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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 15, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY 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.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

HIGH GAS PRICES

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

Mr. BLUMENAUER. Mr. Speaker, people are right to be concerned about the impact of high gas prices, diesel fuel, and even though it is summer, soon we'll have to be concerned about home heating oil prices as well. This is hurting everyone from truck drivers to nonprofits, like Meals on Wheels, who are seeing fewer volunteers because they can't afford the gasoline. It is clear that American families are struggling after years of this administration's failed energy policies. They need help from their political leaders, but most of all, they deserve to be treated honestly.

While it may test well with some focus groups to talk about opening up some of our most fragile and sensitive areas, like the Arctic, for drilling, it fails the more fundamental test of making a difference for our families today or for at least this year. It will take 10 to 20 years before the oil begins to flow from a place like the Arctic, and the benefits will not necessarily be noticed by families even then as we are in a vast global oil market. We hear now that there is a lack of equipment, materials and workers that compounds the problem of getting that oil to flow even if we move forward.

Expanding oil drilling as an answer to the current problems is a hoax because it will not make any difference for years, and even then, it will have so small an impact as to not even be noticed by most people. A difference of 2 cents a gallon in 20 years is little solace for people who are seeing gas prices rise 10 cents in a couple of days and oil prices shooting up $10 a barrel in a single day. It is a cruel hoax because there are things that can be done now.

An example of something we can do tomorrow which will make a difference immediately would be to release even a small fraction of the oil stored in the Strategic Petroleum Reserve. This would squeeze dollars out of the speculative part of the price of oil today. The money from the proceeds of selling this oil could be used to finance badly needed energy and transportation alternatives, and we would still have money left over with which we could continue to fill the Reserve with less expensive oil over time.

There are a series of initiatives that are being examined by the House this week that would rein in oil speculators. I don't know whether it's $5 or $50 a barrel. The experts we hear from conflict, but it's clear that there is some impact. If we stopped wasting taxpayer dollars and eliminated the Hummer tax loophole, which subsidizes the purchase of the largest, heaviest, most expensive gas guzzlers on the road, and instead used that money to make investments, that would help families now.

We can also help immediately by leveling the tax and policy playing field to give American families more choices about how they get around and about how they spend their money on their transportation needs. That's why I've introduced legislation, the Transportation and Housing Choices for Gas Price Relief Act, that recognizes, while there is no single solution to the complex energy situation we are facing, we can immediately reduce the impact of high gas prices on consumers by providing them with real options.

The bill would expand the successful Safe Routes to Schools program, and it would make high schools eligible so children could get to school on their own, burning calories instead of fossil fuel.

It would allow self-employed small businesspeople to get for the first time transit commuting benefits currently enjoyed by other employees of larger businesses. This legislation wouldn't force commuters into a one-size-fits-all solution for their transportation benefits. Instead, it would level the playing field so they could access what works for them.

The bill recognizes that the housing choices that reduce commuting costs sometimes may be a little more expensive, but it results in a legitimate increase in terms of their capacity to purchase a house, and that should be reflected in policy. It promotes telecommuting as well.

It uses current resources better to give people more choices designed to make lives better for Americans today,

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this year, in 2008, not waiting until 2028. Congress should not spin an energy fantasy, but should deal with things that we can do today to deal with today's energy realities, and I urge my colleagues to look at the options like those in my legislation.

EARMARKS

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

Mr. FLAKE. I will speak for a minute and then refer to a few charts.

Today, Mr. Speaker, I rise to draw attention to earmarks contained in the Homeland Security appropriations bill. We may not even have any appropriations bills on the floor this year. What may happen is that we will simply do a continuing resolution in September and then sometime in January do a big omnibus bill, and all of the earmarks, the thousands and thousands and thousands of earmarks that have been put into the bills through the appropriations process that have never been to the floor, will simply be approved with one vote. So it behooves us to do what we can to actually highlight what some of these earmarks are. Now, we know some of the earmarks that are in the Homeland Security bill, and we hope that it comes to the floor. It likely will not, so we'll talk about one of them here.

Mr. Speaker, there is in the Homeland Security bill something called the Pre-Disaster Mitigation Program. Now, this has not traditionally been earmarked in the Homeland Security bill. It only started last year. Last year and this year, we have earmarked some $75 million total for this account. Now, in this account, some $500,000 was earmarked for Westchester and Rockland Counties in New York for pre-disaster mitigation earmarks. This comes on the heels of the same counties getting about $1 million last year.

Now, New York State has its share of disasters. I think there were 21 Presidential disaster declarations over the past 10 years, but there were just as many in other States, other States that had to go through the regular process whereby grants were awarded on the basis of merit rather than on the basis of: Do we have an appropriator? Do we have a high-level Member of leadership who can get us an earmark for some of these programs?

For example, in parts of Oklahoma, they had 20 disaster areas declared in the last 10 years. Yet Oklahoma hasn't received a dime in earmark funding in this bill. They must not have an appropriator here.

We often endlessly hear that Members of Congress know their districts better than some faceless bureaucrat; that's why they've got to earmark, but let me ask: Does a member of the Appropriations Committee or a Member of leadership know his district better than a rank and file Member? Because the former are getting most of the earmarks at the expense of the latter.

Let me refer to this chart. On this chart, in the last 2 years, for pre-disaster mitigation earmarks in the Homeland Security bill, rank and file Members have gotten about 37 percent of the earmarks. Here, appropriators and other highly ranked Members have gotten 63 percent. Of the $75 million total, 63 percent of the earmarks are received by just 27 percent of the Members in this body.

Now, again, do those 27 percent know their districts better than others? I would suggest not. It's just that they're in a position to get these earmarks. So all of this hifalutin language about, you know, ''we know our districts'' means just this: ''I'm in a position to get money for my district at the expense of others whether or not there's a Federal nexus, whether or not there's a real need.''

Let me just point out that, in terms of Westchester and Rockland Counties, out of all of the thousands of counties in the country, only 11 were wealthier than Westchester County in New York. Does Westchester County really need $500,000 in pre-disaster mitigation earmarks at the expense of some poor county somewhere else in the country? This earmarking, as we all know, has gotten completely, completely out of control.

Let me just go to a couple of other charts. One of the other often used justifications for earmarks is that we as the legislative branch have the power of the purse. Article I gives us the power of the purse. That is certainly true. That is often taken as justification for doing the earmarking that we currently do, for the contemporary practice of earmarking. Well, at my request, I asked CRS to actually look and see what the Appropriations Committee has been doing over the past several years as the practice of earmarking has really grown.

As you can see, from the 104th Congress to the 109th Congress, this is the line here. This is earmarking. We've gone from about 1,500 earmarks up to nearly 10,000 just on this chart, but when you look at the number of witnesses called before the Appropriations Committee for a hearing to actually look at what we're spending, that line goes down. That line is in the blue.

So what we're seeing is that, as earmarking has grown, real oversight has declined any way you look at it. If you want to look at numbers of witnesses, some people will say, well, you can't tell everything from that. I concede that.

So let's look at the number of days of hearings. Here in the blue, from the 104th Congress to the 109th, we've had a decline in the number of days of hearings, yet a huge increase in earmarking.

Keep in mind that another justification for earmarking is people will say, well, that only represents about 2 percent of the Federal budget. We ought to really worry about the rest of the budget, not just earmarking. Well, that's true. We should worry about the rest of the budget, but because of earmarking, we simply aren't.

Now, I would suggest the reason that there are fewer days of hearings and that the reason the number of witnesses has declined and that also the number of survey and investigation staff reports has declined as earmarks have grown is we simply don't have the time or the resources or the inclination, frankly, on the Appropriations Committee to actually do real oversight.

So, for getting just a couple percentage points of all of the Federal spending designated to earmarks, we really give up the power of the purse that we have. That's why we've seen other spending, all discretionary spending, grow by leaps and bounds as we've had earmarking go up; we simply don't look at the rest of the spending.

We all know that the party that is now in the majority has made a lot of hay over the past couple of years that, in this Congress, there was a culture of corruption. If that were the case, certainly earmarks were the currency of corruption. That continues. It simply opens up too many opportunities when Members of Congress can without real oversight write checks to people from home, either to campaign contributors or to constituent groups or to anybody. Unless we really come on the floor and do real oversight, this is going to happen. When you have a process like it looks like we're going to have this year where we don't even have appropriations bills on the floor where we can challenge these earmarks, these earmarks go unchallenged.

That, Mr. Speaker, I think, is certainly unacceptable. This body deserves better. We have a great and storied institution here, and we have a time-honored process of authorization, appropriation and oversight. We have skirted that for the past several years. Those in power now might point out, from the 104th Congress to the 109th, that was all under Republican rule. That is true. But the trend has not changed since we've had the new majority.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 15 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 10 a.m.

PRAYER

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

As the 110th Congress, we approach You as the source of all enlightenment for our endeavors, Father of Light. We look to You for the very best gift, the perfect gift to discern the present and prepare for the future.

Facing the concerns of the Nation, we look to You to guide, protect and elevate Your people. You do not take away our problems nor the conflicts of resolve. Instead, by our dealing with them, You draw from us a greater good and a lasting peace.

Because You have made us and in Your revealed love brought us to true freedom, we need not act as in the past, nor according to the dictates of others, or our own compulsions. As a free people, we can act anew and be creative enough to do what is proper for our times.

In America we can say: You are ''God with us'' 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 his approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. ALTMIRE 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

NOTHING IS MORE IMPORTANT THAN THE TRUTH

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

Mr. KUCINICH. This afternoon I will move to refer an Article of Impeachment to the Judiciary Committee.

People ask me, don't we have more important things to do? Think about this. This war has cost us our constitutionally guaranteed civil liberties. Is there something more important?

The Iraq war will eventually cost between two and $3 trillion, meaning every American family will pay upwards of $30,000 for this war. The war has contributed substantially to higher gas prices. Is there something more important?

Over 4,100 of our troops have died, and as many as 1 million innocent Iraqis have perished. Is there something more important?

There was never any proof that Iraq constituted an imminent threat to our national security, or that Iraq had the capability or intention of attacking the United States. Iraq had nothing to do with 9/11 or al Qaeda's role in 9/11. Yet Congress was led to believe otherwise.

The Bible says, ''You shall know the truth and the truth shall set you free.'' Congress must know the truth in order for our Nation to remain free. In a free Nation nothing is more important than the truth.

GOOD WAR—BAD WAR

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

Mr. KIRK. Mr. Speaker, successful counterterror programs teach that to win, you must attack both terrorists and their money. Through Congress' partisan lens, Iraq is the bad war, while Afghanistan is the good war. Our partisan lens will not recognize good news from Iraq or bad news from Afghanistan.

In Afghanistan, the Taliban is back, funded by billions from heroin. The U.N. reports that in 2008, Afghanistan is now also the top producer of hashish. Money from heroin and now hashish total hundreds of millions, if not billions.

In sum, the Taliban's drug profits now may equal the operations budget of General McKiernan and his NATO Army.

The hot issue today is a possible surge of troops to Afghanistan. I will sound a note of caution that without aerial spraying and other counterdrug programs that worked in Colombia, such an Afghan move will only accelerate violence between two very well-funded opponents.

To turn the rising Taliban tide, we must attack both heroin and hashish in the narco-state that is Afghanistan.

OFFSHORE DRILLING AND GAS PRICES

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

Mrs. MALONEY of New York. Mr. Speaker, yesterday the President announced that he is lifting the executive order that prevents Big Oil from drilling off of the treasured coastline of America.

What will this do to lower gas prices any time soon? Nothing. And nothing is exactly what the administration has been doing for the past 7 years as gas prices have nearly tripled.

By contrast, Democrats in Congress have been working on bringing down prices at the pump. We passed the first fuel efficiency standards in 32 years, and are supporting the movement to alternative fuels.

We want to help families now by releasing oil from the Strategic Petroleum Reserve and forcing big oil companies to start drilling on the 311 acres that are open for development now, or the 68 million acres that are under lease now for development.

Mr. Speaker, if domestic drilling can bring relief to American families, what are the big oil companies waiting for? Drill on those 311 acres and those 68 million acres under lease.

NATIONAL PAPERS FAVOR OBAMA

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

Mr. SMITH of Texas. Mr. Speaker, the New York Times and the Washington Post are two influential national newspapers. Their articles are reprinted in hundreds of other publications, and television newscasts often repeat their stories.

I was curious how the Times and the Post were treating the two major party presidential candidates, so I looked at their front page coverage. The results may be of interest to voters who expect fair and objective reporting.

From June 28 through July 14, the papers wrote far more stories about Senator OBAMA than Senator MCCAIN. And while most of the 15 articles about Senator OBAMA were positive, not a single one of the nine articles about Senator MCCAIN was positive. That is a huge slant in favor of Senator OBAMA.

Surely voters deserve balanced coverage of the presidential candidates. And surely the media has a responsibility to provide it.

BRING DOWN PRICES AT THE PUMP TODAY

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

Mr. ALTMIRE. Mr. Speaker, Americans everywhere are fed up with paying high gas prices. For 8 days, Americans have been asking President Bush to release oil from the Strategic Petroleum Reserve, a move that has brought down prices at the pump in the past. But the President continues to say no.

In 1990, when the President's father withdrew oil from the reserve, the impact on prices was immediate, and they dropped 33 percent in 2 days. In 2000, President Clinton did the same, and prices fell before oil even hit the market. And in 2005, when this President Bush made the move, the price of oil dropped again.

Now the White House claims it won't lower prices but history proves that action to release oil from the Strategic Petroleum Reserve provides immediate relief to American consumers.

Mr. Speaker, when it comes to the pain our families are experiencing at the pump and in the economy today, there is simply no time to wait. Action is needed now, and we call on President Bush to stand up for consumers and utilize the Strategic Petroleum Reserve.

LIFT CONGRESSIONAL BAN ON ENERGY EXPLORATION

(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. Mr. Speaker, yesterday President Bush announced that he would be lifting the executive branch moratorium on offshore exploration for oil and natural gas. I applaud the President's actions.

House Republicans have offered a plan to expand offshore and onshore energy supply with conservation. This is part of our comprehensive approach to lowering energy prices and reducing our dependence on foreign oil.

I hope my colleagues on the other side of the aisle will join House Republicans and the American people in calling for an immediate lifting of the congressional ban on offshore drilling.

We need to invest in future alternatives to oil, but until we find a viable, affordable alternative energy source that can move our cars and transport American commerce, we need to expand exploration of American-made oil and natural gas, particularly when we have the tools and know how to do it in an environmentally sound way.

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

FORECLOSURES

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

Mr. CARDOZA. Mr. Speaker, I rise today to express my concern for the devastating toll the housing crisis is taking on the neighborhoods of my district and throughout the country.

