into after December 31, 2002, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of

1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) **ELIGIBLE RETIREMENT PLAN.**—The term “eligible retirement plan” shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) **PRINCIPAL RESIDENCE.**—The term “principal residence” has the same meaning as when used in section 121 of such Code.

(e) **INCOME INCLUSION SPREAD OVER 2-YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.**—

(1) **IN GENERAL.**—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 2-taxable year period beginning with such taxable year.

(2) **SPECIAL RULE.**—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) **SPECIAL RULES.**—

(1) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.**—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) **QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) **SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.**—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payment under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(1) **IN GENERAL.**—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) **AMENDMENTS TO WHICH SUBSECTION APPLIES.**—

(A) **IN GENERAL.**—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) **CONDITIONS.**—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

#### **SEC. \_\_\_\_ APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.**

(a) **IN GENERAL.**—Paragraph (3) of section 6331(h) is amended by striking “goods” and inserting “property”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

#### **SEC. \_\_\_\_ INVESTMENT OF OPERATING CASH.**

Section 323 of title 31, United States Code, is amended to read as follows:

##### **“§ 323. Investment of operating cash**

“(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

“(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

“(2) obligations of the United States Government; and

“(3) repurchase agreements with parties acceptable to the Secretary.

“(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

“(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

“(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

“(2) For purposes of paragraph (1), the term ‘appropriate committees’ means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.”.

## **NOTICES OF HEARINGS**

### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, July 9, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2443 and H.R. 2246, to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada; S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes

have the authority to use certain payments for certain noncoal reclamation projects; S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; S. 2898 and H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada; S. 3088, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in south-east Arizona, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [rachel.pasternack@energy.senate.gov](mailto:rachel.pasternack@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

### **COMMITTEE ON INDIAN AFFAIRS**

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 26, at 9:30 a.m. room 562 of the Dirksen Senate Office Building to conduct an oversight hearing on Access to Contract Health Services in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

### **COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “Examining Solutions to Cope with the Rise in Home Heating Oil Prices,” on Wednesday, June 25, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

### **HIGHER EDUCATION ACT OF 1965 EXTENSION**

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to S. 3180 that was introduced today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3180) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3180

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

#### SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking “June 30, 2008” and inserting “July 31, 2008”.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171), by the College Cost Reduction and Access Act (Public Law 110-84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

#### RECOGNIZING SOIL AS AN ESSENTIAL NATURAL RESOURCE

Mr. REID. Madam President, I ask unanimous consent the agriculture committee be discharged from further consideration of S. Res. 440 and the Senate proceed to it now.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 440) recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 440) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 440

Whereas soil, plant, animal, and human health are intricately linked and the sustainable use of soil affects climate, water and air quality, human health, biodiversity, food safety, and agricultural production;

Whereas soil is a dynamic system which performs many functions and services vital to human activities and ecosystems;

Whereas, despite soil's importance to human health, the environment, nutrition and food, feed, fiber, and fuel production,

there is little public awareness of the importance of soil protection;

Whereas the degradation of soil can be rapid, while the formation and regeneration processes can be very slow;

Whereas protection of United States soil based on the principles of preservation and enhancement of soil functions, prevention of soil degradation, mitigation of detrimental use, and restoration of degraded soils is essential to the long-term prosperity of the United States;

Whereas legislation in the areas of organic, industrial, chemical, biological, and medical waste pollution prevention and control should consider soil protection provisions;

Whereas legislation on climate change, water quality, agriculture, and rural development should offer a coherent and effective legislative framework for common principles and objectives that are aimed at protection and sustainable use of soils in the United States;

Whereas soil contamination coupled with poor or inappropriate soil management practices continues to leave contaminated sites unremediated; and

Whereas soil can be managed in a sustainable manner, which preserves its capacity to deliver ecological, economic, and social benefits, while maintaining its value for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes it as necessary to improve knowledge, exchange information, and develop and implement best practices for soil management, soil restoration, carbon sequestration, and long-term use of the Nation's soil resources;

(2) recognizes the important role of soil scientists and soils professionals, who are well-equipped with the information and experience needed to address the issues of today and those of tomorrow in managing the Nation's soil resources;

(3) commends soil scientists and soils professionals for their efforts to promote education, outreach, and awareness necessary for generating more public interest in and appreciation for soils; and

(4) acknowledges the promise of soil scientists and soils professionals to continue to enrich the lives of all Americans by improving stewardship of the soil, combating soil degradation, and ensuring the future protection and sustainable use of our air, soil, and water resources.

#### CONGRATULATING THE BOSTON CELTICS

Mr. REID. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 596.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 596) congratulating the Boston Celtics on winning the 2008 NBA Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent 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 related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 596) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 596

Whereas, on June 17, 2008, the Boston Celtics won the 2008 National Basketball Association Championship (referred to in this preamble as the “2008 Championship”) in 6 games over the Los Angeles Lakers;

Whereas the 2008 Championship was the 17th world championship won by the Celtics, the most in the history of the National Basketball Association (referred to in this preamble as the “NBA”);

Whereas the 2008 Championship marked the culmination of the greatest single season turnaround in the history of the NBA, as the Celtics improved from a record of 24-58 during the 2007-2008 season to a league-best 66-16 mark during the 2007-2008 campaign;

Whereas the 2008 Celtics NBA Championship team, like all great Celtics champions of the past, epitomized team work, selflessness, character, effort, camaraderie, toughness, and determination;

Whereas the 2008 Celtics honored the rich legacy of their franchise, which was—

(1) established by a legion of all-time greats, including Bill Russell, Larry Bird, John Havlicek, Bob Cousy, Tom Heinsohn, K.C. Jones, Sam Jones, Jo Jo White, Dave Cowens, Kevin McHale, Robert Parish, Dennis Johnson, and Tom “Satch” Sanders; and

(2) masterminded by one of the legendary coaches of all sports, Arnold “Red” Auerbach;

Whereas Celtics managing partner Wyc Grousbeck and the entire Celtics ownership group never wavered from paying the price to raise “Banner #17” to the Garden rafters;

Whereas the 2008 Celtics were brought together by a former Celtics player, Danny Ainge, whose off-season acquisitions of NBA All-Stars Kevin Garnett and Ray Allen earned him the 2008 NBA Executive of the Year Award;

Whereas the Celtics were led by Doc Rivers, who—

(1) oversaw the smooth integration of new superstars and untested young players into the Celtics lineup; and

(2) assembled, and ensured the execution of, a masterful NBA Finals game plan;

Whereas the Celtics featured a 21st century “Big Three” comprised of Paul Pierce, Kevin Garnett, and Ray Allen, 3 veteran players who worked together and never allowed their personal ambition or pursuit of individual statistics to interfere with the goal of the team to win a championship;

Whereas a group of talented young players contributed pivotal roles in the march of the Celtics to the 2008 Championship, including point guard Rajon Rondo, center Kendrick Perkins, forward Leon Powe, guard Tony Allen, and forward Glen “Big Baby” Davis;

Whereas the valuable bench of the Celtics was stocked with veteran role players who made significant contributions during the season, including forward James Posey, guard Eddie House, guard Sam Cassell, forward P.J. Brown, forward Brian Scalabrine, and center Scott Pollard;

Whereas the 2008 Celtics team demonstrated remarkable poise and gained invaluable playoff experience in defeating the Atlanta Hawks, the Cleveland Cavaliers, and the Detroit Pistons in hard-fought series during which every possession counted at both the offensive and defensive ends of the floor;

Whereas, after 26 playoff games, the Celtics ultimately secured the 17th NBA Championship of the franchise in one of the most dominating performances in NBA history, a

39-point rout of the Lakers in front of a raucous Garden crowd; and

Whereas the Celtics fans in the State of Massachusetts, in New England, and throughout the world never gave up hope that the franchise would someday return to glory and give a new generation of Celtics fans the opportunity to celebrate a championship: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates—

(A) the Boston Celtics for winning the 2008 National Basketball Association Championship, including the players, head coach, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made the season possible; and

(B) the Los Angeles Lakers for their success during the 2008 season and winning the National Basketball Association Western Conference Championship; and

(2) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2008 Boston Celtics team;

(B) Celtics head coach Doc Rivers;

(C) Celtics general manager Danny Ainge; and

(D) Celtics managing partner Wyc Grousbeck.

Mr. REID. Madam 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 24, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, June 24; that following the prayer and pledge, the Journal of proceedings be approved to date and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, with the hour prior to the cloture vote equally divided between the two leaders or their designees. I further ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Tomorrow, around 11 a.m., there will be a vote on cloture on a motion to concur in the House amendment with the Dodd-Shelby substitute.

Senators will have until 10:30 a.m. to file amendments to the substitute. We have a big day tomorrow. We hope to get cloture on this housing bill and wrap it up as quickly as we can.

We expect to complete a number of judges, and we have, before the end of the work period, as I announced this morning, to do something about Medicare, the supplemental appropriations bill, FISA, and hopefully a few other things. But those are the essentials we need to do.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 5:24 p.m., recessed until Tuesday, June 24, 2008, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be general*

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. EDGAR E. STANTON III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be brigadier general*

COL. JAMES R. ANDERSON



## EXTENSIONS OF REMARKS

### HONORING MASON SMOAK

#### HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. MAHONEY of Florida. Madam Speaker, I rise today to pay my deepest condolence to the Smoak family and to honor the passing of a great American and close friend. Mason Smoak was an outstanding human being, whose bravery and character left lasting impressions on all who knew him. This kind gentleman exemplified the meaning of leadership. Mason was loved by all in his community, a lifelong resident of Lake Placid, Florida who dedicated his life to his wife, children, and church, as well as the University of Florida his alma mater. Unfortunately, Mason passed away on Friday, June 20, 2008 at the age of 33.

His accomplishments within the agricultural community will serve as inspiration and guidance for aspiring citrus growers. Mason promoted awareness of agriculture and citrus issues in both Washington and Tallahassee, often testifying at the request of elected officials. He enjoyed fruitful partnerships with UF/IFAS and served the community as the current President of the Highlands County Citrus Growers. He was also the Chairman of the Heartland Agricultural Coalition, a Board Member of the Highlands County Habitat for Humanity and Florida Citrus Mutual's Federal Political Action Committee, and Past President of Highlands County Farm Bureau and the Florida Farm Bureau Young Farmers and Ranchers.

Florida will miss Mason's dedication and dogged determination to Florida citrus. Madam Speaker, I will miss Mason as a true friend.

DR. ALAN HARRE

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and gratitude that I stand before you today to recognize the many years of dedicated service of Dr. Alan Harre. Having known Alan for many years, I can truly say that he is one of the most committed, knowledgeable, and honorable citizens in Northwest Indiana. Nowhere has his knowledge and commitment been more evident than in his faithful service as President of Valparaiso University. Alan has served Valparaiso University with two decades of dedicated leadership, and he has been a constant fixture in the Valparaiso community. For his efforts, I would like to thank him and extend my best wishes for his retirement. A celebration honoring Dr. Harre's leadership and service will be held at Strongbow Inn Restaurant in Valparaiso, Indiana, on Thursday, June 26, 2008.