A report issued this week identified three cities in my district as having the highest rates of foreclosure in the entire Nation. In Stockton, Merced and Modesto, California, families are struggling to make increasing mortgage payments. Homeowners have lost over 40 percent of their homes' equity and communities are burdened with vacant, deteriorating housing. These vacant properties lower home values, attract vandalism and pests and contribute to overall neighborhood decline, as well as disrupting the family unit. At this rate, my district and communities across the country will be recovering from the foreclosure epidemic for years to come.

Borrowers and lenders have a duty to their country to help us overcome this housing crisis. Homeowners should try to work with banks instead of abandoning their homes. And financial institutions must restructure mortgages whenever feasible.

During the Great Depression, families and banks worked together to help America through these tough times. I urge us to get back to that attitude.

PUT THE PLAN IN MOTION AND PASS ENERGY LEGISLATION

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

Mr. BARRETT of South Carolina. Mr. Speaker, American families have been bracing from an energy problem for the past few months which has turned into an energy crisis. I have heard constituents loud and clear about their concern that leaders in D.C. were not listening. I heard their voices, and my Republican colleagues and I continued to come to the floor and ask the Democrat majority for their energy plan.

When our floor speeches were continuously met with silence in the absence of a Democrat energy plan, I too began to wonder if our leaders were listening.

Thankfully, the problem was recognized and addressed by our executive branch of government. I applaud President Bush's decision yesterday to lift the Federal moratorium on offshore drilling. Congress needs to move swiftly to pass legislation to implement this now that the President has decided to lift the ban. Let's work quickly together and efficiently to craft and pass legislation that will work toward providing short-term and long-term solutions. It is up to us now, as Members of Congress, to do what is right for the citizens, to put the plan in motion, and pass energy legislation.

REDUCE THE PRICE OF GAS NOW

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

Mr. ISRAEL. Mr. Speaker, I have finally figured it out. I have finally figured out why this administration and many of its Republican allies refuse to release oil from the Strategic Petroleum Reserve and all they want to do is drill, drill, drill, drill. I've figured it out.

Every time oil has been released from the Strategic Petroleum Reserve, the price of oil has fallen, each and every time. This administration has refused our demands that it do the same now, when we are in an emergency and has said, I would rather drill.

But its own Department of Energy analysis said, and I quote, ''Drilling would not have a significant impact on domestic crude oil and natural gas production or prices before 2030.''

I figured it out. In 8 years, this administration has enabled oil company profits to go from $39 billion to $116 billion. Think about what those profits will go to in the next 22 years. That is what this is about.

This administration wants to give oil companies more time to reap larger profits, and refuse to give the American people the price relief they need by releasing oil from the Strategic Petroleum Reserve and reducing the price of gas now.

COMPREHENSIVE ENERGY REFORM

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

Mr. LATTA. Mr. Speaker, President Bush's action yesterday to lift the ban on Outer Continental Shelf drilling is an important step towards a comprehensive energy plan that the American public is demanding from Congress.

Many other countries, including China, Brazil and India allow similar exploration off their coastlines. With an estimated 86 billion barrels of oil and 420 trillion cubic feet of natural gas off our own coastline, it is only logical that the United States allow similar action.

But as we know, there is no one single fix for our energy crisis. Congress must act and enact a comprehensive energy reform plan that encompasses alternative and renewable energy, in addition to the recovery and refinement of our own domestic resources, all while expanding our conservation efforts.

Our constituents have made it clear that this is the type of comprehensive energy reform they want, and we must give it to them.

□ 1015

SUPPORT COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, I speak on behalf of immigrants. In the midst of our energy crisis, gas prices, and housing crisis in the United States, there are those who continue to positively contribute to our economy. Immigrants throughout history have come to this Nation with a hunger for success in the American dream, to provide for a family, and have their kids obtain an education. And many of them are working two to three different jobs contributing to our country at stores, restaurants, and gas stations.

Immigrants often live near their establishments, are avid sponsors for local Little League, soccer, schools, and churches. Our country has always welcomed immigrants. Let's remember that we need comprehensive immigration reform for those who positively contribute to our local communities.

I urge my colleagues to support comprehensive immigration reform.

A COMMON LANGUAGE

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

Mr. POE. Mr. Speaker, there are those who now proclaim that our children be required to learn Spanish. Mr. Speaker, I thought English was the national language. Up until recently, almost all immigrants that came to America learned the language, English. That included the Germans, Dutch, French, Chinese, Japanese, Vietnamese, South Asians and on and on.

So why the push to require Americans to learn Spanish? Why not Chinese? More people in the world speak Chinese than any other language, or German. According to the Census Bureau, more Americans, including my family, claim German ancestry over any other heritage. But when our Forefathers debated this language issue years ago, English won out over German.

It seems to me that it's logical that in the U.S. we ought to speak at least the same language, English. And if people want to speak an additional language, let them choose, not the government, which language to speak.

It doesn't seem too much to require people that come to America that they work, follow the law, and learn the common language. Otherwise, we will become a community of nations, rather than a Nation of communities.

Und das ist nur die Art, wie es ist.

ACTIONS TO REDUCE GAS PRICES

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

Ms. SPEIER. Mr. Speaker, despite what Senator MCCAIN's top economic adviser believes, Americans are not whining when they express concern about today's economy. With two oil men in the White House, gas prices have nearly tripled and Big Oil's profits have skyrocketed. The President's action to lift the offshore drilling ban does nothing to lower gas prices now. In fact, his own Energy Information Administration says it will not affect gas prices for nearly 20 years, and even then it will only drop the cost of a gallon of gas by two pennies.

Mr. Speaker, Americans are hurting now and cannot wait 20 years. That's why House Democrats continue to urge the President to release our oil from the Strategic Petroleum Reserve, an action that is not new nor untested and has proven to reduce prices at the pump immediately.

Additionally, I would like us to consider setting a national speed limit at 60 miles per hour. That would reduce the cost of gas by 30 cents a gallon.

DRILL IN AMERICA AND BRING DOWN THE PRICE OF GAS

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

Mr. CULBERSON. Mr. Speaker, I want to urge the Speaker of the House to join with our leader, JOHN BOEHNER, in lowering the price of gasoline. They can do it immediately simply by holding a press conference and announcing we're going to work together in a nonpartisan way for the good of America to open up domestic energy sources by drilling in the United States. We're the only Nation on the face of the Earth that will not use our own natural resources. This is just fundamental common sense. Schlumberger and Shell have said that there is more shale oil in three Western States than all the oil in the Middle East combined.

We could open up the Arctic National Wildlife Reserve. Congress now can move, and in a bipartisan way, to bring down the price of oil simply by announcing we're moving to open up these domestic sources. The marketplace will respond and the price of gas and the price of oil will drop. This is so simple, it's so easy, it's so good for America.

Let's all stand together without regard to party for the benefit of this Nation, which is hurting so much from high gas prices, and say we are going to use American resources for America to create good, high-paying American jobs.

Drill in America in a safe, environmentally clean way, and bring down the price of gas today.

MEDICARE LEGISLATION

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

Ms. SOLIS. Good morning to my colleagues.

As you recall, last month before the House adjourned for the July 4th recess, we passed legislation that would treat seniors and the disabled through Medicare. The legislation passed with strong bipartisan support with Democrats and Republicans recognizing the need to pass this legislation. Last week, the Senate finally followed our lead and passed the bill. Senator KENNEDY courageously returned to Capitol Hill to lodge that vote.

The legislation is now sitting on the President's desk. He has a decision to make. Will he side with private insurers or will he support seniors and the disabled? A veto-proof majority in the House and Senate has now passed legislation that strengthens Medicare and ensures our seniors and disabled that they have access to a doctor that they know and trust.

Mr. Speaker, President Bush should drop his veto threat and join our Members in the House in support of legislation that puts seniors first and the disabled and strengthens a great program known as Medicare. He should sign the Medicare legislation as soon as possible.

THE UNITED STATES MUST DIVERSIFY ITS ENERGY PORTFOLIO

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

Mrs. BLACKBURN. Mr. Speaker, the Democrat majority in this House is just refusing to bring forth any legislation that will deal with the price at the pump. I think that they are content to have their constituents either ride a bike or walk to get where they want to go. In my Seventh District of Tennessee, that does not work.

What they might not know is that what we see happening at the pump is happening in every single energy sector. Tennesseeans and Americans are paying more than ever for their gasoline, their groceries, and naturally to heat and cool their homes. It's bad enough during the summer driving months, but what my friends across the aisle might not know is that utility officials in Memphis have projected a 30-percent spike in the cost of natural gas for this fall. That is on top of a 13½ percent increase last fall.

This Congress must take action and the United States must diversify its energy portfolio and incentivize all types of energy production: Oil, natural gas, geothermal, hydroelectric, nuclear. It's all there.

The energy crisis affects everyone, Mr. Speaker. It is time for action.

RELEASE OIL FROM THE STRATEGIC PETROLEUM RESERVE FOR IMMEDIATE RELIEF AT THE PUMP

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

Mr. COHEN. Mr. Speaker, we've heard on both sides today arguments about the energy crisis. The fact is these arguments are why Congress is held in such low esteem. There are just a couple of things that can be done immediately to help people with the price at the pump, and the major thing that can be done is releasing oil from the Strategic Petroleum Reserve. That's been a proven success with President Bush I, President Clinton, and even this President Bush, and yet he refuses.

Why does he refuse? Because it would hurt the profits of the oil companies. And who gave us this President and this Vice President? The oil companies. This is government of the oil companies, by the oil companies, and for the oil companies. And the people of my district are tired of paying this high price.

Twenty years drilling, you might as well think about your child being born today and planning to see them have a car that gets 80 miles to the gallon in 20 years because that's when the oil that might be pumped today in the Outer Shelf would come to be. Immediate relief is releasing oil from the Strategic Petroleum Reserve.

Mr. President, I urge you to have compassion for the Americans who can't afford this price of oil.

THE ENERGY SITUATION REQUIRES A THREE-LEGGED STOOL

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

Mr. KINGSTON. Mr. Speaker, it's interesting to hear the Democrats flail around for reasons that they won't put energy issues on the floor. I agree with the preceding speaker. Let's talk about the Strategic Petroleum Reserve. Let's talk about offshore drilling. We haven't moved a single appropriation bill because of the fear that we may have an amendment on offshore drilling.

Now the President has lifted his ban, and what we hear from the Democrats is it will take 10 years, it will take 20 years. It means two things: number one, they agree there's oil out there; number two, there's a discussion about how long it will take.

But my question to them is where are your electric cars? Where are your hybrids that suddenly are going to save us? Those are also going to be 10 years down the road.

We need to put it all on the table. We need to look at conservation, we need to look at alternative energy, and we need to drill. It is that simple. You have got to have a three-legged stool to answer the energy situation. And I don't know why the Speaker of the House is afraid to put it on the floor. That is right. There will not be a debate on it because the Democrats are afraid to put it on the floor.

I say let's have an up-or-down vote on all of these issues.

A GOVERNMENT OF, BY, AND FOR THE OIL COMPANIES

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

Mr. MORAN of Virginia. Mr. Speaker, you know, when you listen to the Bush White House and our Republican friends, you really do get the impression that this is a government of, by, and for the oil companies. And in fact, maybe it is. I mean, after all, President Bush was the founder of Bush Oil Exploration. He was a paid board member of several oil exploration companies. Vice President CHENEY is the former CEO of Halliburton, the world's largest oil services company. He's made millions off Halliburton stock while he's been in office.

Newsweek, in fact, at the beginning of the Bush administration, identified 11 key decision makers in the energy policy area that had worked for or lobbied for the energy industry. And in fact when Vice President CHENEY put together his energy transition team, 50 members were from the big corporate energy companies. None was from renewable energy organizations. Maybe that's why the Bush administration has cut renewable energy programs by 27 percent, including a 54 percent cut in solar energy.

There are many reasons why we're in this situation, Mr. Speaker, and one big reason is the background and the priorities of the President and Vice President.

HOUSING MARKET MELTDOWN

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

Mr. MCNERNEY. Mr. Speaker, I represent the city of Stockton, California, which suffers from the highest foreclosure rates in the country. I have seen exactly how devastating this problem is for communities, and more important, for the families in our district. I hear all too often the heartbreaking stories of people struggling to keep up. In fact, Mr. CARDOZA, who spoke a minute ago, and I have had foreclosure workshops to provide counseling to help families refinance and stay out of foreclosure.

Our current economic crisis, including the housing market meltdown, can financially devastate many people, and we need change right now so that hardworking American families can stay in their homes. We need to reform the system by raising the conforming loan limits and providing critical relief to hardworking families.

I strongly believe that we can help provide the breathing room that families need so they not only weather the downturn, but come back stronger than ever.

BIG OIL DOESN'T NEED MORE LAND TO DRILL

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

Mr. YARMUTH. Mr. Speaker, while gas prices continue to soar, Democrats are looking for real solutions to give Americans relief at the pump. We aren't repeating the same rhetoric day after day about opening up our pristine lands and waters to drilling only to save pennies per gallon in 20 years. Instead, we've offered energy solutions for today and for the future.

We pressured the President to stop sending more oil to the Strategic Petroleum Reserve, which could save about 25 cents per gallon at the pump. We also passed legislation cracking down on price gouging. And now we're calling on President Bush to begin releasing oil from the Strategic Petroleum Reserve.

After 7 years of the Bush-Cheney energy policy, written by and for an oil industry raking in record profits, a plan to transition America to a new and more affordable energy future is long overdue. The American people are suffering now and are looking for solutions today. Republicans say we need to open more land for drilling, but the average American family will spend $57,800 on gas before that drilling saves them a penny.

Mr. Speaker, House Republicans need to stop looking to the past for solutions to today's problems.

MIDDLE CLASS CONTINUES TO GET SQUEEZED AS ECONOMIC SITUATION GETS WORSE

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

Mr. PAYNE. Mr. Speaker, for 7 years now, President Bush and Republicans have catered to the excesses of the wealthiest few while ignoring real needs of working Americans. Over the past 6 years, the median household income has fallen over $1,000 per year while prices for health care, education, food, and gas have increased well above inflation. How can we expect working men and women to continue to meet the financial needs of their families when they bring home smaller paychecks as prices rise?

The Democratic Congress has been working hard to ensure that working Americans are not ignored. We passed an economic stimulus package that puts money into the wallets of working families. We've also passed legislation addressing the concerns of millions of Americans, including many of those from my home State of New Jersey, who are afraid of losing their jobs or are afraid they might lose their homes.