Dr. Alan Harre has spent his professional career improving the quality of life at Valparaiso University. Dr. Harre's Strategic Plan set goals for the university in every aspect of campus life. During his tenure, the university has built several new facilities, including: the Center for the Arts, Kallay-Christopher Hall, the Christopher Center for Library Information and Resources, and has broken ground for a new student union. Valparaiso University has also ranked within the top four in its class in U.S. News and World Report's rankings of America's Best Colleges under Harre's leadership. Dr. Harre also contributed to the development of three new Master of Science programs and established a Valparaiso University Phi Beta Kappa honor society chapter. Perhaps Dr. Harre's greatest on-campus achievement is the increasing of the endowment fund from \$37 million to over \$200 million.

During his time at Valparaiso University, Alan has shared his unrivaled expertise and knowledge of his field with local organizations. Alan has served two terms on the Board for the Greater Valparaiso Chamber of Commerce and was named Distinguished Community Leader by the Chamber in 1998. He was a founding member of the Porter County Community Foundation and a co-founder of the non-profit group Rebuilding Together. Alan also has served as the Chairman of the Quality of Life Council, and in 2007, received the Council's Lifetime Achievement Award. Dr. Harre and his wife, Diane, are also creating the Alan and Diane Harre Scholarship Fund for Valparaiso University.

Madam Speaker, Dr. Alan Harre has devoted his life to improving Valparaiso University and to serving the people of Northwest Indiana. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service, perseverance, and dedication. I also ask that you join me in wishing him the best of health and happiness in the years to come.

IRVING KLOTEN

#### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. SESTAK. Madam Speaker, I rise today to recognize and honor the life of a husband, father, grandfather, and Veteran, who, through hard work and determination, fulfilled the American dream. Irving Kloten, who passed away on Thursday, June 12, at age 84, believed strongly in the principles of democracy and took full advantage of his opportunities in the United States, building a prosperous family and successful career after narrowly escaping Nazi Germany.

A German Jew born shortly after the end of World War I, Irving Kloten barely avoided deportation by the Nazis when he and his parents fled their native Berlin in 1941. Mr.

Kloten displayed his strong work ethic and his resolve to make the most of his abilities as he simultaneously completed his secondary education at night school and worked full time for a picture-framing company.

In 1943, Mr. Kloten entered the U.S. Army and his service included guarding German POWs in France, where he met the love of his life, Miriam Frank. He and Miriam, another Jewish refugee from Berlin, married in 1944.

Following the war, Mr. Kloten graduated from New York University with a degree in chemical engineering and would receive several patents for his work with animal-feed additives. His expertise led to business trips that turned into family vacations with his son and wife across the globe. As an employee of American Cyanamid Co, he traveled to Europe, Latin America and Asia.

Mr. Kloten, a loving father of his son Ken and loving grandfather of Erich and Rebecca, never forgot his roots and the family he left behind to move to the United States. In 1989, he visited the Berlin Jewish School, which he attended more than four decades earlier. He committed to assisting the new German Jewish community through work at the now-Jewish High School of Berlin. Even last year, he funded a program to allow teachers from that institution to visit Jewish schools in the United States.

Madam Speaker, I ask you to join me in paying tribute to Irving Kloten. Through his beautiful family, and his contributions to Jewish communities in America and Germany, he has left a lasting contribution that we can all admire.

### FISA AMENDMENTS ACT OF 2008

SPEECH OF

#### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 20, 2008*

Ms. BALDWIN. Madam Speaker, I rise in opposition to H.R. 6304, the FISA Amendments Act.

Two hundred and twenty-two years ago our Nation's Founders enshrined in our Constitution the values and principles upon which our Nation was founded, defining what it meant to be an American. Its first words, "We the people . . ." make clear to all that our Government derives its power from the people.

Our Nation's Founders recognized that the full definition of what it meant to be an American required a clear statement of the protection of individual liberties. The protections enshrined in the Bill of Rights cannot be waived by the President and are not statutorily amendable by Congress. Those rights belong to the people—they are, in part, what it means to be an American.

• 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.

Since our founding, the world has looked to the United States as a beacon of freedom, a Nation leading by example, a Nation governed by the rule of law. As we act on this legislation the world watches to see whether we as a Nation still have a commitment to the very principles we seek to spread around the world.

There are those who see this legislation primarily in the context of granting retroactive immunity to telecommunications companies, merely transactional legislation. But, in fact, this is about something far more important and fundamental.

Today, this House seeks to legislatively amend the fourth amendment. This bill retroactively denies to Americans the protections of the fourth amendment. It retroactively insulates Government from accountability for infringing upon one of the most basic rights of Americans.

This infringement is not theoretical. Today there are more than 40 pending lawsuits alleging that our Government illegally and unconstitutionally violated the privacy rights of citizens by conducting a warrantless spying program. Through this bill, Congress now seeks to deny these individuals a remedy. Moreover, if this legislation becomes law, Americans may never learn the full extent of the Bush administration's illegal wiretapping program.

Further, the bill establishes a permanent framework for the violation of the civil liberties of our citizens. This legislation permits the Government to conduct mass, untargeted surveillance of communications coming into and out of the United States, without any individualized review, and without any finding of wrongdoing. And it permits only minimal court oversight.

Some argue that this legislation is necessary to protect our Nation from terrorists. I reject this argument. The Foreign Intelligence Surveillance Act (which this bill seeks to amend), has, since 1978, provided a legal framework for law enforcement to secure a secret warrant to intercept electronic communications related to national security. In emergencies, the Attorney General may authorize emergency employment of electronic surveillance as long as he or she makes the requisite application for approval from the FISA court as soon as practicable within 72 hours.

By authorizing a program to conduct illegal surveillance on Americans, the President and his Attorneys General have chosen to ignore the law and the Constitution. Today by passing this legislation, Congress chooses to stand with the President.

By voting no, today I will stand with the American people in the defense of their civil liberties and their Constitution.

#### NAACP PICKS YOUNGEST LEADER EVER, JEALOUS AT THE HELM

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. RANGEL. Madam Speaker, I rise today in recognition of Ben Jealous, the new president of the National Association for the Advancement of Colored People, NAACP, and to

enter into the RECORD an article from the New York Carib News for the week ending June 3, 2008 titled "NAACP Picks Youngest Leader Ever."

The NAACP was founded in 1909 by an interracial coalition that battled segregation and lynching and helped win some of the Nation's biggest civil rights victories. The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

With a background in communication, community activism and extensive civil rights experience, Ben Jealous has strong credentials for leadership of the NAACP. Ben, who will start his position September 1, is a former managing editor of Mississippi's historic Jackson Advocate. In 2000, he became executive director of the National Newspaper Publishers Association, NNPA, the Black press of America. He left NNPA after three years to become director of Amnesty International's U.S. Human Rights Program. He comes to the NAACP from the San Francisco-based Rosenberg Foundation, where he has served as president since 2005.

Among his plans for the organization are strengthening online presence to connect with activists, mobilize public opinion, and build a database for tracking racial discrimination and hate crimes. His agenda includes ensuring a high voter turnout among the Black community in the November election, pushing an aggressive stance on civil rights, and retooling the national office to make it more effective at helping local branches effect change in their communities.

As a young Black activist, he is poised to attract young African Americans who have criticized the NAACP for being out of step with people who still face racial discrimination after the demise of legalized segregation. Ben Jealous has the smarts, talent, and leadership experience to modernize the organization and lead it into the 21st century better able to continue its historic record of achievement on behalf of the Black community.

[From the NY Carib News, June 3, 2008]

#### NAACP PICKS YOUNGEST LEADER EVER

The 64-member Board of the National Association for the Advancement of Colored People (NAACP), the nation's largest civil rights organization, decided that it was time to invest in the youth when it announced the decision that 35-year old Ben Jealous will become the organization's President making him the youngest leader in its 99-year history. He will take the helm of the NAACP this September.

"I'm excited. I think that it's a real affirmation that this organization is willing to invest in the future, to invest in the ideas and the leadership of the generation that is currently raising Black children in this country, Jealous said after his confirmation.

Jealous is not a politician, minister or civil rights icon. His background is in communications and community activism. It is hoped that Jealous will provide the NAACP with a new youthful face in order to attract more young people to the organization's ranks. He will bring another invaluable asset—a young but connected chief familiar with Black leadership and social justice issues. He takes the helm as the NAACP's 17th President just months before the orga-

nization's centennial anniversary and as the group looks to boost its coffers.

"There are a small number of groups to whom all Black people in this country owe a debt of gratitude, and the NAACP is one of them," Jealous said. "There is work that is undone. . . . The need continues and our children continue to be at great risk in this country."

He succeeds Bruce Gordon, who resigned abruptly in March 2007 after serving just 19 months. It has been public knowledge for some time that he has had a number of bruising clashes with board members over management style and the NAACP's mission. Dennis Courtland Hayes had been serving as interim president and chief executive officer since that time.

Jealous was born in Pacific Grove, Calif., and educated at Columbia University and Oxford University, where he was a Rhodes Scholar. He began his professional life in 1991 with the NAACP, where he worked as a community organizer with the Legal Defense Fund working on issues of health care access in Harlem. His family boasts five generations of NAACP membership.

During the mid 1990s, Jealous was managing editor of the Jackson Advocate, Mississippi's oldest black newspaper. From 1999 to 2002, Jealous led the country's largest group of Black community newspapers as executive director of the National Newspaper Publishers Association.

Jealous left the Publishers Association for Amnesty International to direct its U.S. Human Rights Program, for which he successfully lobbied for federal legislation against prison rape, public disapproval of racial profiling after Sept. 11, and exposure of widespread sentencing of children to life in prison without the possibility of parole.

Since 2005, Jealous has served as president of the Rosenberg Foundation, a private institution that supports civil and human rights advocacy. His experiences caught the attention of the NAACP's search committee, and Jealous said mentors encouraged him to take the job.

"Like all black people in this country. I am deeply grateful for what the NAACP has accomplished in the 20th century, and I want to make sure it's as strong and as powerful in the 21st century," he said. "If I thought that I could help rebuild, if I thought that I could help bring in more funds and give direction to the national staff and increase morale, I needed to take it very seriously, and that's what I've done."

The NAACP was founded in 1909 by an interracial coalition that battled segregation and lynching and helped win some of the nation's biggest civil rights victories. But in the wake of racial advances, the organization has struggled financially.

Among his plans for the group are strengthening its online presence to connect with activists, mobilize public opinion and build a database for tracking racial discrimination and hate crimes; ensuring high voter turnout among Blacks in the November election; pushing an aggressive civil rights agenda, regardless of the makeup of the Congress or White House; and retooling the national office to make it more effective at helping local branches affect change in their communities.

What Jealous lacks in oratorical appeal, he makes up for as an administrator skills he honed during his tenure with the Publishers Association. And his foundation experience could help with fundraising especially as the NAACP looks to raise \$100 million in conjunction with its 100th anniversary in February.

IN HONOR OF 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

Monday, June 23, 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 city 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 1955 but continued for a while 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.

As part of his 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 22 years, spanning 2 decades.

Jerry was known as the consummate legislator, reading every bill and every amendment that came before the House chamber. He successfully 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, for many years, Jerry prepared weekly reports for House Democrats and suggested amendments to bills being debated on the House floor.