Senator MCCAIN's chief economic adviser claims that Americans are whining, that the economic downturn is all in their heads. House Democrats realize that we need to turn the Bush economy around.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

NASA 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. AL GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6455) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6455

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 ''NASA 50th Anniversary Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Aeronautics and Space Administration began operation on October 1, 1958, with about 8,000 employees and an annual budget of $100,000,000;

(2) over the next 50 years, the National Aeronautics and Space Administration has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States;

(3) among the many firsts by the National Aeronautics and Space Administration are that—

(A) on December 6, 1958, the United States launched Pioneer 3, the first United States satellite to ascend to an altitude of 63,580 miles;

(B) on March 3, 1959, the United States sent Pioneer 4 to the Moon, successfully making the first United States lunar flyby;

(C) on April 1, 1960, the United States launched TIROS 1, the first successful meteorological satellite, observing Earth's weather;

(D) on May 5, 1961, Freedom 7, carrying Astronaut Alan B. Shepard, Jr., was the first American space flight involving human beings;

(E) on February 20, 1962, John Glenn became the first American to circle the Earth, making 3 orbits in his Friendship 7 Mercury spacecraft;

(F) on December 14, 1962, Mariner 2 became the first spacecraft to commit a successful planetary flyby (Venus);

(G) on April 6, 1965, the United States launched Intelsat I (also known as Early Bird 1), the first commercial satellite (communications), into geostationary orbit;

(H) on June 3 through 7, 1965, the second piloted Gemini mission, Gemini IV, stayed aloft for 4 days, and astronaut Edward H. White II performed the first EVA or ''spacewalk'' by an American;

(I) on June 2, 1966, Surveyor 1 became the first American spacecraft to soft-land on the Moon;

(J) on May 31, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars) beginning November 13, 1971;

(K) on April 12, 1981, the National Aeronautics and Space Administration launched the Space Shuttle Columbia on the first flight of the Space Transportation System (STS–1);

(L) on June 18, 1983, the National Aeronautics and Space Administration launched Space Shuttle Challenger (STS–7) carrying 3 mission specialists, including Sally K. Ride, the first woman astronaut;

(M) in another historic mission, 2 months later, the National Aeronautics and Space Administration launched STS–8 carrying the first black American astronaut, Guion S. Bluford; and

(N) on July 23, 1999, the Space Shuttle Columbia's 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission;

(4) on April 9, 1959, the National Aeronautics and Space Administration unveiled the Mercury astronaut corps, 7 men with ''the right stuff'': John H. Glenn, Jr., Walter M. Schirra, Jr., Alan B. Shepard, Jr., M. Scott Carpenter, L. Gordon Cooper, Virgil I. ''Gus'' Grissom, and Donald K. ''Deke'' Slayton;

(5) on May 25, 1961, President John F. Kennedy, reflecting the highest aspirations of the American people, proclaimed: ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth. No single space project in this period will be more impressive to mankind, or more important in the long-range exploration of space; and none will be so difficult or expensive to accomplish.'';

(6) on September 19, 1961, the National Aeronautics and Space Administration announced that the National Aeronautics and Space Administration center dedicated to human space flight would be built in Houston, Texas;

(7) on February 17, 1973, the Manned Spacecraft Center in Houston was renamed the Lyndon B. Johnson Space Center;

(8) on December 21, 1968, Apollo 8 took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon;

(9) as Apollo 8 traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile ''blue marble'' hanging in the blackness of space;

(10) this transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties;

(11) on July 20, 1969, Apollo 11 astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module;

(12) Armstrong set foot on the surface of the Moon, telling the millions of listeners that it was ''one small step for a man, one giant leap for mankind'', and Aldrin soon followed and planted an American flag, but omitted claiming the land for the United States, as had routinely been done during European exploration of the Americas;

(13) the 2 Moon walkers left behind an American flag and a plaque bearing the inscription: ''Here Men From The Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We Came in Peace for All Mankind.'';

(14) on April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS–31 mission of the Space Shuttle Discovery, and since then, the Hubble has revolutionized astronomy, while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space;

(15) on July 4, 1997, the Mars Pathfinder landed on Mars and on January 29, 1998, an International Space Station agreement among 15 countries met in Washington, DC, to sign agreements to establish the framework for cooperation among the partners on the design, development, operation, and utilization of the Space Station;

(16) the National Aeronautics and Space Administration's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice; in the quest to explore the universe, many National Aeronautics and Space Administration employees have lost their lives, including the crews of Apollo 1, the Space Shuttle Challenger, and the Space Shuttle Columbia;

(17) the success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century, such leadership being attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers, including—

(A) from small spacecraft to supercomputers, science missions and payloads to thermal protection systems, information technology to aerospace, the Ames Research Center in California's Silicon Valley, which provides products, technologies, and services that enable NASA missions and expand human knowledge;

(B) the Dryden Flight Research Center, the leading center for innovative flight research;

(C) the Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research;

(D) the Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space;

(E) the Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System;

(F) the Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions;

(G) the Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond;

(H) the Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives;

(I) the Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems that accelerate exploration and scientific discovery, including the Michoud Assembly Facility, which has been a world-class facility since 1961 for fabrication of large space structures, including the Saturn V and the Space Shuttle External Tank, and which will have a critical role in the Constellation program, including manufacturing major pieces of the Orion crew capsule, the Ares I upper stage, and the Ares V core stage; and

(J) the Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology;

(18) the United States should pay tribute to the National Aeronautics and Space Administration, and to its successful partnerships with the space and research centers, by minting and issuing a commemorative silver dollar coin; and

(19) the surcharge proceeds from the sale of a commemorative coin would generate valuable funding for the National Aeronautics and Space Administration Families Assistance Fund, for the purposes of providing need-based financial assistance to the families of any National Aeronautics and Space Administration personnel who lose their lives as a result of injuries suffered in the performance of their official duties, and for other worthy and important purposes.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $50 GOLD COINS.—Not more than 50,000 $50 gold coins, which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) $1 SILVER COINS.—Not more than 300,000 $1 coins of each of the 9 designs specified in section 4(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) MINTAGE LEVEL LIMIT.—Notwithstanding the mintage level limit described under section 5112(m)(2)(A)(ii) of title 31, United States Code, the Secretary may mint and issue not more than 300,000 of each of the 9 $1 coins authorized to be minted under this Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2008''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum'', and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $50 COINS.—

(i) OBVERSE.—The obverse of the $50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the $50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) HIGH RELIEF.—The design and inscriptions on the obverse and reverse of the $50 coins issued under this Act shall be in high relief.

(B) $1 COINS.—

(i) OBVERSE.—The obverse of the $1 coins issued under this Act shall bear 9 different designs, each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the $1 coins issued under this Act shall bear different designs, each of which shall be emblematic of the contributions of the research and space centers, subject to the following requirements:

(I) EARTH COIN.—The reverse of the $1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini, and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO (AND OTHER DWARF PLANETS) COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called ''Golden Age of Coinage'' in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Administrator of the National Aeronautics and Space Administration and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality only.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—Notwithstanding any other provision of law, including section 7(d), the Secretary—

(1) may accept orders for the coins authorized under this Act during the period beginning on January 1, 2008 and ending on December 31, 2008; and

(2) may mint and issue such coins required to fulfill such orders during the period beginning on January 1, 2008 and ending on December 31, 2009.

(d) EXCEPTION TO PROGRAM LIMITATION.—Notwithstanding any other provision of law, the minting or issuance of coins under this Act in 2009 shall not—

(1) preclude the Secretary from including a surcharge on the issuance of any other commemorative coin minted or issued in 2009; and

(2) be counted against the annual 2 commemorative coin program minting and issuance limitation under section 5112(m)(1) of title 31, United States Code.

(e) ISSUANCE OF GOLD COINS.—Each gold coin minted under this Act may be issued only as part of a complete set with 1 of each of the 9 $1 coins minted under this Act.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PRESENTATION.—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the $50 gold coin in the center, surrounded by the $1 silver coins in elliptical orbits. All such presentation cases shall bear a plaque with appropriate inscriptions that include the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program and the names of such astronauts.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $50 per coin for the $50 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $1 per coin for any bronze duplicate minted under section 8.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first $4,000,000 available for distribution under this section, to the NASA Family Assistance Fund, for the purpose of providing need-based financial assistance to the families of NASA personnel who lose their lives as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ of the next $1,000,000 to each of the following:

(A) The Dr. Ronald E. McNair Educational (D.R.E.M.E.) Science Literacy Foundation for the purposes of improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

(B) The Challenger Center for Space Science Education, for the purposes of creating positive learning experiences using space science as a theme that raise student expectations of success, fostering a long-term interest in mathematics, science, and technology, and motivating students to pursue careers in these fields.

(3) The remainder of the amounts available for distribution after the payments under paragraphs (1) and (2), to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(c) AUDITS.—The NASA Family Assistance Fund, the Dr. Ronald E. McNair Educational Science Literacy Foundation, the Challenger Center for Space Science Education, and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the $50 gold coins authorized under this Act, at a price determined by the Secretary to be appropriate. Such duplicates shall not be considered to be United States coins and shall not be legal tender.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Texas (Mr. AL GREEN) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

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

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the House leadership for allowing this most important piece of legislation to proceed expeditiously. I also thank Chairman BARNEY FRANK, the chairman of the full committee, the Committee on Financial Services, which has jurisdiction.

Mr. Speaker, I rise today in support of H.R. 6455, the NASA 50th Anniversary Commemorative Coin Act, which would require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of NASA.

I would like to thank my colleague, SHEILA JACKSON-LEE from Houston, Texas, for sponsoring this most important piece of legislation.

On October 1, 1958, the National Aeronautics and Space Administration, NASA, began operations with about 8,000 employees and an annual budget of about $100 million. Today, NASA continues its mission to pioneer the future in space exploration, in scientific technology, in aeronautics, as well as to inspire Americans of all ages and backgrounds to experience firsthand the scientific wonders of our universe.

For 50 years, NASA has been the world leader in space exploration. On December 6, 1958, the United States launched Pioneer 3, the first United States satellite to ascend to an altitude of 63,580 miles. In July 1969, NASA astronauts were the first humans to walk on the Moon. And in 1983, NASA also sent the first woman and the first African American into space. The astronauts were Sally Ride and Guy S. Bluford.

It is through NASA technology and research that our world is a much safer and well-informed place. We are blessed to have NASA as a part of the American history and a part of our great American icons.

In 1990, the Hubble Space Telescope was launched, providing helpful insight into the history and fate of our universe. And in December of 1999, Terra, the flagship of NASA's Earth-Observing System, was launched to monitor climate and environmental changes on Earth.

Telecommunications would not be what they are but for NASA. Something as simple as the microwave is a development that has come into being as a result of NASA.

It is with great pride and sincere appreciation that we commemorate NASA's 50th anniversary with a gold and silver coin that honors NASA's remarkable achievements, enlightening research, and dedicated employees.

And on the note of the employees, let me just say that NASA employees are second-to-none. They are hardworking employees who have devoted much of their lives to the research that has made our lives much better, and we, by doing this, will pay them a great deal of respect and give an expression of gratitude.

Many of NASA's employees, however, have lost their lives during space missions, including the crews of *Apollo 6*, and the Space Shuttle *Challenger*, and the Space Shuttle *Columbia*. These Americans are owed a debt of gratitude, as well as their families, and today, we want to thank them, their families, for the lives that were lost and the tribute that we will pay to them for the price that they paid to help us to explore the universe.

This is not the first time that this Congress has voted to create a NASA 50th anniversary commemorative coin program. On July 30 of last year, the House passed H.R. 2750, a bill with 296 cosponsors that would require the creation of such a program. I was proud to be a cosponsor. The final vote of passage on the bill was 402–0.

Recently, the Senate passed an amended Senate version of H.R. 2750 on June 19 of this year.

As a result of the constitutional requirement that revenue-raising bills originate in the House, it was necessary to reintroduce the Senate bill as a new House bill. This bill, H.R. 6455, adopts the language of the Senate-amended bill.

Again, I thank my colleague SHEILA JACKSON-LEE for introducing this bill. I urge my colleagues to support it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 11, 2008.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Washington, DC.

DEAR BARNEY: I am writing regarding H.R. 6455, the ''NASA 50th Anniversary Commemorative Coin Act.''

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 6455 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 6455, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 14, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 6455, the ''NASA 50th Anniversary Commemorative Coin Act,'' which was introduced in the House and referred to the Committee on Financial Services on July 11, 2008. It is my understanding that this bill be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 6455 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6455, the NASA 50th Anniversary Commemorative Coin Act. I want to thank the chairman of the Financial Services Committee, Mr. FRANK, for his willingness to bring this bill to the floor.

This is an easy bill to understand. What is a little difficult to fathom is why this bill has been so star-crossed, pun intended. The gentleman from Texas (Mr. CULBERSON) proposed this idea first several Congresses ago, and the House has passed it several times in substantially the same form, this year with the help of the gentlelady from Texas (Ms. JACKSON-LEE).

For reasons that aren't clear, it has always had a harder time escaping the gravitational pull of the other body; although, it's always had support. This year, the Senate acted but sent back a Senate-numbered bill with some minor amendments, and since the bill contains a revenue provision and thus has to be a House-numbered bill to go to the President, we are sending the Senate-amended language to them in this bill.

Mr. Speaker, the gentleman from Texas (Mr. CULBERSON) speaks eloquently about the importance of the space program to the American economy, to United States national security, and to the advancement of science, and I'm honored to yield to my

friend from Texas at this time for such time as he may consume.

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

Mr. CULBERSON. Mr. Speaker, I want to thank my colleagues. Our pride and support for NASA is, indeed, bipartisan. Without regard to where we come from in this Nation or our party origins, we share that great pride in the accomplishments of the National Aeronautics and Space Administration. They've touched our lives in so many ways. I have always admired NASA, particularly as an amateur astronomer, as a native Houstonian.

Mr. PRICE is right. I have passed this bill the last two Congresses, and for whatever reason, it has had problem escaping the gravitational pull of the Senate. And with the help of my good friend, AL GREEN, and Congresswoman SHEILA JACKSON-LEE we passed it again this year.

This is going to be a remarkable and beautiful coin set that will contain a $50 high relief gold coin commemorating the lives lost in space. Those astronauts who gave their lives will be honored and recognized in that $50 high relief gold coin, with on the front coin a scientifically accurate image of the Sun and the reverse, a design commemorating those astronauts' sacrifice.

The other coins will represent each one of the planets in the solar system, with the front of the coin with a scientifically accurate image of that planet and then the reverse of the coin with a design honoring the NASA flight center that was responsible for missions to that planet.

And then, of course, now that Pluto has been called a dwarf planet, the Pluto coin will have a reverse that honors the Hubble telescope and the Goddard Space Flight Center and the remarkable achievements of the Hubble telescope.

The proceeds of this coin will go to fund the NASA Families Assistance Fund. Those families who have lost a loved one in the space program will benefit directly from the sale of these coins.

The Ronald McNair Education Science Literary Foundation will benefit from the sale of these coins. The Challenger Center for Space Science Education to increase interest in math, science and technology will benefit from the sale of this coin. And then finally, the Smithsonian Institute, National Air and Space Museum, will benefit from the sale of this coin.

And because of the difficulties with the gravitational pull of the Senate, as my friend Mr. PRICE so eloquently points out, because this authorization bill is coming out a little late this year, the changes the Senate made are good ones, and that is to allow the Mint to sell the coins this year through December 31 of 2008, but to continue to mint them through next year so that people will have a chance to order them and the Mint will have plenty of time to complete the designs and to market them.

It is going to be a beautiful set that the Mint estimates will raise a great deal of money for the benefit of the families, the benefit of these educational funds, and for the benefit of the National Air and Space Museum.

I'm very grateful to my colleagues from Texas, Congresswoman SHEILA JACKSON-LEE, my good friend AL GREEN, and my good friend Congressman TOM PRICE of the Georgia delegation, next to Texas my favorite delegation in the United States Congress.

Mr. AL GREEN of Texas. I yield myself 1 minute.

Mr. Speaker, I'd like to thank Mr. PRICE. He and I worked together on the Financial Services Committee. I thank him for his dedication and devotion.

I'd like to thank my colleague and friend from Houston, Texas (Mr. CULBERSON) for his outstanding service on this bill as well. This is truly a bipartisan piece of legislation.

At this time, I'm honored to yield to the sponsor of the legislation, Ms. SHEILA JACKSON-LEE, as much time as she may consume.

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

Ms. JACKSON-LEE of Texas. Let me thank my colleague Mr. GREEN for his outstanding leadership on the Financial Services Committee in the management of this bill.

Let me also thank his co-manager on the floor as well, and I'd like to thank the chairman of the Financial Services Committee and his ranking member. Chairman FRANK has been a champion of this legislation. His staff and the Financial Services Committee has been a supporter as we have made our way from the House, through the committee process, through the Senate, back to the House, and now back to the Senate.

I think it's important to note that the House has the ability to legislate on revenue matters, and it is important as we pass this legislation for it to pass quickly in the Senate in order for this very worthy acknowledgment of the NASA 50th Anniversary Commemorative Coin Act.

I'm delighted to be the original cosponsor and author of this legislation, joined with my colleague Congressman JOHN CULBERSON. I want to congratulate him and congratulate his staff. He has worked over a number of sessions, and we have collaborated on an institution that we've seen grow and thrive and improve over the years.

This particular legislation is a commemoration of the 50 years of NASA. The year 2008 will mark the 50th anniversary of the creation of the National Aeronautics and Space Administration, NASA. This important legislation celebrates NASA's 50th birthday with a commemorative coin. The legislation also honors extraordinary partnerships between NASA and its 10 space and research centers.

As a long-standing member of the Science Committee, I had the opportunity to visit most of NASA's space and research centers, and I hope as we stand on the floor today, each and every one of them, wherever they are located, will view this as a special tribute to them.

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This reflects the distinguished history of NASA. The United States of America won the race to land a man on the moon and subsequently had the opportunity to have women in space. And thanks to the courage, dedication and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time, it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA had been involved in many defining events which helped to shape human history. We consider the astronauts our heroes. And I've always enjoyed saying that at my annual Christmas party with 3,000 youngsters, the astronauts are more popular than Santa Claus.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed, ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth.'' We all know the phenomenon of ''The Right Stuff,'' the courageous men who first went into space. ''No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish'' as President Kennedy said as he referred to landing a person on the moon.

Always at the forefront of technological innovation, NASA has been home to countless ''firsts'' in the field of space exploration, from the 1958 launch of Pioneer 3, the first U.S. satellite to ascend to an altitude of 63,000 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation and utilization of the Space Station.

Over the past 50 years, NASA's accomplishments have included many. I think it is important, Mr. Speaker, to note that many who have gone to the Space Station—and I'm putting in my reservation—have indicated that it is massive, it is enormous, it is powerful, it is impressive, it is as large as a football field. That is the genius of America. And this is the genius that we celebrate by this commemorative coin.

I note, very briefly, on February 20, 1962, John Glenn became the first American to circle the Earth.

Briefly, on April 6, 1965, the United States launched Intelsat I, the first commercial satellite.

On November 13, 1961, the United States launched Mariner 9, the first mission to orbit another planet, that was Mars.

On April 12, 1981, NASA launched the Space Shuttle *Columbia*.

On January 18–24, 1983, NASA launched Space Shuttle *Challenger!*.

On July 22, 1999, Space Shuttle *Columbia*'s flight was led by Air Force Colonel Eileen Collins, the first woman to command a shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module.

On April 24, 1990, the Hubble Space Telescope was launched into space.

So many firsts, but yet, of course, there were tragedies. And today, as we commemorate this coin or pass this legislation, we also acknowledge the fallen heroes in *Columbia* and *Challenger*, and the others who have found their dream of going into space shortened by this tragic incident.

It is not safe, it is not easy, it is risky, but there are men and women, Americans, who are willing to go into space to be able to push the envelope to ensure that humanity has the kind of health resources or health research in HIV/AIDS and stroke and heart attacks to be able to move this Nation and humanity around the world to its highest level.

I'm very pleased that we, in the Houston area, celebrate the Johnson Space Center, representing so many space centers around the world. I am even more pleased to have the opportunity, on more than one occasion, to welcome home the astronauts as they've landed at the Johnson Space Center. What a remarkable experience to hear their stories, to see their eyes light up as they express what it's like to be in space, to take a space walk. As our most recent mission evidenced, how important it is that space has reflected the diversity of America—Asians, Hispanics, African Americans, Caucasians, men, women, people from all over this Nation, and yes, our international partners from Japan, from Russia, from many places around the world.

And what will this coin do? And we encourage, if I might, for everyone to be excited about this coin. I'm hoping that you will commemorate the passage of this legislation by securing to you the value of the NASA coins. You can say this on the floor of the House, we're not marketing, but we think it will be an outstanding and special historical artifact that you will really want to have. But it also serves to further the dream, the dream of space, the dream in the hearts and minds of young people.

In this very important legislation the proceeds of the sale will benefit the life and legacy of Dr. Ronald E. McNair, a friend, a neighbor, a member of the Wheeler Avenue Baptist Church; the late Dr. Ronald E. McNair whose Educational Science Literacy Foundation is strengthening the connection of minority youngsters to math and science. It will also help the Challenger Center for Space Science Education, for the purposes of creating positive learning experiences using space science as a theme that raise student expectations of success.

All of this will be, as well, celebrated by adding dollars to the NASA Families Assistance Fund, and that is, of course, the fund that provides for those who have lost their loved ones in the course of this historic opportunity.

Mr. Speaker, let me acknowledge Jonathan Obee of the Financial Services Committee on this legislation. I also wish to pay tribute to Yohannes Tsehai of my staff, as I've indicated, again, to the chairman of the full committee, Mr. FRANK, and of the subcommittees, and the ranking member of the full committee. I also want to acknowledge, as I indicated before, the manager of the bill from Houston and the manager from the minority who is managing this bill.

In closing, Mr. Speaker, let me say this, that coins may represent some symbolism, but in the spirit of what NASA has meant to America, it is more than that. It is simply to say thank you; thank you to the brave men and women who are willing, yes, to sacrifice their life so that humanity can be lifted to a higher level.

Learning what happens in space can improve the quality of lives of all Americans. And I hope this coin will remind young people today of the importance of math and science and pushing their own envelopes. I want to see more astronauts and more astronauts, more exploration, if you will, and the understanding of science to improve the quality of life of all of America and around the world.

With that, I ask my colleagues to support this legislation and I thank Mr. GREEN for his time.

Mr. Speaker, I rise in strong support of H.R. 6455, the NASA 50th Anniversary Commemorative Coin Act. I was pleased to introduce this bill and I thank my colleague, Mr. CULBERSON, who joined me in introducing this legislation, and Chairman FRANK of the Financial Services Committee, for his excellent leadership in shepherding this historic legislation to passage on the House floor.

The year 2008 will mark the 50th anniversary of the creation of the National Aeronautics and Space Administration (NASA). This important legislation celebrates NASA's 50th birthday with a commemorative coin. The legislation also honors the extraordinary partnerships between NASA and its 10 space and research centers.

Mr. Speaker, NASA has a distinguished history. The United States of America won the race to land a man on the moon and, thanks to the courage, dedication, and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA has been involved in many defining events occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish.''

Always at the forefront of technological innovation, NASA has been home to countless ''firsts'' in the field of space exploration, from the 1958 launch of Pioneer 3, the first U.S. satellite to ascend to an altitude of 63,580 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation, and utilization of the Space Station. Over the past 50 years, NASA's accomplishments have included:

On 20 Feb. 1962, John Glenn became the first American to circle the Earth, making three orbits in his *Friendship 7* Mercury spacecraft.

On 6 Apr. 1965, the United States launched Intelsat I, the first commercial satellite (communications), into geostationary orbit.

On 13 Nov. 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars).

On 12 Apr. 1981, NASA launched the Space Shuttle *Columbia* on the first flight of the Space Transportation System (STS–1).

On 18–24 Jun. 1983, NASA launched Space Shuttle *Challenger* (STS–7) carrying three mission specialists, including Sally K. Ride, the first woman astronaut. In another historic mission, two months later, NASA launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

On 22 Jul. 1999, the Space Shuttle *Columbia's* 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the *Apollo* command module. Armstrong set foot on the surface, telling the millions of listeners that it was ''one small step for man—one giant leap for mankind.'' Aldrin soon followed him out and planted an American flag but omitted claiming the land for the U.S. as had routinely been done during European exploration of the Americas. The two Moon-walkers left behind an American flag and a plaque bearing the inscription: ''Here Men from Planet Earth First Set Foot upon the Moon. Jul. 1969 A.D. We came in Peace for All Mankind.''

On April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS–31 mission of the Space Shuttle *Discovery*. The Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space.''

Mr. Speaker, in addition to these historic events, NASA has greatly contributed to our understanding of our universe. In 1968, *Apollo 8* took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon. As *Apollo 8* traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile ''blue marble'' hanging in the blackness of space.

This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

The success of the United States space exploration program in the 20th Century bodes well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration, and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of NASA and a lodestar in the Houston area. The other nine research and space centers are:

1. The Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge in areas as diverse as small spacecraft and supercomputers, science missions and payloads, thermal protection systems and information technology.

2. The Dryden Flight Research Center, the leading center for innovative flight research.

3. The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.

4. The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.

5. The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

6. The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

7. The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

8. The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

9. The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

NASA's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice. In the quest to explore the universe, many NASA employees have lost their lives, including the crews of *Apollo 6*, the Space Shuttle *Challenger*, and the Space Shuttle *Columbia*.

The surcharge proceeds from the sale of a coin commemorating the contributions of NASA will generate valuable funding for the NASA Families Assistance Fund for the purposes of need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties. And equally important, proceeds from the sale of commemorative coins will also benefit the Dr. Ronald E. McNair Educational (D.R.E.M.E.) Science Literacy Foundation, which is dedicated to improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

This legislation also benefits the Challenger Center for Space Science Education, for the purposes of creating positive learning experiences using space science as a theme that raise student expectations of success, fostering a long-term interest in mathematics, science, and technology, and motivating students to pursue careers in these fields. The remainders of the proceeds, after distribution to the NASA Families Assistance Fund, the DREME Foundation, and the Challenger Center for Space Science Education, are slated to go to the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

Mr. Speaker, in the centuries to come, when space travel will be commonplace and America will have successfully led the way for humanity to utilize the resources of other planets, these first 50 years of NASA's existence will be remembered as the most significant era of human space exploration. It is, therefore, important that we commemorate the great achievements of NASA's first 50 years.

In closing, Mr. Speaker, let me also thank Jonathan Obee of the Financial Services Committee on this legislation. I also wish to pay special tribute to Yohannes Tsehai of my staff. Without their valuable contributions this significant legislative achievement would not have been possible. I strongly urge my colleagues to join me in supporting this historic legislation.

Mr. PRICE of Georgia. Mr. Speaker, I want to say how pleased we are that this bill has come to the floor. I want to commend my friend from Texas for shepherding this through previous Congresses. I want to commend the gentlelady from Texas for painting a picture of the wonder of NASA that we all know and love. The byproducts of the NASA program have been remarkable.

I remember myself that day in July of 1969 when we landed on the Moon, and watching that, and what a special source of pride that was for all Americans. I remember thinking—actually, every time that NASA has a flight—the incredible energy that it takes to boost those rockets into space.

This bill is going to get something that's very special on the floor of this House, and that's a vote; that's a vote, Mr. Speaker. We would appeal to the Democrat majority leadership to allow a vote on other bills, other bills that have items of import, like the energy that it takes for every single American to live each and every day. Just a vote, that's all we ask for, just a vote.

We had many of our friends come to the floor earlier today and talk about the issue of energy. And we, on our side of the aisle, believe that a comprehensive solution is absolutely necessary.

We've got to have conservation, and Americans are doing their share on that score as we speak. We've got to have an alternative fuel source. And I'm one of those that's hopeful that it's not a source of energy that is selected by this Congress but that utilizes the ingenuity and the entrepreneurship and the genius of the American people to come up with that alternative fuel.

But we know that we also need a short-term, a near-term solution, and that's the increase in supply. And that's what we ask for for the floor of this House is to allow a vote on an increase in supply for onshore fossil fuels, for offshore deep sea exploration, for clean coal technology, for oil shale, for increasing refining capacity so that the energy that was put into the space program can be harnessed for the energy that will solve the challenges that we have for our Nation in terms of American-made energy for Americans.

So that's what we ask for, Mr. Speaker, a vote, a vote not just on this bill—which we know we'll get, and we're very grateful for that—but a vote on the bills of significant import to the American people in this day and in this time so that we can make certain that we do, in fact, increase American-made energy for Americans.

Mr. CULBERSON. Will the gentleman yield?

Mr. PRICE of Georgia. I'm pleased to yield to my friend from Texas.

Mr. CULBERSON. I thank the gentleman for yielding because I wanted to point out to the House some of the remarkable research that NASA is doing. In fact, at Rice University in Houston, Texas that my friend AL GREEN and I and Congresswoman SHEILA JACKSON-LEE are proud to represent Rice University, they're developing a quantum wire, with the help of NASA, using carbon nanotubes that transmit electricity ballistically with zero resistance, essentially room temperature superconductors that will allow the storage and transmission of electricity in ways we cannot even imagine today, carrying electricity in a wire the width of your little finger 10 to 20 times the electricity carried in those giant overhead power lines from Los Angeles to New York with no loss of electricity.

NASA research at Rice University with the quantum wire and carbon nanotubes will increase the efficiency of solar cells so dramatically that, for example, when you put carbon nanotubes into a solar cell, you increase the efficiency to 60 and 70 percent.

So commemorating NASA today, we're commemorating the great technological advances that NASA has

brought to all of us as Americans today. My wife often teases me about all these electronic devices I carry to communicate with my district on Quick.com and Twiter.com—and let me see, I've got one in this pocket right here.