Since retirement, Jerry has returned to journalism. He writes a weekly column for the Col-

orado 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 CDs, 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 the 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.

### TRIBUTE TO SIDNEY H. LICHTER

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the life of an outstanding individual, Sidney H. Lichter, upon the completion of his term of office as Commander, Department of New Jersey, Jewish War Veterans of the U.S.A., on Saturday, June 21, 2008.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he has served countless others throughout his lifetime.

A native of Brooklyn, New York, Mr. Lichter enlisted in the Air Force in 1966. He served two decades in the armed forces where he was able to see much of the world and was awarded many honors. Mr. Lichter was stationed all over the globe including: Headquarters, U.S. Air Force, the Pentagon; Alabama; Taiwan, and Germany. When he retired in 1986 as a Master Sergeant, he had been awarded such honors as the Meritorious Service Medal, two Air Force Commendation Medals, the Vietnam Campaign Medal with four campaign stars, along with both the Vietnam Service Medal and the Vietnam Presidential Award.

Mr. Lichter decided in 1991 to continue his service to others, but this time remaining close to home. He brought his commitment and expertise to the volunteer sector. His time with the Jewish War Veterans of the United States has proved to be as rewarding as his time in the Air Force. Over his 17 years of membership, he has served as Post Scholarship

Chairman; Post Commander; Commander, Essex County Council; Department of New Jersey Adjutant; both Junior and Senior Vice Commander, and this past year he has served as Commander of the Department. I am proud to represent a man who has spent his lifetime serving his country and community, a commitment I am sure he will continue for years to come.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like Sidney H. Lichter.

Madam Speaker, I ask that you join our colleagues, Sidney's friends, the Department of New Jersey, Jewish War Veterans of the U.S.A., and me in recognizing Sidney H. Lichter.

### APPLAUDING THE MARK THAT AUGUSTA SOUZA KAPPNER LEAVES ON BANK STREET COLLEGE AND EDUCATION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RANGEL. Madam Speaker, I rise today because a visionary in the field of education has left her post at a premier New York institution after championing the cause there for over a decade. Augusta Souza Kappner, endearingly nicknamed "Gussie," has stepped down from the helm at Bank Street College of Education—a one-of-its-kind, independent graduate school, set beside its own K8 day school, that offers dynamic programs in professional development and community service. She came to Bank Street 13 years ago with unimpeachable, history-making credentials, having served as the first African-American woman to preside over the City University of New York, and afterwards, as the assistant secretary for vocational and adult education in the Clinton Administration's Department of Education.

Besides the obvious heft, intellect, and insightfulness a woman of her caliber inarguably brought to the position, those around her cite a contagious sense of humor, an aura of accessibility, and a profound loyalty to the institution as her defining assets. During her tenure at the college, Kappner launched a series of innovative programs, ones dealing with teacher preparation, early childhood education, leadership development, and dropout prevention and college preparation for adolescents. She oversaw as the college developed a new center to advocate for high quality literature for all children, led efforts to universalize pre-k for New York students, and built partnerships with hundreds of public schools, creating in one instance a project that trained more than 400 principals and assistant principals in the city. She was committed to the Bank Street mission, motivated by its push to address every and any contemporary challenge in American education, guiding the institution through a strategic planning process to affirm and interpret its ambitious aims and increasing its endowment sevenfold through its capital campaign.

Kappner's unrelenting work ethic can be traced to her modest beginnings, raised a poor kid in South Bronx, looking after her dependent mother. She went on to earn a degree from Barnard College, a master's degree

in social work from Hunter College, and a doctorate in social welfare policy from Columbia University.

She leaves with a trail of notable achievements to her name and legacy, and she is well-poised, prepared, and positioned for her next endeavor.

# FISA AMENDMENTS ACT OF 2008

SPEECH OF

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 20, 2008*

Mr. BACA. Madam Speaker, I rise today in support of 6304, Foreign Intelligence Surveillance Amendments Act of 2008.

This bill gives the intelligence community the tools it needs to keep America safe from terrorists, and at the same time protects the constitutional rights of all Americans. The FISA Amendments Act is a balanced bill that is tough on terrorists while also protecting the rights of Americans and increasing oversight of U.S. intelligence activities. H.R. 6304 allows the intelligence community to conduct foreign electronic surveillance for the purpose of defending against terrorism and national security without the need for individual court orders.

But in situations where these investigations would involve surveillance of American citizens, the Courts will have the oversight to review and approve the surveillance to ensure constitutional rights are upheld. We must remember that the United States has enemies abroad who wish to do us harm.

Under this bill, Americans will have stronger protections of their constitutional freedoms than the current foreign surveillance policy allows, and at the same time, the intelligence needed to protect our country will not be compromised. The legislation protects American civil liberties and upholds constitutional values by clarifying that FISA and Title III of the criminal code are the exclusive means by which the government may conduct surveillance on U.S. soil. This will prevent any President from using executive power to conduct warrantless domestic surveillance.

The legislation also clarifies that to conduct surveillance of a person in the United States, the government must first obtain an individual warrant from the FISA Court based on probable cause. H.R. 6304 ensures compliance measures, but not automatic immunity, for private-sector companies that allegedly participated in anti-terrorism surveillance programs. Federal district courts will be allowed to determine whether substantial evidence supports civil liability protection for companies which assisted in post-9/11 activities.

The bill also ensures liability protections for companies which provide lawful assistance to the government in the future. This is good legislation that reaches the necessary balance between keeping the American people safe and protecting our civil rights.

We will have greater oversight of our nation's surveillance programs, while at the same time encouraging greater compliance with our private sector partners in the ultimate goal of keeping America and her people secure. Please vote in support of H.R. 6304.

RECOGNIZING THE CONTRIBUTIONS OF CAPTAIN EVELYN DECKER

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. RANGEL. Madam Speaker, I rise today to recognize and to pay tribute to one of America's heroes, Captain Evelyn Decker. Captain Decker recently passed away on Friday, April 25, 2008, at the Northport Veterans Medical Center in Northport, New York. Captain Decker was one of the first African American nurses accepted to serve in the armed forces' Army Nurse Corps during the Korean War. She served with distinction for 13 years, in World War II and the Korean War, receiving the following medals and citation: American Campaign Medal; National Defense Medal; Korean Service Medal with 2 Bronze Service Stars; United Nations Service Medal; World War II Victory Medal; Army of Occupation Medal with Japan and Germany clasp; Service Lapel Button WWII; and Republic of Korea Presidential Unit Citation.

Specifically, Captain Evelyn Decker belonged to the 38th Parallel Medical Society of Korea, and served as a nurse in the 8055 MASH unit. Nurses were on the front lines facing danger day and night, and Captain Decker was no exception, having been stationed on the front lines for months longer than normal tours of duty called for. During this time, she helped to save many lives and provided incalculable comfort to countless American soldiers. In addition, she did this as an African American woman serving in a segregated military. I know from my Korean War service that nurses valiantly went into harm's way in order to provide medical care for wounded American soldiers.

Aware that her war duty had compromised her health, making it impossible for her to serve to the standards she wished, Captain Decker left the army. It was many years before she would receive a 100 percent service-connected disability rating for lung disease caused by her tour of duty in Korea. Furthermore, it would take a full 50 years after her leaving the service before Captain Decker, at the age of 92, would finally be presented with her captain's bars and the several medals to which she was entitled.

During all this time, Captain Decker continued to participate in military-related activities, up to and including the current events surrounding the commemoration of the Women in Military Service for America Memorial. Though frail and wheelchair-bound in recent years, Captain Decker felt it was important to stay involved and ensure that young people understood the contributions and sacrifices made by so many of all races and genders for our country.

CALALLEN HIGH SCHOOL  
WILDCATS BASEBALL TEAM

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. ORTIZ. Madam Speaker, I rise today to congratulate the Calallen High School Wild-

cats for winning the 2008 Texas State 4A Baseball Championship.

The Wildcats' title marked their third of this decade. Calallen culminated their impressive run with a win over the Waxahachie Indians 11-1, a margin so large that the game ended in the fifth inning due to a ten run mercy rule. Catcher Patrick Frasier was named MVP, after going two for three with four RBI and two runs.

This win, however, represents the efforts of the entire team, which was made up of Matt Garza, Derek Hagy, Aaron Alaniz, Logan Verrett, Jeramie Marek, Bryden McClure, Brett Bell, Jake Huddleston, Kris Guerrero, Dustin Vaughan, Hunter Whetsel, Skyler Hoelscher, Patrick Frasier, Dustin Marrou, Travis Neslony, Will Reynolds, Tyler Denman, Roland Resendez, Jordan John, Dillon Denman, Chad Vanaman, Parker Dorsey, Collin Simpson, Adam Hoelscher, Richard Montemayor, Nick Ginn, Rick Salazar, and Robert Zastrzynski, as well as Head Coach Steve Chapman and Assistant Coaches Joe Luis Lopez and Rudy Salinas.

I extend my heartfelt congratulations to Coach Chapman and the team, as well as the parents, teachers, and student boosters who worked so hard to propel their team to a historic season.

I especially want to congratulate the seniors on their graduation and best wishes on their future plans.

Playing for a high school team is always a rewarding experience—one that provides enduring lessons in teamwork and responsibility. These student athletes will carry the lessons they learned, both on the diamond and in the classroom, for the rest of their lives.

H.R. 3403, THE NEW AND EMERGING TECHNOLOGIES 911 IMPROVEMENT ACT OF 2008

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3403, the New and Emerging Technologies 911 Improvement Act of 2008.

This legislation ensures that consumers using Voice over Internet Protocol technology, or VoIP, can make full use of the 911 system in two important ways. First, the legislation extends the same liability protections afforded to wireline and wireless carriers, public safety, and end users to VoIP service. This parity in liability protections will encourage service providers, public safety, and end users to continue to rely on the 911 emergency communications system, regardless of the technology used to make a 911 call. Second, the legislation ensures that VoIP providers can interconnect with legacy telephone networks so they can deliver calls and information to 911 call centers.

Representative GORDON, the author of H.R. 3403, Representative MARKEY, Chairman of the Subcommittee on Telecommunications and the Internet, Representative BARTON, Ranking Member of the Committee, Representatives UPTON and STEARNS, the former and current Ranking Members of the Subcommittee, and I worked very closely with all stakeholders on this legislation, and it has widespread support among the public safety community, industry, and others.

As is clear from the language of the legislation, the requirement for interconnection is for purposes of 911 only and should not be used to bootstrap access for other reasons. Similarly, the legislation makes clear that those who control the legacy gateways to the emergency communications system must provide access, including rights of interconnection, to those seeking to deliver 911 calls and information. Because all stakeholders agreed to the legislative language, we fully expect that this access will not be inhibited by either delay or litigation.

H.R. 3403 also requires the development of a national plan to ensure that the 911 system continues to evolve. It is significant that the plan will include the participation of first responders, including the emergency communications professionals maintaining and using the system. It is also important that the plan will address the needs of the disabilities community when they use emergency communications. I look forward to reviewing the results of this work so we can begin to move to the next generation of emergency communications.

I am disappointed that the Senate stripped out one provision of the House-passed version of this legislation that protected proprietary customer information. This provision prohibited a carrier from using the customer information that other carriers are required to provide for 911 databases for any purpose other than emergency communications. I heard no rational argument against the policy underlying this provision. Nevertheless, in the interest of ensuring that this legislation be enacted swiftly, I will support the bill as passed by the Senate. I intend, however, to take this matter up again in the future. We owe it to consumers to ensure that their emergency communications system does not become a playground for competitive shenanigans.

H.R. 3403 is a forward-looking bill that ensures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. Each of its elements—giving VoIP providers access to the components they need to provide 911 service; extending to VoIP providers, public safety officials, and end users the liability protections currently afforded to wireline and wireless services; and requiring a plan for the continued evolution of the emergency communications system—is a worthy victory for all consumers. I commend Representative GORDON for his years of dedication to this important issue and hail this success, from which all Americans will reap benefits for years to come.

#### TRIBUTE TO A GREAT COMPOSER, IRVING BURGIE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize the amazing accomplishments of one of America's greatest composers, Irving Burgie; and to enter into the RECORD an appreciation by Tony Best from New York CaribNews for the week ending June 3, 2008, titled "Hailed Irving Burgie with Honorary Doctorate, Tribute to Composer of Some of the World's Most Memorable Music."

Mr. Burgie is most known for his work with Harry Belafonte for whom he composed 34 songs between 1955 and 1960. He composed 8 of the 11 songs on Belafonte's Calypso album, which was number 1 on the Billboard Charts for 32 weeks and remained on the charts for nearly 2 years. "Calypso" was the first album of any kind to sell over a million copies, thus making Burgie and Belafonte one of the most successful singer-writer collaborations in recorded music history.

Growing up in the West Indian section of Brooklyn, Mr. Burgie became interested in music of other cultures in his travels as a soldier in World War II. He enrolled in the Julliard School of Music, developing a broad knowledge of song literature. His songs not only changed the culture of music but changed the way people taught their children about music. The article describes his music, as music "that brings hope and puts smiles on faces of people across the globe." Mr. Burgie has left a lasting mark on music for many generations.

In addition to his outstanding musical career achievements, Mr. Burgie has been very generous in his philanthropic efforts to improve the lives of students interested in pursuing a career in music. Mr. Burgie has dedicated his life to making the world a better place through his artistic and charitable efforts and he is truly deserving of the honorary doctorate presented to him by St. John's University.

[From the Caribnews, June 3, 2008]

IRVING BURGIE HAILED WITH HONORARY  
DOCTORATE  
(By Tony Best)

"Concrete examples of committed lives."

The Rev. John Kettleberger, St. John's University's Director of Residence Ministry was describing two outstanding public figures in the United States, Irving Burgie, composer of some of the world's most memorable music and Sister Anthony Barczykowski, Executive Director of Community Service for the Catholic Church's Archdiocese of New Orleans.

Both the composer, an artist with strong Brooklyn and Caribbean roots, and Sister Barczykowski, whose work in New Orleans after the Hurricane Katrina disaster "brought hope" to the survivors of the floods and gale force winds that left thousands homeless were hailed before an audience of at least 10,000 students, faculty, parents, relatives and friends of the 2008 graduating class.

Each was presented with honorary doctorates of Humane Letters and they were praised for their "commitment to service" to others and for the way they channeled their energies and outstanding talents for the good of humanity.

Actually, the Rev. Kettleberger spoke about the two honorees as he delivered the invocation at the beginning of the 138th commencement exercises at one of America's leading Catholic schools of higher learning. With almost 3,000 students graduating with Bachelor's, Master's and doctorates, the afternoon of pomp, ceremony and stirring commencement addresses by the Rev. Dr. Donald Harrington, St. John's President, and Whitney Coleman, a graduating senior of the College of Liberal Arts and Science, who spoke on behalf of all the students, was underscored by the smiling faces and tears of joy that flowed freely as proud parents and some of the students themselves were affected by the emotions of the moment. "It was truly an emotional moment for me," Burgie said afterwards as he reflected on the tears he shed on being lauded and presented the doctorate from the University's Presi-

dent. "I was thinking of my wife who died recently, about the pleasure she would have enjoyed if she were present on this occasion," he said.

"But it was also emotional to have my sons, their wives and a granddaughter to share this honor with me,"

Burgie, who had previously received an honorary doctorate from the University of the West Indies, was described by Dr. Julia Upton, Provost of St. John's, as a "man who used his special gifts to lift the hearts" and the "spirits" of tens of millions of people around the world.

As she explained it, Burgie, the son of a West Indian mother used his music to "bring hope" and put "smiles" on the faces of people across the globe, often at times of great challenges. Indeed, few artistes anywhere had enhanced the national and global landscapes with their music like Burgie, whose songs, among them "Day-O," "Island in the Sun," "Mary's Boy-Child," and "Angelina," were made famous by Harry Belafonte, Dr. Upton said. They sold more than 100 millions in the 50-plus years since they first came onto the musical scene in the 1950s. Most of the songs on the Harry Belafonte album, Calypso, propelled the collection to the top spot on the Billboard Charts and enabled it to become the first album in the history of recorded music to sell a million copies. But he wasn't simply recognized for his artistic triumphs. Burgie, who was recently inducted into the Song writers Hall of Fame in the United States was heralded for the more than \$100,000 in scholarships he gave over 25 years to Bajan youth to encourage their writing skills and the musical scholarship endowed by ASCAP to help American students pursue their musical careers.

In essence, then, both Sister Anthony and Burgie had devoted their lives to the task of making the world a better place and proof of their success can be seen in the hope they had inspired in successive generations, St. John's University stated.

The emphasis on "hope" was at the core of the President's commencement address. He pinpointed many of the serious challenges the world was facing and they ranged from the global economic downturn; starvation in Africa; and the global food crisis to the divisive presidential campaign in the United States; and the devastating wars in Iraq and Afghanistan which have cost more than 4,000 Americans and trillions of dollars in U.S. and British taxpayer money.

But he wasn't disheartened by the monumental task at hand.

Indeed, the President said he was "optimistic" because of the many, "wonderful people" who had worked hard to transform society, Burgie and Sister Anthony included, and because of the young people, especially the members of the graduating class who were prepared to assume their roles in society.

Coleman, the Black student who spoke for the entire class, emphasized the importance of "giving back" and the need for individuals and society to "re-fuel" when their tanks were running low. Just as important was the need to put the "exemplary education" the students had received at St. John's to produce. It was, she asserted, a kind of "roadmap" that would guide them at the beginning of life's journey and would help them along the way. At the end of the ceremonies, Burgie who was born and grew up in Brooklyn but whose music has made him a world citizen summed up the situation: "It was simply wonderful. I thank St. John's for the honor."

## PERSONAL EXPLANATION

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. AKIN. Madam Speaker, on the afternoon of June 18, 2008, I erroneously voted to override the President's veto on H.R. 6124, (roll call No. 417), the Food, Conservation and Energy Act. I intended to vote "nay" and sustain the President's veto.

## FISA AMENDMENTS ACT OF 2008

SPEECH OF

**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 20, 2008*

Ms. DeGETTE. Madam Speaker, I rise in opposition to H.R. 6304, the "FISA Amendments Act of 2008."

I first want to thank Majority Leader HOYER and other Members who worked very hard to arrive at a compromise with the Senate. I think this bill is an improvement over S. 1927, the "Protect America Act," and the Senate bill we considered earlier this year. For example, H.R. 6304 makes it crystal clear that the Foreign Intelligence Surveillance Act, FISA, is the exclusive means under which surveillance is conducted and states that any exceptions in the future must be specifically authorized.

However, I cannot support H.R. 6304 because of the issues of reverse targeting and retroactive immunity for telecommunications companies. The strong protections against reverse targeting contained in prior House measures, which I supported, are absent from this bill. Reverse targeting, which refers to spying on Americans by targeting those abroad with whom they are believed to be communicating, opens a loophole for the Federal Government to violate the privacy of American citizens.

Most significantly, the retroactive immunity provisions will block the American public's ability to hold the telecommunications companies accountable for participating in the Federal Government's domestic warrantless surveillance program. Courts will have no real power to review the administration's prior orders for surveillance activities. We may never learn the extent of the violations of Americans' privacy which may have occurred or companies which may have participated.

I ask my colleagues to stand up for our values and vote no on this flawed bill.

## PERSONAL EXPLANATION

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. RUSH. Madam Speaker, unfortunately I have been out on medical leave. I have been unable to cast votes; however, I would like the record to reflect my intentions had I been present. Had I been present for rollcall No. 414, I would have voted "aye". Had I been present for rollcall No. 415, I would have voted

"aye". Had I been present for rollcall No. 416, I would have voted "aye". Had I been present for rollcall No. 417, I would have voted "aye". Had I been present for rollcall No. 418, I would have voted "aye". Had I been present for rollcall No. 419, I would have voted "aye". Had I been present for rollcall No. 420, I would have voted "aye". Had I been present for rollcall No. 421, I would have voted "aye". Had I been present for rollcall No. 422, I would have voted "aye". Had I been present for rollcall No. 423, I would have voted "aye". Had I been present for rollcall No. 424, I would have voted "aye". Had I been present for rollcall No. 425, I would have voted "aye". Had I been present for rollcall No. 426, I would have voted "aye". Had I been present for rollcall No. 427, I would have voted "aye". Had I been present for rollcall No. 428, I would have voted "aye". Had I been present for rollcall No. 429, I would have voted "aye". Had I been present for rollcall No. 430, I would have voted "aye". Had I been present for rollcall No. 431, I would have voted "aye". Had I been present for rollcall No. 432, I would have voted "aye". Had I been present for rollcall No. 433, I would have voted "aye". Had I been present for rollcall No. 434, I would have voted "aye". Had I been present for rollcall No. 435, I would have voted "aye". Had I been present for rollcall No. 436, I would have voted "aye". Had I been present for rollcall No. 437, I would have voted "aye".

REMARKS IN RECOGNITION OF  
TONI ANN SECREST**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Ms. SPEIER. Madam Speaker, I rise in heartfelt gratitude to Assistant Principal Toni Ann Secrest who is retiring after 38 passionate years of service to the students, faculty and parents of Mercy High School in Burlingame, California.

Ms. Secrest arrived at Mercy in 1970, just two years after I graduated. While I had the best teachers a student could ask for, Toni Ann Secrest is one more reason why I wish I was just a little younger. Her energetic approach to teaching, her love of all things historical and her captivating and entertaining storytelling ability are legendary.

Toni Ann's students, it is said, never graduate. She instills in them the love of critical thinking and intellectual examination that inspires them to continue along the path of lifelong learning. This didn't stop when she moved out of the classroom and into the counselor's chair. Seeing the mission of her new job as much more than advising on college and careers, Ms. Secrest offered real counsel. Students always left her office more inspired and infinitely more hopeful than they went in.

As Assistant Principal, Toni Ann Secrest was without peer. She brought Mercy High School into the information age by revamping the curriculum to replace typing classes with computer science. She brought the faculty and administration up-to-date also, even if it meant dragging them against their will to learn and embrace new technologies.

Toni Ann is adored by her former students. To a person, they remember her intellect, her

kindness and her style. Toni Ann dresses like she lives. She sets an example. As one student recalled, "Ms. Secrest always had it going on." To this day, she is the best-dressed person in any room.