We all benefit from the technological research that NASA does, but the future holds greater promise for us, with the carbon nanotube work and combining that with solar cell technology, truly holds the promise of making America energy independent in the years to come.

But in the meantime, my friend from Georgia is exactly right, we need to drill here, drill now, and we will certainly pay less. And the Congress is all that's standing in the way of drilling here and drilling now. And I hope they will give us a vote on that.

But in the meantime, today we can honor the great technological achievements of NASA and the carbon nanotube research that holds the promise for making America energy independent in the long term.

Mr. PRICE of Georgia. I thank my friend for his comments.

And I appreciate just a glimpse into the wonderful genius of the American people and what we're able to do when we harness the energy of the American mind and have it move in a focused direction, like increasing the supply of energy.

Mr. Speaker, I'm pleased to support this bill and I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, may I inquire as to how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Texas has 5½ minutes remaining. The gentleman from Georgia has 5½ minutes remaining.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 2½ minutes to the gentlelady from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Texas as well.

I'm very pleased to add to the debate on the floor of the House and how far-reaching NASA has come as it relates to all academic institutions. I'm very proud of the partnership that NASA has had with Texas Southern University, one historically black college located in the 18th Congressional District, as well as Oakwood College located in Huntsville, Alabama. But there are many, many colleges that NASA has collaborated with. It's been a particularly important partnership with historically black colleges and Hispanic-serving colleges. As it relates to Texas Southern University, they've worked on aeronautics. They have, in fact, engaged in fellowships with young people to be able to expose them to the importance of the work that NASA has done.

I think even more so, it is important for the American people to know that the payload that the astronauts have taken to the Space Station and actually worked on includes the work of elementary, middle school and high school students. What better way for there to be an excitement about space and what we enjoy but doing it in that way.

I'm delighted that my colleagues have joined in discussing the broadness of our energy policy. I think in the passing of Dr. DeBakey we should make note of the great medical research that goes on with NASA. And as I've indicated with HIV/AIDS, with heart attacks or heart disease or stroke, it is not known to most Americans how much medical research is done on the Space Station and how many different countries are there and the medical doctors that go into space as well.

I know that we will work for a unified energy policy that involves, if you will, all of the elements, including conservation and wind and solar—Texas being the largest State with wind power. And I look forward to us having a fossil fuel, wind, solar, conservation, and we will do that as we move together.

NASA is so much a part of this extended research on climate change. And these commemorative coins will celebrate the diversity of NASA, how valuable it is for us. I hope my colleagues will enthusiastically support this particular legislation that will cause us to make sure that we are reminded of the great work of this great organization, serving all of the people of the United States of America.

Mr. PRICE of Georgia. Mr. Speaker, I just want to thank my good friends from Texas once again for bringing this bill to the floor and thank the chairman of the committee for bringing this bill to the floor.

In closing, I will just say that my constituents and many constituents and many Americans that I hear from all across this Nation say they remember fondly the wonderful enthusiasm with which this Nation gathered around, challenged by a President in the early 1960s to go to the Moon. And NASA was absolutely pivotal and instrumental in that. And it's that kind of enthusiasm that my constituents and so many Americans believe we ought to be putting into the same kind of program to discovering that alternative fuel that will lead us and allow us to lead throughout the 21st century.

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So this bill will get a vote. And for that we are very, very grateful.

We would ask, Mr. Speaker, and appeal to the leadership to allow a vote on increasing the supply of American energy for Americans and providing a program that allows for the expansive development of alternative fuel.

With that, I am pleased to support this bill.

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

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in commemorating NASA's 50 years, the 50th anniversary, if you will, we are talking about great accomplishments. We are talking about the past. We are talking about the destinations that NASA has taken us to. We have gone to the Moon; that's a destination. We have a space station; that's a destination. We plan to go to Mars; that's a destination. But our destiny is beyond the Milky Way. Our destiny is beyond Alpha Centauri. Our destiny is beyond the stars. NASA is in its infancy, and it will take us to our destiny.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 6455.

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.

TIMOTHY J. RUSSERT HIGHWAY

Mr. HIGGINS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3145) to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3145

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Timothy ''Tim'' John Russert was born on May 7, 1950 in Buffalo, New York, to Elizabeth and Timothy Joseph Russert.

(2) Tim Russert graduated from Canisius High School in Buffalo, New York, earned his bachelor's degree in political science from John Carroll University in 1972, and his Juris Doctor from Cleveland State University—Marshall School of Law in 1976.

(3) Tim Russert embarked on a career in public service with United States Senator Daniel Patrick Moynihan and the Governor of New York, Mario Cuomo, from 1977 to 1984.

(4) After his career in public service and New York politics, Tim Russert began his career in journalism when he joined NBC in 1984.

(5) In 1991, Tim Russert became the host of the Sunday morning news program Meet the Press, the longest-running program in the history of television. He would go on to become the longest serving host of the show.

(6) Throughout his career, Tim Russert received 48 honorary doctorates and several awards for excellence in journalism, including—

(A) the Edward R. Murrow Award from the Radio-Television News Directors Association;

(B) the John Peter Zenger Freedom of the Press Award;

(C) the American Legion Journalism Award;

(D) the Veterans of Foreign Wars News Media Award;

(E) the Congressional Medal of Honor Society Journalism Award;

(F) the Allen H. Neuharth Award for Excellence in Journalism;

(G) the David Brinkley Award for Excellence in Communication;

(H) the Catholic Academy for Communication's Gabriel Award; and

(I) an Emmy Award from the National Academy of Television Arts and Sciences.

(7) In 2004, Tim Russert authored the best-selling autobiography, Big Russ and Me, which chronicled his life growing up in South Buffalo and his education at Canisius High School. He is also the author of Wisdom of our Fathers.

(8) Tim Russert advocated on behalf of abused children and voiced the need to protect our Nation's young people, serving on the board of directors of the Greater Washington Boys and Girls Club and America's Promise—Alliance for Youth.

(9) Tim Russert sat in the front seat of history, chronicling the political and societal events that have defined our time, and serving as a trusted source of information and analysis for millions of Americans.

(10) Tim Russert was a tireless booster of Buffalo, a famous fan of his beloved Buffalo Bills, and was always proud of his South Buffalo roots, a source of civic pride in the Western New York community.

(11) Tim Russert passed away on June 13, 2008. He is survived by his wife, Maureen Orth and their son, Luke Russert.

SEC. 2. DESIGNATION.

The portion of United States Route 20A located in Orchard Park, New York, between Abbot Road and California Road shall be known and designated as the ''Timothy J. Russert Highway''.

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of United States Route 20A referred to in section 2 shall be deemed to be a reference to the Timothy J. Russert Highway.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Mr. 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 S. 3145.

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

There was no objection.

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

Mr. Speaker, on June 13 the Nation lost one of its premier political journalists, and my home neighborhood of South Buffalo lost a favorite son.

Tim Russert was born in Buffalo on May 7, 1950. Hailing from a proud, working class family, Tim worked his way through Canisius High School and John Carroll University. After graduating from the Cleveland-Marshall College of Law, Tim Russert entered public service, working for Senator Daniel Patrick Moynihan and New York Governor Mario Cuomo.

In 1984 Tim began his celebrated career in journalism at NBC, where he stood out by, among other accomplishments, arranging the first live appearance on American television by Pope John Paul II. In 1991 NBC named Tim Russert the moderator of ''Meet the Press,'' a landmark decision that would leave a lasting impact not only on the Sunday morning talk shows but on all journalism.

Tim served masterfully as anchor and political analyst. He earned a reputation as a tenacious yet fair interviewer of his guests. His preparation and performance on ''Meet the Press'' set a new standard for political journalists: that they should ask, and demand answers to, the pressing questions of the day. No one did that better than Tim Russert.

Russert was also an accomplished author. His moving books, ''Big Russ and Me'' and ''Wisdom of Our Fathers,'' became New York Times best sellers. They also provided insight into the top priority Tim Russert placed on his family, his community, and the tradition of that community.

It was well noted in public remembrances of Tim Russert's life that he was proud of his Buffalo roots. What most people do not know is how proud Buffalo was of Tim Russert. We remember Tim as one of our greatest ambassadors, a kid from the neighborhood who never forgot his roots and continually made us proud. In many ways he defined how we in Buffalo see ourselves: tough, loyal, and hard working, not easily fooled. Tim Russert embodied these characteristics, and he never forget where he came from because that helped ultimately make who he was.

Tim's pride in his hometown was never more evident than when he would go on ''Meet the Press'' and use that pulpit to issue his ''Go Bills!'' before a big game. With Tim's love of the Buffalo Bills in mind, the legislation before the House today will author a fitting and lasting tribute to one of Buffalo's favorite sons.

S. 3145 would designate a portion of Route 20A in the town of Orchard Park, New York, the road leading to the Buffalo Bills' Ralph Wilson Stadium, as the ''Timothy J. Russert Highway.'' It will serve as a lasting celebration of Tim's life and provide Western New Yorkers and visitors alike the opportunity to take pride in Tim's contributions while on their way to see his beloved Bills win another game.

S. 3145 was agreed to in the Senate by unanimous consent on June 25. Passage today would send the bill to the White House and enable our community to honor Tim in what for all we hope will be another winning season for the Buffalo Bills.

Lastly, I would like to thank Chairman JIM OBERSTAR, Ward McCarragher, and Jim Kolb of the committee staff for their assistance with this legislation, and I urge its adoption today.

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

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

Mr. Speaker, I rise in support of S. 3145, a bill to designate a portion of the United States Route 20A to be named the ''Timothy J. Russert Highway.''

On June 13, 2008, the Nation was shocked to learn of the sudden loss of Tim Russert, NBC News' Washington bureau chief and moderator of ''Meet the Press'' and one of our most popular television analysts.

Tim Russert was known across the country as moderator for ''Meet the Press'' where he interviewed high-profile guests, bringing Washington politics into American living rooms. He was recognized for his on-the-air tenacity as a moderator and his intense passion for politics. It is no wonder that Time Magazine named Mr. Russert one of the 100 most influential people in the world. Despite his success, Tim Russert never lost sight or forgot his roots in Buffalo, New York.

S. 3145 designates a portion of U.S. Route 20A located near Ralph Wilson Stadium, home of the Buffalo Bills, ''Timothy J. Russert Highway.''

Mr. Speaker, one story. Every year the Tennessee Valley A&I Fair has a couple hundred thousand people attend, and for 20 years I have continued a tradition begun by my father and have had a very large booth giving away ice water, compliments of your congressman. Several years ago Tim Russert came in to speak to a Chamber of Commerce luncheon, and I shared the head table with him with approximately 600 people in the audience. At the very first of his speech, he started out and he said, ''Congressman, I had a chance to spend a little time in Knoxville yesterday after I got into town,'' and he said, ''I went around town and I saw this big booth that said ''Free ice water compliments of your congressman.'' He said, ''I've got to hand it to you. Anybody who could gain political capital by giving away water, that's about the best political gimmick I've ever heard of.'' And he had a big laugh about that and mentioned that every time he saw me after he had been to Knoxville.

S. 3145 is a deserving tribute to Tim Russert's great achievements in the field of political journalism and a reminder that he never forgot his hometown or his beloved Buffalo Bills.

Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of passage of S. 3145, which designates a portion of U.S. Route 20A in Orchard Park, New York, as the "Timothy J. Russert Highway".

This highway, which leads to Ralph Wilson Stadium—home of the Buffalo Bills, is a fitting tribute after Tim Russert.

A native of Buffalo, Mr. Russert will be best remembered for his integrity and his tenacious yet fair approach to his interviews as moderator on NBC's "Meet the Press".

Tim Russert began his career in 1977 as a key advisor for two of the leading elected officials and policymakers of their time, United

States Senator Daniel Patrick Moynihan and New York Governor Mario Cuomo.

In 1984, Russert joined NBC and quickly became one of the Nation's leading journalists and political analysts, serving as NBC's Washington Bureau Chief and host of "Meet the Press".

Throughout his career in journalism, Russert received 48 honorary doctorates and several awards for excellence in journalism, including an Emmy Award, the Radio and Television Correspondents' Joan S. Barone Award, the Annenberg Center's Walter Cronkite Award, and the Edward R. Murrow Award for Overall Excellence in Television Journalism.

Tim Russert also became a bestselling author, with the publication of his autobiography, Big Russ and Me, which chronicled his life growing up in South Buffalo and the lessons that he learned from his father. He also authored The Wisdom of Our Fathers.

What many may not know about Tim Russert is the work he did on behalf of numerous charities, which included serving on the board of directors for the Greater Washington Boys and Girls Club and America's Promise-Alliance for Youth.

Tim Russert will also be remembered as a proud native son of Buffalo, New York, and his passion for his hometown football team the Buffalo Bills is legendary.

It is a fitting tribute to Tim Russert that Buffalo Bills' fans will drive down the "Timothy J. Russert Highway" as they approach Ralph Wilson Stadium.

Mr. Speaker, I thank the gentleman from New York (Mr. HIGGINS) for bringing this legislation before the House and urge my colleagues to join me in supporting S. 3145.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and pass the Senate bill, S. 3145.

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

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2008

Mr. SPACE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 496) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 496

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 ''Appalachian Regional Development Act Amendments of 2008''.

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A) by striking clause (i) and inserting the following:

''(i) the amount of the grant shall not exceed—

''(I) 50 percent of administrative expenses;

''(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

''(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;''; and

(2) in paragraph (2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

''(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.''.

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be made for up to—

''(A) 50 percent of the cost of that operation;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.''; and

(2) in subsection (f)—

(A) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

''(A) 70 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (1) and inserting the following:

''(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

''(A) 50 percent of that cost;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost.''; and

(2) in subsection (e) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

''(A) not be made to an organization established for profit; and

''(B) except as provided in paragraph (2), not exceed—

''(i) 50 percent of those expenses;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.''.

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.''.

SEC. 3. ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14508. Economic and energy development initiative

''(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the Appalachian region for projects and activities—

''(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region;

''(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat; and

''(3) to support the development of regional, conventional energy resources to produce electricity and heat through advanced technologies that achieve a substantial reduction in emissions, including greenhouse gases, over the current baseline.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), grants provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available under other Federal programs or from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14507 the following:

''14508. Economic and energy development initiative.''.

SEC. 4. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATION OF AT-RISK COUNTIES.—Section 14526 of title 40, United States Code, is amended—

(1) in the section heading by inserting ''**, at-risk,**'' after ''**Distressed**''; and

(2) in subsection (a)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A) by striking ''and'' at the end; and

(C) by inserting after subparagraph (A) the following:

''(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of such title is amended by striking the item relating to section 14526 and inserting the following:

''14526. Distressed, at-risk, and economically strong counties.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 14703(a) of title 40, United States Code, is amended to read as follows:

''(a) IN GENERAL.—In addition to amounts made available under section 14501, there is authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

''(1) $87,000,000 for fiscal year 2008;

''(2) $100,000,000 for fiscal year 2009;

''(3) $105,000,000 for fiscal year 2010;

''(4) $108,000,000 for fiscal year 2011; and

''(5) $110,000,000 for fiscal year 2012.''.

(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Section 14703(b) of such title is amended to read as follows:

''(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508—

''(1) $12,000,000 for fiscal year 2008;

''(2) $12,500,000 for fiscal year 2009;

''(3) $13,000,000 for fiscal year 2010;

''(4) $13,500,000 for fiscal year 2011; and

''(5) $14,000,000 for fiscal year 2012.''.

(c) ALLOCATION OF FUNDS.—Section 14703 of such title is amended by adding at the end the following:

''(d) ALLOCATION OF FUNDS.—Funds approved by the Appalachian Regional Commission for a project in a State in the Appalachian region pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts appropriated to carry out this subtitle.''.

SEC. 6. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking ''2007'' and inserting ''2012''.

SEC. 7. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Metcalfe,'' after ''Menifee,'';

(2) by inserting ''Nicholas,'' after ''Morgan,''; and

(3) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Mahoning,'' after ''Lawrence,''; and

(3) by inserting ''Trumbull,'' after ''Scioto,''.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended by inserting ''Lawrence, Lewis,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. SPACE) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. SPACE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 496.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of S. 496, as amended, a bill to authorize appropriations for the Appalachian Regional Commission for 5 years.

As we all know, the ARC was established to address the unique problems faced by the isolated Appalachian region that separates it from the economic mainstream. Although this small, well-organized, and well-run agency has accomplished a great deal over its 35-year existence, much more needs to be done. For this reason I enthusiastically support the legislation and the continuation of the ARC.

ARC programs affect 406 counties located in 13 States, including all of West Virginia and parts of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. This region covers nearly 200,000 square miles and contains approximately 22 million people. Using criteria based on national averages for income, unemployment, and poverty rates, the ARC administers its programs. Currently of ARC's 406 counties, 114 are considered distressed.

ARC'S decision making and service delivery is so efficient that the ARC served as a model for the Delta Regional Authority. The partnership between the Federal Government and the States rests on true shared decision making between the Federal co-chair and the States with funding decisions devolving back to the States. The ARC is successful because it responds to identified and agreed-upon needs and is extremely flexible in its approach. This bill also authorizes the designation of at-risk counties and identifies the percentage of funds for which these counties are eligible.

The bill allows the ARC to continue its economic development activities. I want to thank Chairman OBERSTAR for including provisions I offered during the committee's markup to establish a new economic and energy development initiative. This provision authorizes $65 million over the next 5 years for

projects that increase the use of renewable energy resources in the region to promote alternative transportation fuels, electricity, and heat.

We all know that economies require energy and infrastructure to thrive. And I believe that alternative energy production will breathe life into the struggling areas of Appalachia. In addition to these potential alternative energy resources, the Appalachian region possesses an extensive industrial manufacturing base that is already engaged in some of these emerging energy technologies, particularly wind turbine components, solar components, photovoltaic panels, and biofuel plants.

This provision will enable ARC to fund projects that utilize the region's natural resources in a positive way and to promote the development of renewable energy. We will be invigorating the economies of our Appalachian counties while working to gain energy independence.

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That is a principle that all of us agree is important.

Let me end by saying that what we're doing today is consistent with the forward-looking approach that President John Kennedy employed when he first created the Appalachian Regional Commission in the early 1960s. After witnessing firsthand an Appalachia that was home to, in his words, ''hungry children, old people who cannot pay their doctors' bills, families forced to give up their farms,'' President Kennedy vowed to create a bold, new approach to ridding the region of poverty. Today we're attempting to carry on that legacy. We are boldly seeking to employ 21st-century technologies to bring economic development to a region that for decades has been underserved.

I support this bill and urge my colleagues to join me in supporting this bill because it goes a long way to enabling the ARC to fulfill its mission.

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

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 496, the Appalachian Regional Development Act Amendments of 2008. I would like to thank Chairman OBERSTAR, Chairwoman NORTON, Ranking Member MICA, Ranking Member GRAVES and also my colleague from Ohio, Representative SPACE, for their steadfast support of the Commission and for the people of Appalachia.

As a Member of Congress from West Virginia, I can attest to the tremendous work the Appalachian Regional Commission, or the ARC as it is called, has done to bring clean water, safe roads, new jobs and a better quality of life to millions of people in the Appalachian region.

Over the last few years, the ARC has made a number of investments in my district, including an economic development strategy and business incubator in Elkins, a child care facility in Moorefield, and the new Corridor H highway.

The Appalachian Regional Development Act of 1965 established the ARC to promote regional coordination and develop projects that will trigger jobs, economic growth, and a better quality of life. The Commission is led by two co-chairmen. One is Presidentially appointed and Senate-confirmed, and the other is selected by the Governors of the participating States. As my colleague mentioned, the Commission includes all or part of 13 States, including the entire State of West Virginia, parts of Tennessee, Ohio, Pennsylvania, New York and Mississippi. The House companion bill passed the House last year. The Senate bill we are considering today includes an amendment that reflects our agreement with the Senate on the differences.

The bill reauthorizes the Commission for 5 years. In addition, the bill amends current law to allow the Commission to cover up to 70 percent of costs for projects that address problems in communities at risk of becoming distressed in the region. These programs include infrastructure projects, demonstration health projects, housing projects and initiatives for telecommunications, technology and entrepreneurship.

This bill also authorizes the creation, as my colleague mentioned, of the Economic and Energy Development Initiative, which I think is a great addition, which will provide grants to develop new alternatives for utilizing our vast conventional energy resources. I'm also pleased that this compromise includes language from the House bill which would discourage earmarking projects in future appropriation bills.

Leveraging Federal funds in West Virginia and the other Appalachian States has helped dramatically improve our communities over the years. The investment has resulted in a reduction of poverty, the creation of jobs, and the improvement of health and education. We still have a ways to go. And that is why I think this bill is extremely important for reauthorization today.

The work of the Commission is an example of the Federal and State partnership that has promoted economic growth in needed areas and distressed areas of high unemployment and high poverty so that these communities can begin to prosper independently in the future.

Thank you again. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. SPACE. Mr. Speaker, at this time I yield 3 minutes to my friend and colleague from West Virginia, Congressman RAHALL.

Mr. RAHALL. I thank the gentleman from Ohio for yielding.

I certainly want to commend him as well as our full committee chairman, Mr. OBERSTAR from Minnesota, for their invaluable work over the years that I have been in this body on the Appalachian Regional Commission. Their full committee chairman, Mr. OBERSTAR, is strongly in support of the Appalachian Regional Commission. He has been to our State of West Virginia and seen how important it is. And this bill certainly would not only extend the work of the Appalachian Regional Commission, but it would enhance that work.

Throughout my career as a Member of this body, I have supported the work of ARC. West Virginia is the only State that has its entire borders within the jurisdiction of the Appalachian Regional Commission. We have seen firsthand how it has enabled struggling communities throughout West Virginia and the Appalachian region to provide economic opportunity and a renewed sense of hope to our citizens.

I would like to point out specific provisions in this bill aimed at increasing American-made energy for America. We have spent weeks on this floor hearing about the need to increase domestic energy supplies by becoming even more beholden to Big Oil. But we have at our fingertips the chance to help forge a better solution.

We possess the technological know-how to convert coal to environmentally advanced transportation fuels and electric power. This bill recognizes that and provides for an infusion of investment to help make that happen. A provision in this legislation, for example, would enable the ARC to make grants, provide technical assistance, enter into contracts and otherwise provide for projects that would increase the use of renewable energy, particularly biomass, in the Appalachian Region to produce alternative transportation fuels.

This is extremely important in helping make a commercial coal-to-liquids industry a reality in this country. The use of biomass with coal in the conversion process can sharply cut carbon emissions of coal-to-liquid fuels.

A study provided by Princeton University found that by combining 30 percent biomass with coal in the conversion process and capturing and sequestering the carbon dioxide, CTL fuel can be made cleaner than other conventional liquid fuels in use today. A second provision in the bill would provide support for the development of conventional energy resources, such as coal, to provide electricity using advanced greenhouse gas reduction technologies. More plainly, it would help to advance projects which would capture and store carbon emissions, a necessity to our continued use of coal and other fossil fuels throughout the foreseeable future.

In this age of increasing energy need and growing carbon awareness, it makes sense that such an initiative would find a home in Appalachia, a region in which much of the economy is intertwined with coal. The development of CTL and the success of carbon capture and storage is vital to the Nation's quest for greater energy independence. CTL fuels will assure us of a

readily usable, environmentally advanced alternative to current high-cost transportation fuels.

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

Mr. SPACE. I yield the gentleman 30 additional seconds.

Mr. RAHALL. And they are strategically beneficial to our Defense Department, which is vigorously pursuing the growth of a domestic alternative fuels industry to make the fuels it needs to keep America secure.

So I conclude with proud support of this bill to get our Nation beyond our reliance on foreign fuels and to get our people out from under the heavy hand of Big Oil.

Again, I commend the gentleman from Ohio for his leadership on this issue.

Mr. SPACE. I reserve my time.

Mrs. CAPITO. I would like to yield such time as he may consume to my friend from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman for yielding this time.

I rise in support of this bill. I have seen over the years a great deal of good work that has gone on by the Appalachian Regional Commission and the projects it has funded in its 13-State region and especially in my home State of Tennessee where much of their activities have been concentrated.

I read recently that two-thirds of the counties in the U.S. are losing population. That surprises people in my particular district because the Knoxville area has become one of the most popular places to move to in the whole country. But there are many counties in Tennessee and throughout the Appalachian region and many small towns and rural areas that are still struggling. Many of these small towns and rural areas are barely holding on.

The previous speaker mentioned more energy production. We've got to have more production of oil in this country or we're going to put the final nail in the coffin of the small towns and the rural areas because those people as a rule have to drive further distances to go to work and to meet other needs.

In addition, the Office of Surface Mining caused almost all the small coal companies in east Tennessee to go out of business. I was told at one time that in 1978 there were 157 small coal companies in east Tennessee, and now are there none. I have noticed over the years that most of these environmental radicals come from very wealthy and very upper-income families. And they have always wanted gas to go higher, and they have always opposed all types of energy production. Well maybe they can afford $5 and $6-per-gallon gasoline. But most lower and middle-income people in this country can't. It may be true that we can't drill our way out of the current crisis. But we also can't get out of the crisis that we're in on energy without having more drilling for oil in this country and more production of coal where it can be done in environmentally safe ways where it couldn't be done previously.

So I agree with the previous speaker that we need more domestic energy production in this country to help the Appalachian Region and also to further the activities of the Appalachian Regional Commission.

Mr. SPACE. Mr. Speaker, I yield myself 3 minutes.

This bill helps rectify some of the injustices and inequities that exist in this country with respect to rural America and in particular rural Appalachian America. We who live in Appalachian America understand all too well that we suffer from disadvantages, access to education, access to health care and access to technology put us at a distinct disadvantage. With the price of gas now at $4 plus per gallon, we don't generally have public transportation. We generally have to drive farther to where we need to be, work, school and the doctor. The price of gas has just made this discrepancy all the more onerous and difficult for the folks of Appalachia to bear.

Recently, I had the experience of visiting a food line in Zanesville, Ohio, and a food distribution line in Logan, Ohio, where lines of hungry people in Logan over 2 miles long, cars lined up on the side of the road waiting to participate in food drives. We're talking about people that have worked all their lives, senior citizens that can no longer afford to put food on the table. We're talking about young mothers who are working full time yet can't afford to feed their children. This bill will help address many of the inequities and injustice that John Kennedy identified in Appalachia in the early 1960s.

In many ways, those same injustices are still present, and these funds represent vital sources of funding for the people that we represent, ''we'' being those of us from Appalachia.

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

Mrs. CAPITO. Mr. Speaker, I would like to yield 3 minutes to my colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentlelady for yielding me time.

Mr. Speaker, I rise in strong support of S. 496, the reauthorization of the Appalachian Regional Commission. While we would have enjoyed having the House bill on the floor, we appreciate very much having the Senate bill. I want to express my thanks during the first part of my remarks to the chairman of the full committee, Mr. OBERSTAR of Minnesota, for really making sure that this happened. I had the pleasure of being the chairman of this subcommittee in a couple of previous Congresses ago, and this is a difficult bill to navigate through the House and the Senate.

And the fact that we're here today is a tribute to the leadership of the gentleman from Minnesota. I also thank the ranking member of the full committee, Mr. MICA of Florida. And I want to thank a colleague of mine from Ohio, because in this bill we have added three counties in Ohio to the 29 counties in Ohio already located within the ARC. And the last county was Columbiana County added in 1990. We now are adding in this bill Ashtabula, Trumbull and Mahoning Counties.

And the fact that they're in the bill is not only a credit to Mr. OBERSTAR, Mr. MICA and the Transportation and Infrastructure Committee, but also to Mr. TIM RYAN, the Congressman from Youngstown, who shares at least two of those counties with me. And we saw the vital need to have them included in the ARC. And we're very grateful.

On the Senate side we are grateful to Senator VOINOVICH for making sure these counties, despite the fact that we have been at this 5 years, and every year we get the counties added in the bill, and then it goes over to the Senate and somebody has a goofy idea over there and they drop out. This year I'm grateful that Senator VOINOVICH and our colleagues in the House have maintained these three counties in the bill. And just the way when my friend and colleague from Ohio (Mr. SPACE) was speaking, we recognize the value of John Kennedy's vision when he dispatched folks to look at the conditions in Appalachia. And we've really moved light years from that.

The ARC is a template for economic development in all of those regions. And we just want to be part of it. If you look at a map of the State of Ohio, the only sort of areas of white, and white being where there is no Regional Development Commission, Federal Commission, are the three counties that are being added today.

□ 1130

Just one example, Kinsman, Ohio, the home of Clarence Darrow, the famous orator and attorney, is looking at a major sewer project. We are working with the United States Department of Agriculture, but by being in the ARC, they will get extra points, extra opportunities to make that a reality. So when you are dealing with 300 landowners and a price tag of $20 million, the assessment isn't astronomical in terms of $70,000 or $80,000 just to hook up the water and sewer.

So we are excited about this opportunity and very grateful that this bill has come to the floor in a way that adds these counties.

I would say to Mr. SPACE that we are all suffering, rural America, suburban America, exurban America. I don't like to trumpet in a partisan fashion on the floor, but I will tell you the folks in my part of Ohio want us to do something. They have said enough arguing. You have a lot of brainy ideas in Washington, DC. It is time to stop favoring one group over the other. Let's bring it all together and let's talk about oil, let's talk about coal, let's talk about nuclear, let's talk about renewables, but get it done so I can put gas in my gas tank.