Madam Speaker, like you, Toni Ann Secrest is a pioneer. She was a member of the first co-ed graduating class of the University of San Francisco, where she got her degree in History. She also has a master's in Counseling from USF and has earned her Secondary Teaching Credential for Life and a Pupil Personnel Credential for Life.

And what a life! Admired by all who work with her (especially me), appreciated by the thousands she has mentored, loved by her large extended family and appreciated by her community.

## FISA AMENDMENTS ACT OF 2008

SPEECH OF

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 20, 2008*

Ms. SCHAKOWSKY. Madam Speaker, I rise today to oppose H.R. 6304, the FISA Amendments Act.

Among the casualties of the "war on terror" has been the guarantee of civil liberties and right to privacy of American citizens upon which our nation was founded. Time and again, throughout his Presidency, George Bush has shown absolute indifference to the Constitution and the principles upon which it stands.

This disregard for the Constitution was never clearer than last summer when President Bush signed into law the Protect America Act, which I opposed then and continue to oppose to this day, a law that gave the President unprecedented authority to spy on Americans.

As Congress began to consider new legislation, I had hoped that we could reach a compromise that strikes the right balance between protecting the rights of individual Americans and protecting our nation's security. Like all of my colleagues in Congress, I believe that our nation must aggressively pursue terrorist targets in the United States and abroad. However, I know the United States is capable of doing so within a framework that respects the Constitution of the United States.

Many provisions within this bill are an improvement over the Protect America Act, especially the provision on exclusively, which affirms that the Federal Intelligence Surveillance Act (FISA) is the exclusive means to conduct electronic surveillance of Americans for the purpose of foreign intelligence collection.

However, I believe firmly that the bill before us today does not do enough to protect the privacy rights of individual Americans and therefore I cannot in good conscience vote for its passage. Here are some of the problems with the bill before us today:

H.R. 6304 contains an "exigent circumstances" loophole that permits the Administration to conduct surveillance on Americans without getting a warrant for up to seven days every time "intelligence important to the national security of the US may be lost or not timely acquired." The problem with language this open-ended is that an Administration, like the Bush Administration, can use this language as an invitation to repeatedly spy on



Americans without a court order and in each case claim that circumstances demanded it.

Secondly, while H.R. 6304 contains a general prohibition on "reverse" targeting, it lacks clear statutory directives about when the government should return to the FISA court and obtain a warrant. Reverse targeting refers to the possibility that the Government will try to subvert FISA by wiretapping someone overseas, when the real target is an American with whom that foreign person is communicating. As is the case with the exigent circumstances provision, this open-ended language leaves the law vulnerable to misuse by an Administration.

Lastly, the retroactive immunity language in Title II virtually ensures the dismissal of all cases pending against the telecommunications companies that facilitated warrantless wiretapping over the last seven years. This violates the fundamental American principle that people are entitled to their day in court, and that the courts, not Congress, should decide whether people were injured by the illegal acts of others. It is unacceptable for Congress to protect private companies from lawsuits filed by people the may have harmed through illegal actions.

Ultimately, I believe that the President has presented Congress with a false choice. Ever since September 11, the Bush Administration has put forward the idea that Congress must choose between the liberties we cherish and the security we demand. I disagree wholeheartedly with this premise. The Congress can and must take stronger steps to protect the civil liberties of every American, to do anything less is simply contrary to everything for which this country has stood.

I would like to close by reading a quote from Benjamin Franklin. Though delivered centuries ago, it remains salient to today's debate. He said "Those Who Sacrifice Liberty For Security Deserve Neither."

I urge my colleagues to consider Benjamin Franklin's views as they vote today.

#### HONORING DR. MARLIN B. CREASY UPON HIS RETIREMENT FROM MUNCIE COMMUNITY SCHOOLS

##### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. PENCE. Madam Speaker, I rise today to pay tribute to the long and distinguished career of Dr. Marlin B. Creasy.

Dr. Creasy has served as the superintendent of Muncie Community Schools since 1997, but he will long be remembered for a commitment to public education that goes back some 40 years. Ever a champion of the Muncie schools and community, Dr. Creasy was loved by students, parents, faculty, and staff alike.

Dr. Creasy spent countless evenings and weekends throughout his career attending school activities. It was this personal interaction and involvement that impacted students most and this was clearly Dr. Creasy's first love.

Next year, as students fill the halls of Muncie Community Schools, Dr. Creasy will be sorely missed, but his legacy will live on. The lives of the students that Dr. Creasy touched

will lead them to experiences that will change the face of Muncie for years to come.

I'd like to thank Dr. Marlin B. Creasy for being a leader in the community and in the lives of the children for whom he opened the doors to a better education.

#### HONORING JUDGE EUGENE HYMAN

##### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize the Honorable Judge Eugene Hyman and the California State Superior Court for Santa Clara County for receiving the 2008 United Nations Public Service Award today in New York City.

Established in 2003, the United Nations Public Service Award is regarded as the most prestigious international recognition of excellence in public service. In an annual competition, the United Nations presents their U.N. Public Service Awards, rewarding creative achievements and contributions of public service institutions that lead to more effective and responsive public administrations in countries worldwide.

This year's ceremony is particularly special, not only for the innovative achievements of Judge Hyman, but because Judge Hyman is the first American to receive the United Nations Public Service Award. The project he helped initiate—the Juvenile Delinquency Domestic Violence and Family Violence Court—is being honored in the "Improving transparency, accountability and responsiveness in the public service" category.

Judge Eugene Hyman's extensive involvement in the local community shows that he is truly deserving of this honor. As a former police officer and trial lawyer, Judge Hyman was appointed to the Santa Clara County Municipal Court in 1990 and the Superior Court for Santa Clara County in 1997. In 1999, Judge Hyman created the Santa Clara County Juvenile Delinquency Domestic Violence and Family Violence Court.

Judge Hyman's Juvenile Violence Court was the very first of its kind in the United States. With Judge Hyman's dedication and innovation, the Juvenile Violence Court has had a dramatic impact on reducing the number of violent young offenders being re-arrested for violent crimes. This unique system is one that can be easily implemented across the country because all that is required is knowledge of the program and a commitment to follow-through.

I am proud to have this wonderful program and person in my community. I offer my congratulations to Judge Hyman and the Santa Clara County Superior Court for this prestigious award.

#### TRIBUTE TO BARBARA CROCKETT MOORE

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a constituent and an

extremely talented woman committed to community service at all levels. This month Barbara Crockett Moore will complete her tenure as International Grand Basileus of the Zeta Phi Beta Sorority. She has served in this capacity since 2002, and has proven to be an extraordinary and effective leader.

As the Zeta's International Grand Basileus, Mrs. Moore leads a sorority made up of 100,000 minority and African-American women in America and abroad. She has led the Zetas in national community outreach services, public policy, governmental affairs, and oversees overall administrative function, including its fiscal management. She has focused her leadership on enhancing the Zeta's commitment to community service and all humanity. Her crowning achievement is the implementation of the international initiative known as Z-HOPE: Zetas Helping Other People to Excel. The program has had positive impacts on more than a million people in America and abroad. Z-HOPE has commissioned more than 44 water wells in Ghana, and West Africa and has begun construction on a health center at the Afua Kobi Ampen Girls School in Ghana.

Mrs. Moore is also responsible for launching the Zeta's new program initiative called ZOL, which seeks to empower women in all aspects of their lives. The program encourages women taking charge of their health and inspires women to take on leadership roles in the sorority and their communities. She has made it a priority to grow the sorority's National Education Foundation by one million dollars, and has formed the Zeta Congressional Institute, which will encourage women to seek public office and provide internships for young women in the Washington, DC area at the Washington Institute. Under Mrs. Moore's leadership, the Zeta's completed a two million dollar renovation to the national headquarters in Washington creating state-of-the-art facilities.

Mrs. Moore's success in the Zeta's leadership stems from her previous work in various capacities in the sorority. She has served as Chair of the National Executive Board, First Anti-Basileus, Chair of the National Membership Committee and as the FIPSC Project Director, where she managed the first federally funded grant awarded to the sorority. Prior to becoming Grand Basileus, she was Chair of the National Capital Campaign that raised money for the headquarters renovations. She has also served as Boule Chief of Protocol, Chair of the Southeastern Regional Board, Southeastern Regional Conference Marshal, South Carolina State Director, and Basileus of the Kappa Eta Zeta Chapter.

In addition to her duties as Grand Basileus of Zeta Phi Beta, Mrs. Moore serves as Vice President for Institutional Advancement at Benedict College in Columbia, South Carolina. She is also very active in the community as a member of Project Blueprint, The Columbia Forum, Ebony Keys, the Ridgewood Ladies Golf Club and Top Ladies of Distinction, Inc. She is a former board member of the Midlands YWCA, Richland County March of Dimes Foundation, and the Three Rivers Health Care Agency.

She is the recipient of numerous awards including being named one of Ebony magazine's top five organizational leaders in the country. She has been inducted into the United Black Fund of the Midlands' South Carolina Black Hall of Fame and recognized

by the African American Cultural Complex in Raleigh, NC as a "Woman of Note" for her exemplary leadership.

Mrs. Moore and her husband, Norman, have one adult daughter, Walletha.

Madam Speaker, I ask you and my colleagues to join me in congratulating Barbara Crockett Moore for her outstanding service to Zeta Phi Beta Sorority and our country. She has selflessly given her time and talents to lead a wonderful organization that is really making a difference in America and overseas. I commend her dedication to service, and look forward to seeing her at work in other leadership roles.

## PUBLIC RADIO RECOGNITION MONTH

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support for H. Res. 1002, a resolution that calls for the creation of a "Public Radio Recognition Month" and celebrates public radio's contributions to our communities and civic spirit.

National Public Radio is a nationwide network of more than 800 public radio stations charged with serving the public interest. Since its creation in 1970, NPR has become one of the nation's leading sources for insightful news coverage, high quality music and locally relevant cultural programming.

The local focus of public radio strengthens communities and fosters a sense of local identity. With an average of 85 percent of its funding coming from local sources, public radio remains a homegrown enterprise.

Public radio also provides vital services for our communities. In Minnesota, public radio stations serve as the backbone for our Emergency Alert System and the AMBER Alert system for child abductions.

My district is home to Minnesota Public Radio, a 37-member network that has earned distinction as one of the nation's finest public radio systems. MPR, as it is known to its many members and listeners, serves nearly 800,000 listeners every day and reaches more than 14 million people nationally through its original programming. MPR's humble beginnings as a small radio station in Collegeville, Minnesota in 1967 helped provide the initial leadership that created National Public Radio.

MPR also home to one of the most acclaimed programs in public radio, Garrison Keillor's "A Prairie Home Companion." Launched in 1974, the variety show has been entertaining audiences for nearly 35 years with Keillor's unique wit and his beloved cast of characters. The show continues to broadcast Saturday nights from its home in St. Paul's Fitzgerald Theater to more than 4 million listeners on MPR and 580 other public radio stations around the world.