Mr. SPACE. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. LINCOLN DAVIS).

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

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I say thanks to my good friend from Ohio (Mr. SPACE) and others on the other side of the aisle who have taken it upon themselves to be sure that the ARC, the Appalachian Regional Commission, continues to exist.

Appalachia has long been plagued by lack of job opportunities and high unemployment, resulting in low per capita income, educational deficiencies, and a dilapidated infrastructure.

The Conference of Appalachian Governors was formed in 1960 to develop a regional approach to resolving these problems. In 1961 they brought their cause to President John F. Kennedy, known to have been moved by the poverty he saw during his campaign trips to West Virginia. At the time, one of every three Appalachians lived in poverty. Per capita income was 23 percent lower than the U.S. average. High unemployment and harsh living conditions had, in the 1950s, forced more than 2 million Appalachians to leave their homes and seek work in other regions of the Nation. By 1963, Kennedy had formed the President's Appalachian Regional Commission and directed it to create a comprehensive program for economic development of the Appalachian region. The resulting report was endorsed by the Conference of Appalachian Governors and President John Kennedy's cabinet. Soon after, Lyndon B. Johnson used the report to create legislation which ultimately created the Appalachian Regional Commission in 1965.

The ARC has long worked to address the long-term economic distress and isolation of the Appalachian region, and to press for greater Federal involvement in addressing the region's common problems. The ARC funds several hundreds projects annually affecting one of our Nation's most underserved populations. The ARC has played a leading role in granting consistently impoverished communities with improving water and sewer systems, sometimes providing running water for the first time, improving educational resources and teacher training in schools, access to health care, access to telecommunications and the Internet, and providing technical assistance for new business initiatives. They provide State and local agencies such as economic development agencies and human resource agencies in my 10,000-square mile congressional district, as well as nonprofit organizations. These projects have resulted in thousands of jobs.

Mr. Speaker, this is just the tip of the iceberg of ARC's good works. It is necessary and appropriate to reauthorize this valuable asset for rural America. It is my hope this Congress does. And on a note from those that I represent, without that funding from ARC and many of the Federal agencies, people who are my neighbors would not be able to have a water line that has usable water, safe water, a sewer system, nor would they have in many cases first responder buildings, as well as equipment that is much needed.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I would just like to offer my gratitude to all of the Members who have worked so hard on this. This is extremely important to my home State of West Virginia. My entire State is part of the ARC. I mentioned several projects in my State. The gentleman from Tennessee mentioned water projects. I have two going right now that are the beneficiaries of ARC funding.

I think it is important to realize, too, that this is a partnership between the Federal Government and the States. By leveraging ARC funds just this year, $9.55 million in my State of West Virginia, has resulted in another $16 million of additional investment.

This part of our country has historically struggled, and with the current energy issues that we have before us and the high price of gasoline, we are an energy-rich region of this country. We can contribute to the solutions through either coal to liquid and our natural gas reserves and other things that need to be added to a comprehensive, all-of-the-above energy plan for this country.

With that, I express my deep gratitude and also my deep commitment to the ARC and its continuation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 496, as amended, a bipartisan bill to improve the programs authorized by the Appalachian Regional Development Act of 1965 (Pub. L. 89–4) and reauthorize the Appalachian Regional Commission (''ARC'') for 5 years through fiscal year 2012.

The Appalachian Regional Commission was created to address economic issues and social problems of the Appalachian region as a part of President Lyndon B. Johnson's Great Society program. Historically, the Appalachian region has faced high levels of poverty and economic distress resulting from geographic isolation and inadequate infrastructure.

As a regional economic development agency, the ARC supports the development of Appalachia's economy and critical infrastructure to provide a climate for industry growth and job creation in 13 States, including all of West Virginia, and parts of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. The Appalachian region covers nearly 200,000 square miles and contains nearly 23 million people. Currently, of the 410 counties included in the ARC, 78 are economically distressed counties and an additional 78 counties are classified as ''at-risk''.

Since its creation in 1965, the ARC has administered a variety of programs to aid in the advancement of the region, including construction of the Appalachian Development Highway System, enhancements in education and job training, and the development of water and sewer systems. The ARC's funding and projects have contributed significantly to employment, health, and general economic development improvements in the region. According to research conducted by Brandow Co. and the Economic Development Research Group, three fourths of ARC infrastructure projects with specific business or job-related goals met or exceeded formal projections.

S. 496 builds upon more than four decades of economic development successes by providing additional, much-needed Federal investment in the region. It authorizes $510 million over the 5-year period through fiscal years 2012.

In addition, the bill provides authority for the Commission to make technical assistance grants for energy efficient projects or projects to increase the use of renewable energy resources. The bill authorizes $65 million for the ARC to provide grants to promote energy efficiency and increase the use of renewable energy in Appalachia. This energy efficiency authorization is an outgrowth of the ARC's Energizing Appalachia report and I thank the gentleman from Ohio (Mr. SPACE) for working to include this provision in the House bill and this House-Senate compromise bill. The gentleman is a true champion of Appalachia and I thank him for his efforts to move this bill forward.

ARC's authorization expired at the end of fiscal year 2006. This bill includes the anti-earmarking provision that I have insisted upon for the last three years in response to the Republican-led earmarking of ARC projects by the Committee on Appropriations. I am encouraged that the Committee on Appropriations, under the leadership of Chairman OBEY and Chairman VISCLOSKY, has halted this practice. This provision will ensure that a future Congress doesn't restart it.

I urge my colleagues to join me in supporting this House-Senate bipartisan compromise bill, S. 496, to reauthorize the Appalachian Regional Commission.

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

Mr. SPACE. Mr. Speaker, in thanking the gentlewoman from West Virginia for her very able advocacy of this bill, I too yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SPACE) that the House suspend the rules and pass the Senate bill, S. 496, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 299) supporting the goals and ideals of National Cystic Fibrosis Awareness Month, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 299

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years—an improvement relative to the 1960s when children with cystic fibrosis did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas one of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommends that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May, 2008: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) promotes further public awareness and understanding of cystic fibrosis;

(3) advocates for increased support for people with cystic fibrosis and their families;

(4) encourages early diagnosis and access to high-quality care for people with cystic fibrosis to improve the quality of their lives; and

(5) supports research to find a cure for cystic fibrosis by fostering enhanced research programs and expanded public-private partnerships.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 299, a resolution expressing support for the goals and ideals of National Cystic Fibrosis Awareness Month. I would like to commend my colleagues on the Energy and Commerce Committee, Representatives ED MARKEY and CLIFF STEARNS, for their diligent work in bringing this resolution before us today.

Cystic fibrosis is a life-threatening, in fact it is a fatal genetic disorder, that currently afflicts over 30,000 Americans, with 1,000 new cases diagnosed each year. The disease affects the respiratory and digestive systems, causing serious health problems in organs such as the lungs, intestines, and the pancreas. Cystic fibrosis has no cure, and although treatment has been greatly improved, the average life expectancy for people with this disease is only 37 years.

With greater awareness of cystic fibrosis, we hope to encourage much more investment and research and treatment into this disease. That is why I am proud to cosponsor House Concurrent Resolution 299 which encourages Congress to support the National Cystic Fibrosis Awareness Month.

The resolution rightly praises the many public-private partnerships which have sprung up in the last few years, and it also stresses the promise of innovative research on cystic fibrosis, and this is the environment that we need today which is critical to finding a cure for this fatal disease.

I urge my colleagues to join me in support of House Concurrent Resolution 299.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of House Concurrent Resolution 299 that supports the goals and ideals of Cystic Fibrosis Awareness Month.

I thank the sponsor of the resolution, ED MARKEY of Massachusetts, and cosponsor, CLIFF STEARNS of Florida, for their diligent work on this issue. And I would like to thank my colleague on the Energy and Commerce Committee, the gentlelady from California, for presenting the bill before us today.

H. Con. Res. 299 raises public awareness by observing Cystic Fibrosis Awareness Month and recognizing the 30,000 people in the United States that have this hereditary disease. Cystic fibrosis affects the lungs, it affects virtually every system in the body, and certainly complications can arise such as life-threatening lung infections, and gastrointestinal complications that lead to malabsorption. Of the 30,000 Americans affected by this inherited and chronic condition, more than half are children.

Mr. Speaker, significantly, in the 1950s, very few children with cystic fibrosis lived to attend elementary school. Today, advances in research and medical treatments have further enhanced and extended the life of children, and now even adults with cystic fibrosis. In 2006, the predicted median age of survival had risen to 37 years, and many people with the condition can now expect to live into their 40s and beyond, a significant achievement.

When I began my medical studies back in the mid-1970s, cystic fibrosis was, indeed, a disease of childhood. And now we have many more people living well into young adulthood with the condition. And the expectation is with further advances in research, this age will greatly increase in the next several years.

It is important that we recognize Cystic Fibrosis Awareness Month and educate the public about the symptoms of the disease, increase the knowledge and understanding of the condition, and promote early detection for the new cases that are diagnosed each year. And the bill makes reference to 3,500 children that are born each year with cystic fibrosis.

I thank the Cystic Fibrosis Foundation for their efforts and continued funding of research and potential therapies. One of the intriguing things about treatments on the horizon, certainly we are all aware of changes that are going on in genome research and the fact that there may be new therapies that none of us dreamed of a few years ago. Compacted nanoparticles of aerosolized DNA taken as a nasal inhalant have made some dramatic changes in this disease, and certainly we look forward to many more advances on these fronts.

Certainly the hard work of the foundation has improved the life of the 70,000 people worldwide suffering from cystic fibrosis. And hopefully one day they will lead the way in finding a cure.

Mr. Speaker, I urge my colleagues to support this worthwhile resolution.

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

Mrs. CAPPS. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I have additional speakers on the way, and while awaiting their arrival, let me just also mention that this bill, coming as it did through our Committee on Energy and Commerce, for major pieces of health care legislation, that is the correct approach, for it to come through the committee process, committee hearings and subcommittee and committee markups.

Later on today we will have an opportunity to vote on a Presidential veto of the Medicare bill that we passed on this House floor a few weeks ago.

□ 1145

That bill was an example of not following regular procedure, and that is what has made this issue that has embraced the correction of the physician reimbursement cuts—embraced by both sides of the aisle, but it has made it very contentious for this body. It was all unnecessary. Not a person in this body really opposed correcting the physician cuts.

Really the only issue was the approach. We could have had an opportunity to have a bill marked up in our subcommittee or in our full committee. I would have welcomed the opportunity to propose amendments, to perhaps perfect that legislation that would have rendered the whole process of this very contentious standoff we have now with the White House, would have rendered that absolutely unnecessary.

There are good ideas up there on both sides of the aisle. I would again use this opportunity to express how important it is that this House follow regular procedure, particularly on these major health care bills. This bill that the President will veto today, that we will have an opportunity to vote on the override, this will affect the delivery of health care for the next 30 or 40 years in ways that many of us have no ability to comprehend right now.

It's unfortunate, because we had the opportunity to do the markups in subcommittee and full committee, and, for whatever reason, the decision was made to bring it up on suspension, push it to the last minute, so there really was no opportunity to say, well, let's take it back and go through committee, because we were up against a hard deadline.

Everybody knew that last December. We had passed a 6-month extension. It was one of the most insulting things we could have done to the medical profession in this country was give them a 6-month reprieve on the rollback of the Medicare reimbursement rates.

Instead, we gave them a 6-month reprieve, and we pushed it up to the very last minute, so there was no other option. It's an up or down vote. Take it or leave it. You have got this bill. It has got a lot of other things appended to it.

We heard no discussion about the unfunded mandates for e-prescribing that were tagged onto this bill. I doubt many of the regular physicians out there in practice today really understand what we have passed for them, what we have layered on to their overhead that grows by leaps and bounds every year. It's the additional regulations that have been placed on physician practices.

This is an example today of doing things the right way. Later on this afternoon we will have an example of doing things the wrong way. I would urge the leadership of this House to pay attention to this.

We have good individuals on both sides of the aisle that have are serving in our committees of jurisdiction. Let's not circumvent that committee process and bring things up on the suspension calendar that really are substantial changes in Federal policy that really should go through regular order.

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

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

Mr. BURGESS. Mr. Speaker, well, again, we do have other speakers who are reportedly on the way.

Let me just add another couple of comments, because I have heard some discussion that we will have another opportunity to vote on SCHIP legislation before this House comes to a conclusion.

This, again, would be a mistake to bring it up through the suspension process. We have until March of 2009 to reauthorize the SCHIP, the State Children's Health Insurance Program.

I would urge this House to take up the work of that now. Let's begin in our committee this year. We actually don't have to do the bill until next year. We can do a lot of the groundwork this year, and that would be the correct way to approach that.

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

Mrs. CAPPS. Mr. Speaker, I am pleased to yield 2 minutes to the author of the bill, Mr. MARKEY from Massachusetts.

Mr. MARKEY. I thank the gentlelady, and let me begin by expressing my appreciation to Chairman DINGELL, Ranking Member BARTON, Mr. PALLONE and Mr. DEAL for their support of this important resolution, but I would also like to extend my special thanks to my friend and cofounder of the Congressional Cystic Fibrosis Caucus, CLIFF STEARNS of Florida. Thank you, CLIFF, for your commitment to this issue.

The resolution before us today is intended to highlight the importance of beating this dreadful, cruel disease, and bring hope to people with cystic fibrosis and their loved ones. Approximately 30,000 children and adults in the United States have cystic fibrosis, a life-threatening genetic lung disease for which there is no cure.

In my home State of Massachusetts, 800 families are affected by this horrible disease. That's a lot of moms that wake up at 5 in the morning so that they can pound on their child's chest to clear the abnormally thick, sticky mucus that makes breathing difficult. That's a lot of children who cough and wheeze and are at constant risk for life-threatening lung infections. That's a lot of dads who want their child to have a healthy life but have to worry about the unpleasant alternative of a shortened life expectancy marked by frequent admissions to the hospital.

This resolution is about supporting these families and providing them with the hope for a better future. Significant improvements have been made in the treatment of cystic fibrosis. Fifty years ago many children with CF did not live past 10 years of age. Today, the life expectancy is 37 years.

Many of those achievements are due to the hard work and dedication of the Cystic Fibrosis Foundation. Yet we still have a long way to go to provide people with CF with a normal and a healthy life. It is time for Congress to become more involved in the pursuit of a cure. We need to make a greater investment in research and make a stronger commitment to the people with CF, their families, and their caretakers. The cystic fibrosis community has ensured that we understand the unique challenges that face people.

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

Mrs. CAPPS. I yield my colleague an additional minute.

Mr. MARKEY. The cystic fibrosis community has ensured that we understand the unique challenges that face people with cystic fibrosis. With this resolution we express our support for the mission to find a cure or more control over this disease.