Public radio is thriving in Minnesota and nationwide. Since 1993, the national audience for public radio has doubled to 33 million listeners per week. To accommodate this growth, MPR recently completed a \$46 million expansion of its St. Paul headquarters and launched "The Current," a critically acclaimed

service that showcases local talent along with news and classical music.

With public radio poised to grow even more in the next decade, it is important to recognize the history of this important media outlet and encourage its future prosperity. Madam Speaker, as an avid listener of public radio, I look forward to seeing the creation of a "Public Radio Recognition Month" and encourage my colleagues to join me in supporting H. Res. 1002.

## ON THE 36TH ANNIVERSARY OF TITLE IX

### HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. SCOTT of Virginia. Madam Speaker, I rise today to commemorate the 36th anniversary of Title IX of the Education Amendments of 1972. Title IX was the culmination of the hard work of many women and men who fought for women's rights to equal opportunities within the American education system. Today, we remember their efforts and we celebrate their achievements.

Title IX was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. Title IX has benefited both males and females, and is at the heart of efforts to create gender equitable schools with equal opportunities and treatment for women. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex. Under this law, males and females must receive fair and equal treatment in all areas of higher education, such as admissions, educational programs and athletics.

The benefits of Title IX are compelling and throughout these 36 years we have seen women seize the opportunity to thrive within the education system in all areas. High school sports participation for females has risen 903% since the early 70s. In 1970, women earned only 14% of doctoral degrees, but today earn nearly 50%. Over these 36 years, women have entered and thrived in male-dominated fields such as business and science. I'd like to recognize the 92 current female Members of this Congress who have also entered and thrived in another male-dominated field. Many of my distinguished colleagues have been beneficiaries of Title IX. They have rightfully been given an opportunity to be free from sex discrimination and they are continuing to pave the way for women coming after them.

Throughout our recent history, America has seen the growing momentum to achieve the equality enshrined in our Constitution. The Civil Rights Act of 1964 was the first giant step, which prohibited discrimination on the basis of race, color, sex and national origin. Then during the decade after the passage of the Civil Rights Act, Congress passed a series of laws extending civil rights protections in federally assisted programs. There was Title IX, then Section 504 of the Rehabilitation Act of 1973 which protected those with disabilities, then the Age Discrimination Act of 1975 which prohibited age discrimination, and then the Individuals with Disabilities Education Act to pro-

vide education and intervention programs to youth with disabilities.

In the last 44 years we have made great progress towards achieving equality and extraordinary legislation such as Title IX has made this possible. However, despite all this progress, equal rights and opportunities for all have not yet been realized. We continue on the journey to obtain equal opportunities for all Americans, and we acknowledge that there is much more to be done for women and for other historically marginalized groups. But on the 36th anniversary of Title IX, we celebrate our achievements as they give us strength to continue on the path towards equality.

## A TRIBUTE TO LIEUTENANT COLONEL CRAIG GREENE

### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. McHUGH. Madam Speaker, I rise today to pay tribute to an exceptional officer in the United States Army, Lieutenant Colonel Craig Greene, upon his retirement after 20 years of distinguished service. Lieutenant Colonel Greene will retire on September 1, 2008 after having last served as Deputy Chief, Army Senate Liaison Division, Office of the Chief of Legislative Liaison.

I had the privilege to work with Lieutenant Colonel Greene during my tenure as the Chairman of the House Armed Services Committee's Military Personnel Subcommittee. At that time, he served as the Legislative Liaison Officer for the Army, responsible for directing the Army's Personnel Policy and the Operations and Readiness Portfolios. Lieutenant Colonel Greene provided Members and staff with forthright assessments important to ensuring a full understanding of the challenges facing America's Army. His candor, integrity, and insights were always valued. Recognizing Lieutenant Colonel Greene's proven skills as a liaison officer and leader, the Army selected him to serve as Deputy Chief of the Senate Liaison Division where he continued his important work.

During his 5 years of service as an Army Congressional Liaison, Lieutenant Colonel Greene flawlessly escorted over 50 Congressional delegations worldwide, 12 of which were delegations to Iraq and Afghanistan, in support of Operation Iraqi Freedom and Operation Enduring Freedom, respectively. Members of Congress knew they could count on Lieutenant Colonel Greene for his sage counsel, professional advice and unwavering integrity.

Lieutenant Colonel Greene's Senate assignment was the capstone to an outstanding career of service to our Nation. Upon graduating from the University of Massachusetts, Lieutenant Colonel Greene served as an Infantry Officer in command and staff positions in a number of infantry units. Prior to Lieutenant Colonel Greene's assignment to the Office of Chief of Legislative Liaison, he was assigned to the 25th Infantry Division (Light), Schofield Barracks Hawaii from 2001 to 2003. A soldier's soldier, his awards include the Defense Meritorious Medal, four Meritorious Service Medals, five Army Accommodation Medals, two Army Achievement Medals, the Expert Infantry

Badge, the Ranger Tab, and Parachutist and Air Assault Badge respectively.

Not only is Lieutenant Colonel Greene an exemplary soldier, he is both husband and father. He is married to the former Michelle Snow of Belchertown, MA, also a Lieutenant Colonel in the United States Army. They have two children, Jackson—14 and Austen—10. In addition to his many responsibilities, Lieutenant Colonel Greene finds time to volunteer in his community, serving as a coach and as a participant in career days at his children's schools.

The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier. Lieutenant Colonel Greene's dedication to duty upholds the highest traditions of military service. He has repeatedly stood for the defense of our Nation and her citizens and their freedom. Devoted to the defense of liberty, he epitomizes what it means to be a soldier and a patriot.

Madam Speaker, on behalf of Congress and the United States of America, I thank Lieutenant Colonel Craig Greene, his wife, Lieutenant Colonel Michelle Greene and their sons, Jackson and Austen, for the commitment, sacrifices, and contributions that they have made throughout his honorable military career. Congratulations on completing an exceptional and successful career.

#### RECOGNIZING JUNETEENTH INDEPENDENCE DAY

SPEECH OF

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 17, 2008*

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of H. Res. 1237 recognizing the historical significance of Juneteenth Independence Day.

I am honored to be a co-sponsor of this resolution, which celebrates the oldest national commemoration of the end of slavery in the United States and encourages us to use our understanding of history to more effectively face the challenges of the future.

Juneteenth began as a day to celebrate African-American freedom by commemorating the arrival of the news of the end of slavery in the frontier areas of the United States two years after President Lincoln's Emancipation Proclamation. 143 years later, Juneteenth has taken on a much bigger cause: encouraging self-development and respect for all peoples and cultures. Juneteenth is a day for Americans of all races, ethnicities and religions to join together and reflect on a chapter in America's history that continues to cast a shadow on the American experience. It is also a time to recognize that while we cannot change history, we must learn from it and use its lessons to eradicate slavery and improve human rights around the world.

Unfortunately, slavery continues to exist in the Sudan, West African countries and elsewhere. In addition, millions of women and children are trafficked as forced laborers and sex workers throughout the world. At least 800,000 people are trafficked across borders worldwide each year, including an estimated 14,500–17,500 persons into the United States. When trafficking within countries is included, the total

global figure rises as high as four million people, many of whom are women and children. The United States has both the moral obligation and the required resources to help end modern day slavery.

This Juneteenth, more than 60,000 Minnesotans will come together in my District for a festival and a parade celebrating African American history, cuisine and culture. Madam Speaker, I call on my colleagues to celebrate this Juneteenth by rededicating themselves to eliminating slavery, exploitation and racism in all forms from our world, and join me in supporting H. Res. 1237.

#### CONGRATULATING GARFIELD ON THE OCCASION OF HIS 30TH BIRTHDAY

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. PENCE. Madam Speaker, I rise today to honor the 30th birthday of arguably America's favorite feline friend, Garfield. From a humble beginning in Muncie, Indiana on June 19, 1978, Garfield and his creator, Jim Davis, have combined to bring laughter and cheer to the lives of millions of Americans over the past three decades.

It would have been easy for the bright spotlight of fame to have drawn our good friend Garfield away from his humble Indiana roots. Yet as the Muncie Star Press writes in a June 19 editorial, "Garfield is a hometown cat at heart." Remaining true to his roots, Muncie's favorite fat cat appears in the Guinness Book of World Records as the world's most widely syndicated comic strip character, appearing in around 2,580 publications each day.

Madam Speaker, as we struggle with another Monday and find ourselves longing for a lasagna dinner, Americans have turned for thirty years to their friends Garfield, Jon, and Odie. Born at five pounds and six ounces, Garfield ate so much pasta that he threatened to put an Italian restaurant out of business, and was rescued to the relief of millions of Americans who have been touched through his inspiring blend of cynicism, complacency, and mediocrity.

As Americans have gone from typewriters to BlackBerry and hatchbacks to SUVs, Garfield has remained a symbol of stability in an ever-changing world. Despite the turbulence of the past 30 years, Americans can still open their local newspaper to be greeted by the smiling face of Garfield. Nine lives or not, Madam Speaker, Muncie's favorite cat continues to live beyond all expectations.

#### IN RECOGNITION OF THE PAN- MACEDONIAN STUDIES CENTER ON THE OCCASION OF ITS SEC- OND ANNUAL TESTIMONIAL DIN- NER

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the Pan-Mac-

edonian Studies Center on the occasion of its Second Annual Testimonial Dinner. This year the Center will be honoring His Eminence Archbishop Demetrios, Primate of the Greek Orthodox Church in America, with the Philippon Award.

The Pan-Macedonian Studies Center was established in 1995 by Elias L. Neofytides, Fotis Gerasopoulos and Paul Evangelou to help forge links between generations and between persons of Hellenic descent living in the U.S. and Greece. The Center thus helped ease the transition for adults adapting to a new life in America and increase understanding between generations.

The Pan-Macedonian Studies Center has showcased the best of American and Hellenic cultures. It sponsors programs for young and old, including offerings in sports, fitness, arts and crafts, and dancing; educational initiatives such as a lending library and tutoring; and services including lessons on health education, accounting, civics, and computer literacy. The Center also helps produce Macedonian TV programming airing on Queens public television, and publishes and disseminates books on Macedonian culture to schools and libraries in the United States at no cost. The Center is open to all, regardless of ethnic origin, and all its services and programs are free of charge.

This year, the Pan-Macedonian Studies Center has selected His Eminence Archbishop Demetrios to receive the Philippon Award for his contributions to the Hellenic-American community. His Eminence Archbishop Demetrios is a distinguished Macedonian who always brings "peace and serenity" into the hearts of the faithful adherents of his faith.

He was born Demetrios Trakatellis in Thessaloniki, Greece on February 1, 1928. In 1950 he graduated with distinction from the University of Athens School of Theology. In 1960 he was ordained a deacon, and in 1964 he became a priest. He was elected Bishop of Vresthena in 1967, and served as an auxiliary bishop to the Archbishop of Athens with the primary responsibility for the theological education of the clergy. From 1965 to 1971, on scholarship from the Harvard University Graduate School of Arts and Sciences, he studied New Testament and Christianity's origins and earned a Ph.D. "with distinction" in 1972.

As Bishop of Vresthena, he then returned to his ecclesiastical position in the Archdiocese of Athens and in the ensuing years he held the responsibilities of the theological education of the clergy, youth ministries, and other duties related to theological conferences in Greece and abroad. In 1977, he earned a Th.D. in Theology from the University of Athens.

From 1983 to 1993, the Bishop of Vresthena was the Distinguished Professor of Biblical Studies and Christian Origins at Holy Cross Greek Orthodox School of Theology in Brookline, MA. Serving as a faculty member for more than a decade, he taught many of America's Greek Orthodox clergy. He also taught at Harvard Divinity School as a Visiting Professor of New Testament during the academic years of 1984 to 1985 and from 1988 to 1989. After several years in the United States, he returned to Greece in 1993 to pursue full-time scholarly writing and research. At the same time, he resumed his responsibilities at the Archdiocese of Athens.

Elected Archbishop of America in 1999 by the Holy and Sacred Synod of the Ecumenical

Patriarchate, Archbishop Demetrios was enthroned on September 18, 1999 at the Archdiocesan Cathedral of the Holy Trinity in New York City. As Archbishop of America, he leads a church of more than one and a half million Greek Orthodox Christians in the United States. He has done so with distinction, and in so doing has made enormous contributions to our Nation and our world.

I ask that my colleagues join me in saluting the Pan-Macedonian Studies Center and its distinguished honoree, His Eminence Archbishop Demetrios.

#### SUNSET MEMORIAL

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 23, 2008*

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 23, 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 12,936 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, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

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. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these chil-

dren who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it 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 12,936 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, 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 23, 2008, 12,936 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.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 24, 2008 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JUNE 25

9 a.m.

## Judiciary

## Constitution Subcommittee

To hold hearings to examine laptop searches and other violations of privacy faced by Americans returning from overseas travel.

SD-226

9:30 a.m.

## Energy and Natural Resources

To hold hearings to examine the increased global energy demand, focusing on the challenges for meeting future energy needs, while developing new technologies to address the current and future global climate change.

SD-366

## Foreign Relations

To hold hearings to examine a new strategy for an enhanced partnership with Pakistan.

SD-419

## Joint Economic Committee

To hold hearings to examine the United States economy, focusing on the skyrocketing oil prices.

SD-106

10 a.m.

## Environment and Public Works

To hold hearings to examine the future federal role for surface transportation.

SD-406

## Homeland Security and Governmental Affairs

Business meeting to consider S. 2583, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, S. 1924, to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty, H.R. 5683, to make certain reforms with respect to the Government Accountability Office, S. 3013, to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, S. 3175, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard

mitigation program, to make technical corrections to that Act, S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, S. 2148, to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service, S. 2816, to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security, S. 3015, to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building", H.R. 5395 and S. 2622, bills to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building", H.R. 5479, to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building", H.R. 4185, to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building", H.R. 5528, to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building", H.R. 3721, to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building", H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office", H.R. 5168, to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building", S. 3082, to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building", and the nomination of Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

SD-342

## Small Business and Entrepreneurship

To hold hearings to examine solutions to cope with the rise in home heating oil prices.

SR-428A

11 a.m.

## Appropriations

## Energy and Water Development Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2009 for the Energy Information Administration, focusing on forecasts for oil and gasoline prices.

SD-192

2:30 p.m.

## Armed Services

To hold closed hearings to examine the current situation in Afghanistan.

SR-222

## Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury, Christopher R. Wall, of Virginia, to be an Assistant Secretary

of Commerce, Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development, Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development, Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association, Luis Aguilar, of Georgia, Troy A. Paredes, of Missouri, and Elisse Walter, of Maryland, all to be Members of the Securities and Exchange Commission, Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers, and Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board.

SD-538

## JUNE 26

9:30 a.m.

## Armed Services

To hold hearings to examine the nominations of Nelson M. Ford, of Virginia, to be Under Secretary of the Army, Joseph A. Benkert, of Virginia, to be an Assistant Secretary, Sean Joseph Stackley, of Virginia, to be an Assistant Secretary of the Navy, and Frederick S. Celec, of Virginia, to be Assistant to the Secretary for Nuclear and Chemical and Biological Defense Programs, all of the Department of Defense.

SD-106

## Veterans' Affairs

Business meeting to markup S. 2969, to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, S. 2309, to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury, S. 22, to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, S. 2617, to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and an original bill to provide technical corrections to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2007; to be immediately followed by a hearing to examine the nomination of Christine O. Hill, to be Assistant Secretary of Veterans Affairs for Congressional Affairs.

SR-418

10 a.m.

## Commerce, Science, and Transportation

## Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the outlook for summer air travel, focusing on addressing congestion and delay.

SR-253

## Finance

To hold hearings to examine the foundation of international tax reform, focusing on worldwide, territorial, and other related issues.

SD-215

## Homeland Security and Governmental Affairs

To hold hearings to examine nuclear terrorism, focusing on the federal response for providing medical care and

meeting basic needs in the aftermath of an attack.

SD-342

#### Indian Affairs

To hold an oversight hearing to examine access to contract health services in Indian country.

SD-562

#### Judiciary

Business meeting to consider S. 2979, to exempt the African National Congress from treatment as a terrorist organization, H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, S. 2892, to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force, S. 1211, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 2746, to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 3061, to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, S. Res. 594, designating Sep-

tember 2008 as "Tay-Sachs Awareness Month", and the nominations of Paul G. Gardephe, to be United States District Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, Cathy Seibel, to be United States District Judge for the Southern District of New York, Glenn T. Suddaby, to be United States District Judge for the Northern District of New York, Kelly Harrison Rankin, to be United States Attorney for the District of Wyoming, and Clyde R. Cook, Jr., to be United States Marshal for the Eastern District of North Carolina.

SD-226

2 p.m.

#### Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2009 for Labor, Health and Human Services, Education, and related agencies.

SD-106

#### Judiciary

##### Crime and Drugs Subcommittee

To hold hearings to examine effective ways to catch fugitives in the 21st century.

SD-226

2:30 p.m.

#### Health, Education, Labor, and Pensions

##### Children and Families Subcommittee

To hold hearings to examine reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA)(Public Law 93-247), focusing on protecting children and strengthening families.

SD-430

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine addressing the nation's financial challenges.

SD-342

JULY 9

2:30 p.m.

#### Energy and Natural Resources

##### Public Lands and Forests Subcommittee

To hold hearings to examine S. 2443 and H.R. 2246, bills to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada, S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, S. 2898 and H.R. 816, bills to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada, S. 3088, to designate certain land in the State of Oregon as wilderness, S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona.

SD-366



# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S5949–S5972*

**Measures Introduced:** Seven bills were introduced, as follows: S. 3176–3182. **Page S5962**

**Measures Reported:**

H.R. 802, To amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, with an amendment in the nature of a substitute. (S. Rept. No. 110–394)

H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements. (S. Rept. No. 110–395)

S. 3181, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009. (S. Rept. No. 110–396)

S. 3182, making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009. (S. Rept. No. 110–397)

S. 2766, to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel. (S. Rept. No. 110–398) **Page S5962**

**Measures Passed:**

**Higher Education Act Extension:** Senate passed S. 3180, to temporarily extend the programs under the Higher Education Act of 1965. **Pages S5970–71**

**Nation's Soil Resources:** Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. Res. 440, recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources, and the resolution was then agreed to. **Page S5971**

**Congratulating Boston Celtics:** Committee on the Judiciary was discharged from further consideration of S. Res. 596, congratulating the Boston Celtics on winning the 2008 National Basketball Association

Championship, and the resolution was then agreed to. **Pages S5971–72**

**Measures Considered:**

**Foreclosure Prevention Act:** Senate resumed consideration of the motion to concur in the amendments of the House of Representatives to the amendment of the Senate to H.R. 3221, to provide needed housing reform, taking action on the following amendments proposed thereto: **Page S5949**

Pending:

Reid (for Dodd/Shelby) Amendment No. 4983 (to the House Amendment striking section 1 through Title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature. **Page S5949**

Bond Amendment No. 4987 (to Amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty. **Page S5949**

Dole Amendment No. 4984 (to Amendment No. 4983), to improve the regulation of appraisal standards. **Page S5949**

Sununu Amendment No. 4999 (to Amendment No. 4983), to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan. **Page S5949**

Kohl Amendment No. 4988 (to Amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings. **Page S5949**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to concur in the amendments of the House of Representatives to the amendment of the Senate to the bill at approximately 10 a.m., on Tuesday, June 24, 2008, and that the hour prior to the cloture vote be equally divided between the two Leaders, or their designees. **Page S5972**

**FISA Amendments Act:** Senate began consideration of the motion to proceed to consideration of

H.R. 6304, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence.

**Pages S5950–53**

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, a vote on cloture will occur on Wednesday, June 25, 2008.

**Page S5950**

**Nominations Received:** Senate received the following nominations:

4 Army nominations in the rank of general.

**Page S5972**

**Messages from the House:**

**Pages S5961–62**

**Executive Communications:**

**Page S5962**

**Additional Cosponsors:**

**Pages S5962–64**

**Statements on Introduced Bills/Resolutions:**

**Pages S5964–65**

**Additional Statements:**

**Pages S5960–61**

**Amendments Submitted:**

**Pages S5965–70**

**Notices of Hearings/Meetings:**

**Page S5970**

**Recess:** Senate convened at 3 p.m. and recessed at 5:24 p.m., until 10 a.m. on Tuesday, June 24, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5972.)

## Committee Meetings

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 8 public bills, H.R. 6344–6351; and 5 resolutions, H.J. Res. 94; H. Con. Res. 376–377; and H. Res. 1294–1295, were introduced.

**Page H5864**

**Additional Cosponsors:**

**Page H5864**

**Reports Filed:** Reports were filed today as follows:

H.R. 3546, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012 (H. Rept. 110–729);

H.R. 3195, to restore the intent and protections of the Americans with Disabilities Act of 1990, with an amendment (H. Rept. 110–730, Pt. 1); and

H.R. 3195, to restore the intent and protections of the Americans with Disabilities Act of 1990, with an amendment (H. Rept. 110–730, Pt. 2.)

**Page H5864**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Berkley to act as Speaker Pro Tempore for today.

**Page H5799**

**Recess:** The House recessed at 12:42 p.m. and reconvened at 2 p.m.

**Page H5800**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Amending the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active*

*duty or to perform a homeland defense activity for not less than 60 days:* H.R. 4044, amended, to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days;

**Pages H5801–05**

Agreed to amend the title so as to read: "To amend title 11 of the United States Code to exempt for a limited period, from the application of the means-test presumption of abuse under Chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days."

**Pages H5804–05**

*Commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer":* H. Res. 1293, to commemorate the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure

civil rights during the summer of 1964, which has become known as “Freedom Summer”;

Pages H5807–11

*Providing emergency authority to delay or toll judicial proceedings in United States district and circuit courts:* H.R. 6344, to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts;

Pages H5811–16

*Pre-Disaster Mitigation Act of 2008:* H.R. 6109, amended, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program;

Pages H5816–18

*Old Post Office Building Redevelopment Act of 2008:* H.R. 5001, amended, to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia;

Pages H5818–20

*Raw Sewage Overflow Community Right-to-Know Act:* H.R. 2452, amended, to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage;

Pages H5820–24

Agreed to amend the title so as to read: “To amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.”.

Page H5824

*Amending the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety:* H.R. 6040, to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety;

Pages H5824–26

*Recognizing the achievements of America's high school valedictorians of the graduating class of 2008:* H. Res. 1229, amended, to recognize the achievements of America's high school valedictorians of the graduating class of 2008, to promote the importance of encouraging intellectual growth, and to reward academic excellence of all American high school students;

Pages H5828–30

*Honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth:* H. Res. 1242, to honor the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth, by a 2/3 yea-and-nay vote of 348 yeas with none voting “nay”, Roll No. 438;

Pages H5831–32, H5841–42

*Recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word “baseball” in the United States as well as being the birthplace of college baseball:* H. Res. 1050, amended, to recognize Pittsfield, Massachusetts, as being home to the earliest known reference to the word “baseball” in the United States as well as being the birthplace of college baseball;

Pages H5832–34

*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:* H. Con. Res. 372, to support 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, by a 2/3 yea-and-nay vote of 353 yeas with none voting “nay”, Roll No. 439;

Pages H5834–36, H5842–43

*Congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States:* H. Res. 1051, amended, to congratulate James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States, by a 2/3 yea-and-nay vote of 354 yeas with none voting “nay”, Roll No. 440; and

Pages H5836–38, H5843–44

*Expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of United States history:* H. Con. Res. 2, amended, to express the sense of the Congress that schools in the United States should honor the contributions of individuals from the territories of the United States by including such contributions in the teaching of United States history.

Pages H5838–41

Agreed to amend the title so as to read: “Expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history.”.

Page H5841

*New and Emerging Technologies 911 Improvement Act of 2008:* The House agreed by unanimous consent to agree to the Senate amendment to H.R. 3403, to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities—clearing the measure for the President.

Pages H5826–28

**Suspension—Proceedings Postponed:** The House debated the following measure under suspension of the rules. Further proceedings were postponed:

*Authorizing the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012:* H.R. 3546, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

**Pages H5805–07**

**Commission on the Abolition of the Transatlantic Slave Trade—Appointment:** The Chair announced the Speaker's appointment of the following members on the part of the House of Representatives to the Commission on the Abolition of the Transatlantic Slave Trade: Mr. Donald Payne of Newark, New Jersey; Mr. Howard Dodson of New York, New York; and Ms. Evelyn Brooks Higginbotham of Cambridge, Massachusetts.

**Page H5841**

**Intent to Offer Motion to Instruct Conferees:** Representative Kirk gave notice of his intent to offer a motion to instruct conferees on H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

**Page H5844**

**Senate Message:** Message received from the Senate today appears on page H5800.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H5841–42, H5842–43, and H5843. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 9:47 p.m.

## Committee Meetings

### LEGISLATIVE BRANCH APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Legislative Branch approved for full Committee action, as amended, the Legislative Branch Appropriations for Fiscal Year 2009.

### OIL PRICE SPECULATION

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations continued hearings on Energy Speculation: Is Greater Regulation Necessary to Stop Price Manipulation?—Part II. Testimony was heard from Walter Lukken, Acting Chairman and Commissioner, CFTC; and public witnesses.

## COMMITTEE MEETINGS FOR TUESDAY, JUNE 24, 2008

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, business meeting to mark up proposed budget estimates for fiscal year 2009 for Labor, Health and Human Services, Education, and related agencies, 11:30 a.m., SD–138.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine climate change impacts on the transportation sector, 10:30 a.m., SR–253.

Full Committee, business meeting to consider S. 2907, to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, an original bill entitled, "The National Aeronautics and Space Administration Authorization Act of 2008", an original bill entitled, "The National Sea Grant College Program Amendments Act of 2008", and promotion lists in the National Oceanic and Atmospheric Administration and the United States Coast Guard, 2:30 p.m., SR–253.

*Committee on Finance:* to hold an oversight hearing to examine trade functions, focusing on customs and other trade agencies, 10 a.m., SD–215.

*Committee on Foreign Relations:* business meeting to consider H.R. 176, to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM), H.R. 2553, to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, S. 2120, to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, S. 2166, to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, S. 3097, to amend the Vietnam Education Foundation Act of 2000, S. 3168, to authorize United States participation in the replenishment of resources of the International Development Association, S. 3169, to authorize United States participation in, and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund, and international Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110–14), certain pending nominations, and promotion lists in the Foreign Service, 2:15 p.m., S–116, Capitol.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine the emergence of the superbug,

focusing on antimicrobial resistance in the United States, 10:30 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs*: to hold hearings to examine ending excessive speculation in commodity markets, focusing on legislative options, 10:30 a.m., SD-342.

*Committee on the Judiciary*: Subcommittee on Human Rights and the Law, to hold hearings to examine from Nuremberg to Darfur, focusing on accountability for crimes against humanity, 10 a.m., SD-226.

### House

*Committee on Agriculture*, to hold a hearing to review trading energy markets; followed by consideration of H.R. 6334, Increasing Transparency and Accountability in Oil Prices Act of 2008, 2:30 p.m., 1300 Longworth.

*Committee on Appropriations*, to mark up the following Report on the Suballocation of Budget Allocations, Fiscal Year 2009; Report on the Revised Suballocation of Budget Allocations, Fiscal Year 2008; Appropriations for Fiscal Year 2009: Military Construction, Veterans' Affairs, and Related Agencies; and Homeland Security; 10 a.m., 2359 Rayburn.

Intelligence Oversight Panel, executive, to consider Recommendations for Classified Appropriations, 3:30 p.m., H-140 Capitol.

*Committee on the Budget*, hearing on H.R. 3654, SAFE Commission Act, and the Long-Term Fiscal Challenge, 10 a.m., 210 Cannon.

*Committee on Education and Labor*, hearing on Is OSHA Failing to Adequately Enforce Construction Safety Rules? 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce*, Subcommittee on Health, hearing on H.R. 3014, Health Equity and Accountability Act of 2007, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on The Future of Universal Service: To Whom, By Whom, For What, and How Much? 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services*, to consider the following bills: H.R. 6306, To authorize United States participation in, and appropriations for the United States contributions to, the fifteenth replenishment of the resources of the International Development Association and the eleventh replenishment of the resources of the African Development Fund, and for other purposes; H.R. 6315, To authorize United States participation in, and appropriations for the United States contribution to, an international clean technology fund, and for other purposes; H.R. 3329, Homes for Heroes Act of 2007; H.R. 6216, Asset Management Improvement Act of 2008; H.R. 6309, Lead-Safe Housing for Kids Act of 2008; H.R. 4461, Community Building Code Administration Grant Act of 2007; H.R. 1746, Holocaust Insurance Accountability Act of 2007; H.R. 5767, Payments System Protection Act; and H.R. 6308, Municipal Bond Fairness Act; and

to consider pending Committee business, 10 a.m., 2128 Rayburn.

*Committee on the Judiciary*, Subcommittee on Commercial and Administrative Law, hearing on H.R. 5267, Business Activity Tax Simplification Act of 2008, 1 p.m., 2237 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Online Pharmacies and the Problem of Internet Drug Abuse, 11:30 a.m., 2141 Rayburn.

*Committee on Natural Resources*, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on Planning for a Changing Climate and its Impacts on Wildlife and Oceans; and a hearing on H.R. 4455, Wildlife Without Borders Authorization Act, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing on The Silent Invasion: Finding Solutions to Minimize the Impacts of Invasive Quagga Mussels on Water Rates, Water Infrastructure and the Environment, 10 a.m., 1334 Longworth.

*Committee on Oversight and Government Reform*, hearing on Examination of AEY Contracts with the U.S. Government, 10 a.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing on Oversight of Coalition Support Funds for Pakistan, 2 p.m., 2154 Rayburn.

*Committee on Rules*, to consider the following: H.R. 6275, Alternative Minimum Tax Relief Act of 2008; H.R. 3195, ADA Restoration Act of 2007; H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 4115, to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, 3 p.m., H-313 Capitol.

*Committee on Science and Technology*, Subcommittee on Investigations and Oversight, to continue hearings on American Decline or Renewal? Part 2—the Past and Future of Skilled Work 1 p.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on Sustainable, Energy-Efficient Road Infrastructure, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Highways and Transit, hearing on Connecting Communities: The Role of the Surface Transportation Network in Moving People and Freight, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources, and Environment, hearing on Comprehensive Watershed Management and Planning, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs*, Subcommittee on Oversight and Investigations, hearing on VA/DOD Cooperation and Reintegration of National Guard and Reserves, 2 p.m., 334 Cannon.

*Committee on Ways and Means*, Subcommittee on Social Security, hearing on Protecting Social Security Beneficiaries from Predatory Lending and Other Harmful Financial Institution Practices, 10 a.m., B-318 Rayburn.

*(House Program for Tuesday continued from Page D796)*

Florida, as the Bruce W. Carter Department of Veterans Affairs Medical Center; (13) H. Res. 1291—Expressing gratitude for the contributions of the American GI Forum on its 60th anniversary; (14) H. Res. 1271—Recognizing National Homeownership Month and the importance of homeownership in the United States; (15) H.R. 6312—To advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, and to provide regulatory relief and improve productivity for insured depository institutions; (16) H. Con. Res. 370—Expressing support for designation of September 2008 as “Gospel Music Heritage Month” and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; (17) H. Res. 1283—Expressing heart-

felt sympathy for the victims and their families following the tornado that hit Little Sioux, Iowa, on June 11, 2008; (18) H. Con. Res. 195—Expressing the sense of the Congress that a National Dysphagia Awareness Month should be established; (19) H.R. 4010—To designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the “Minnie Cox Post Office Building”; (20) H. Res. 970—Expressing support for designation of June 30 as “National Corvette Day”; (21) H. Con. Res. 365—Honoring the life of Robert Mondavi; and (22) H.R. 5687—The Federal Advisory Committee Act Amendments of 2008. Complete consideration of H.R. 5876—Stop Child Abuse in Residential Programs for Teens Act of 2008.

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### Extensions of Remarks, as inserted in this issue.

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*Next Meeting of the SENATE*

10 a.m., Tuesday, June 24

## Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of the motion to concur in the amendments of the House of Representatives to the amendment of the Senate to H.R. 3221, Foreclosure Prevention Act, and vote on the motion to invoke cloture at approximately 11 a.m.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, June 24

## House Chamber

**Program for Tuesday:** Consideration of the following suspensions: (1) H.R. 6331—Medicare Improvements for Patients and Providers Act of 2008; (2) H.R. 6327—The Federal Aviation Administration Extension Act of 2008; (3) H.R. 6307—Fostering Connections to Success Act; (4) H. Con. Res. 163—Expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus; (5) H. Res. 353—Expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment; (6) H.R. 2818—Veterans' Epilepsy Treatment Act of 2008; (7) H. Res. 1098—Supporting the goals and ideals of the Year of the American Veteran; (8) H. Res. 1231—Supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day; (9) H.R. 2245—To designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic; (10) H.R. 4264—To name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center"; (11) H.R. 4289—To name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the Euripides Rubio Department of Veterans Affairs Outpatient Clinic; (12) H.R. 4918—To name the Department of Veterans Affairs medical center in Miami,

*(Continued on page D795)*



# Congressional Record

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