I thank the gentlelady and again, I thank my friend from Florida (Mr. STEARNS) and all of those in the cystic fibrosis community, especially my lifelong friend, Joe O'Donnell, who has dedicated his life to finding the cure for this disease.

Mr. BURGESS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), a cosponsor of the resolution.

Mr. STEARNS. Mr. Speaker, I stand before my colleagues on the House floor today to lend my strong support to this House Concurrent Resolution 299, Supporting the Goals and Ideals of National Cystic Fibrosis Awareness Month.

I am also honored to cochair this with my distinguished colleague from Massachusetts, Mr. ED MARKEY, and I look forward to passage of this resolution. He and I have worked on this together. We are very pleased that, finally, it's coming to the floor, and hopefully will pass today.

My colleagues, this is a disease that affects 30,000 Americans living in this country, more than half of which are children. One out of every 3,500 babies born in the U.S. today has cystic fibrosis, with 70 percent of the cases diagnosed by age 2 and 1,000 new cases diagnosed each year.

In my home State of Florida, there are roughly 1,100 patients who suffer each and every day from this debilitating disease. It's cruel. That is 1,100 too many. These CF patients have to endure hours of treatment each day just to stay relatively healthy and maintain normal lung functions. Treatments range from daily air clearance techniques to intensive nutrition and drug therapies, and even to lung transplants in the most severe cases.

People suffering from CF have two copies of a defective gene, which causes the body to produce abnormally thick sticky mucus which clogs the lungs

and can result in fatal lung infections. This kind of mucus can also obstruct the pancreas, making it difficult for people with CF to absorb nutrients, simple nutrients, in food. Unfortunately, more than 10 million Americans are unknowingly symptom-free carriers of the CF gene.

Now, the residents of Florida have recognized there is a real need for CF care and research. There are 15 specialized centers and clinics for cystic fibrosis care in my home State of Florida, including one at the University of Florida, which I represent here in Congress.

My colleagues, there is no cure for CF, even though it is one of the most common, life-threatening diseases in the United States. Now, 50 years ago, CF was considered a death sentence, as there were no drugs to combat and control the symptoms.

In 1955, a child born with CF was not expected to live long enough to attend elementary school. Today, the median age of survival for a CF patient is 37.

I am proud to say there are five drugs on the market, and there's over 30 new drugs that are in various stages of development. These drugs are helping children born with CF to live significantly longer and healthier lives. People with CF are living longer. Over 40 percent of the CF population is now age 18 or older.

But that is not enough, my colleagues. We need more research and more funding, and we can't stop until we find the cure. I believe in the ingenuity and strong ethic of the American people. I believe we have the brain power and the drive to cure this disease today.

I would like to recognize the Cystic Fibrosis Foundation, which has led the development of these promising treatments through an innovative business approach to drug discovery and development. The Cystic Fibrosis Foundation has entered into partnerships with biotechnology and pharmaceutical companies in an effort to find a cure, a simple cure for this disease.

As a result of their efforts, promising potential drug therapies to correct the cause of the disease are now entering clinical trials in CF patients, and new therapies that treat the symptoms of this disease are now helping patients every day as we speak.

In the past 5 years, the Cystic Fibrosis Foundation and its subsidiaries have invested over $650 million in drug research. I commend them for their commitment to innovation and for acting as a facilitator in the development of these important new drugs.

With the support of the foundation, programs like the one at the University of Florida CF and Pediatric Pulmonary Disease Center are simply improving the health outcome of patients who have cystic fibrosis. In the past 5 years in the State of Florida, CF research and care supported by the CF Foundation has totaled $3½ million.

I urge my colleagues to recognize the achievements of organizations like the Cystic Fibrosis Foundation, and to bring awareness to and honor to the thousands of Americans suffering from CF every day, by simply passing this resolution.

Mrs. CAPPS. Mr. Speaker, I continue to reserve my time.

Mr. BURGESS. Mr. Speaker, I have no more speakers at this time, and I urge my colleagues to vote in favor of this worthwhile resolution.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, as a member of the Congressional Cystic Fibrosis Caucus, I rise in strong support of H.. Con. Res. 299, which supports the goals and ideals of National Cystic Fibrosis Awareness Month.

According to the Cystic Fibrosis Foundation, which is located in my congressional district in Bethesda, Maryland, more than 30,000 Americans suffer from cystic fibrosis. Approximately 1,000 new cases of cystic fibrosis are diagnosed each year. It is an inherited chronic disease that causes thick mucus to build up in the lungs and other organs, causing life-threatening lung infections and serious digestive complications.

We have made significant progress in fighting cystic fibrosis, but there is still much more to do. In the 1950s, few children with cystic fibrosis were expected to live to attend elementary school. Today, thanks to past funding of cystic fibrosis research, people with cystic fibrosis can expect to live into their thirties and forties. While that figure is still unacceptably low, it is cause for hope for those living with the disease and their families. We must continue to fund cystic fibrosis research at the National Institutes of Health so that new treatments and, hopefully, a cure, can be developed in which people with cystic fibrosis can live a normal life expectancy. And we must continue to raise public awareness and education about cystic fibrosis, and to increase support for those affected by the disease.

Mr. Speaker, I am proud to be a cosponsor of this resolution, and I encourage my colleagues to join me in supporting it.

Mrs. CAPPS. Mr. Speaker, I have no further requests for time.

I would like to thank the leadership of Energy and Commerce Committee and the authors of the legislation and the demonstration of strong bipartisan support for this resolution, and urge our colleagues to support and pass House Concurrent Resolution 299, as it has been amended.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 299, 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.

A motion to reconsider was laid on the table.

COMMENDING THE 2008 WOMEN'S COLLEGE WORLD SERIES CHAMPION ARIZONA STATE SUN DEVILS

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1323) commending the Arizona State University softball team for their victory in the 2008 Women's College World Series.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1323

Whereas, on June 3, 2008, the Arizona State University Sun Devils won the 2008 NCAA Women's College World Series with a resounding 11 to 0 defeat over the Texas A&M Aggies;

Whereas this win marked the first national title for Arizona State University in softball;

Whereas the Arizona State University Sun Devils set a record for the highest margin of victory during a championship game in the NCAA Women's College World Series history;

Whereas the Arizona State University women's softball team won an impressive 66 games this season and went 56 to 5 during the season and went 10 for 10 in the post season under the leadership of Coach Clint Myers;

Whereas super slugger Kaitlin Cochran set a new, NCAA single-season record by drawing 29 intentional walks;

Whereas pitcher Katie Burkhart earned Most Valuable Player honors in the Women's College World Series with 53 strikeouts and a perfect record of 5 wins to 0 losses;

Whereas the Arizona State University coaching staff, comprised of Head Coach Clint Meyers and Assistant Coaches Kirsten Voak and Robert Wager, was named the NFCA's NCAA Division I National Coaching Staff of the Year;

Whereas 6 players, were named to the Louisville Slugger/NFCA All-Pacific Region Team;

Whereas 5 of those 6 players, Katie Burkhart, Mindy Cowles, Krista Donnenwirth, Kaitlin Cochran, and Jackie Vasquez, advanced to earn Louisville Slugger/NFCA All-America honors;

Whereas the Arizona State University softball team earned the enthusiastic support of students, faculty, alumni, and Sun Devils fans across the country during their national championship season; and

Whereas the Arizona State University softball team is an inspiration to student athletes in Arizona and across the United States: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) commends the Arizona State University softball team for their victory in the 2008 Women's College World Series;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Arizona State University Sun Devils win the championship; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Arizona State University President Michael Crow, softball Coach Clint Myers, and Athletic Director Lisa Love for appropriate display.

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1323 into the RECORD.

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

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today to congratulate the Arizona State University softball team for their victory in the 2008 NCAA Division I tournament.

On June 3, softball fans were treated to an exceptional game as the Arizona State Sun Devils defeated the Texas A&M Aggies and clinched their first national title.

□ 1200

The resounding 11–0 defeat is the largest margin of victory for a championship game in Women's College World Series history.

I want to extend my congratulations to Head Coach Clint Meyers and Assistant Coaches Kirsten Voak and Robert Wagner. This talented coaching staff was named the NFCA's NCAA Division I Coaching Staff of the Year for their outstanding leadership during the 2008 season. Coach Meyers returned to his alma mater 3 years ago and picked up his first Pacific-10 Coach of the Year honor this season. He has now led the school to its first conference championship and national title in softball.

Congratulations are also in order for pitcher Katie Burkhart who was named the Most Valuable Player in the Women's College World Series. Burkhart, a senior from San Luis Obispo, California, also struck out an impressive 53 batters during the World Series and posted a perfect record of 5–0. In her tenure at Arizona State, Burkhart has amassed 15 shutouts and 3 saves in her 32 career starts.

And for Kaitlin Cochran, a junior from Yorba Linda, California, who hit a three-run homer in the fifth inning of the final game to give the Sun Devils a 4–0 lead. In fact, Cochran was such a big offensive force this season that she was intentionally walked a record 29 times. Cochran was also named the Pac-10 conference Softball Player of the Year and earned the Conference's batting title for the third year in a row.

The extraordinary achievements of this year is a tribute to the skill and dedication of the many players, coaches, students, alumni, families and the fans that have helped to make Arizona State University a premiere softball program. Winning the National Championship, finishing the season with a 66–5 overall record, and winning the Pac-10 Conference championship has brought national acclaim to Arizona State University. I know the fans of the university will revel in this accomplishment as they look forward to the 2009 season.

Mr. Speaker, once again I congratulate the Arizona State University softball team for their success, and I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, at this time I yield to the gentlewoman from North Carolina (Ms. FOXX) such time as she may consume.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Delaware for yielding me some time. I want also to congratulate the Arizona State University softball team for its championship. And I think a lot about what is happening to American families this year, this summer, as they want to go out and watch their children play softball, watch their children play baseball, get involved in other sports, and realize how the price of gasoline is impacting that opportunity, those opportunities that they would like to have. They want to be able to do all those things they have been doing for years.

We live in the greatest and freest country in the world, but we are in danger right now because we are not energy independent. We are very dependent on importing oil and gas. But the American people understand we don't have to do that; that we can be energy independent. And what they want us to do is what the Republicans have said we should do, which is develop an all-of-the-above strategy.

There is poll after poll after poll to show that the American people want access to more American-made energy which will help alleviate the pain at the pump.

What is stopping us from doing that? One group of people, Washington Democrats, the leadership of this House of Representatives and the Senate. They alone stand in the way of exploration for new domestic resources that will immediately bring down the price of gasoline and allow these families to pursue their summer pursuits.

I want to quote from some polls that have recently been done, again, which back up what House Republicans want to do, all of the above. We want conservation, we want increased use of alternative and renewable energy, and we want environmentally sound production of American resources.

Fox News Poll: 76 percent of Americans ''support immediately increasing oil drilling in the United States. More than seven in 10 Democrats hold this view.''

CNN/Opinion Research Poll: ''73 percent of the more than 1,000 Americans surveyed from June 26 to June 29 said they favored offshore drilling for oil and natural gas in U.S. waters.''

The Los Angeles Times/Bloomberg Poll: ''When all registered voters were asked whether they support increased exploration for oil and natural gas, 68 percent responded in the affirmative.''

Rasmussen Reports: ''According to Rasmussen, 67 percent of Americans support oil drilling off the Nation's coast, 64 percent think it will lower gas prices.'' We all know the minute we announce we are going to drill, we are going to see lower gas prices.

The IBD/TIPP Poll: ''Support for offshore drilling and oil shale development is also broad-based, with the former favored by 64 percent of respondents and the latter by 65 percent.''

Reuters/Zogby Poll: ''Most Americans support more U.S. oil drilling. 59.6 percent of Americans surveyed in that poll released June 18 said they favor government efforts to boost domestic drilling and refinery construction to cool record prices.''

Again, I want to congratulate the Arizona State University softball team on their national championship. And I want to say to the Democrats, give us more American-made resources and let Americans pursue going to baseball games, going to softball games, and taking their families to all their summer entertainment this summer.

Let's lower the price of gasoline and make it possible. Stop standing in the way.

Mr. BISHOP of New York. I wasn't sure that we were here to discuss energy. But since the subject has been broached, let me say that the messaging continues. The messaging clearly is to blame the Democrats for a problem that, in fact, grows out of legislation that was pushed by the Republican majority.

The Energy Policy Act of 2005 that was passed in this Chamber, most Democrats voted against it. Most Republicans voted for it. It is an energy policy that was written by the secret energy task force convened by the Vice President. And at the time that was written in 2005, the Energy Information Administration predicted that it would do absolutely nothing to reduce the price of gasoline at the pump, and would most likely result in an increase in the price of gas at the pump. And guess what? Here we are 3 years later and that is exactly what has happened as a result of the policy that was put in place by the Republican leadership of this chamber and the Republican White House.

And so what the messaging is about is about blaming Democrats for a policy and a situation that exists as a result of Republican-enacted legislation.

Let me say one other thing, and that is, that what the American people deserve is a short-term solution and a long-term solution, and increased drilling provides neither. If the President and the Republicans were truly interested in a short-term solution they would join the Democrats in this Congress and they would urge the President to release 70 million barrels of oil from the Strategic Petroleum Reserve, something that would almost undoubtedly immediately bring down prices at the pump. And if they were interested in a long-term solution, they would join us in embarking on a policy that would give us a clean and independent energy future that would reduce our demand on foreign oil.

With that, I would like to yield as much time as he may consume to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise today to commend the Arizona State University softball team for their championship victory in the 2008 Women's College World Series.

On June 3, 2008, the Arizona State University Sun Devils won the 2008 NCAA Women's College World Series after trouncing Texas A&M Aggies 11–0. Not only did this win mark the first national title for Arizona State University in softball, but the Lady Sun Devils also set a record for the highest margin of victory in a championship game in the NCAA Women's College World Series history.

Arizonans and a national television audience shared in the excitement, pride and sportsmanship ASU players displayed, both on the field and in the dugout during this inspiring victory.

Furthermore, the ASU softball team played an excellent season, winning an impressive 66 games. Under the leadership of Coach Clint Meyers, the Sun Devils went 56–5 during the season, and 10-for-10 in the post season. This team succeeded with the hard work, grit and determination of the players, coaches and staff.

Outstanding players in the Women's College World Series include super slugger, Kaitlin Cochran, who set a new NCAA single season record by drawing 29 intentional walks.

Star pitcher Katie Burkhart earned Most Valuable Player honors in the Women's College World Series with 53 strikeouts and a perfect record of five wins and zero losses.

Six of the lady Sun Devils were also named to the Louisville Slugger National Fastpitch Coaches Association All-Pacific Region team. Five of these players, Katie Burkhart, Mindy Cowles, Krista Donnenwirth, Kaitlin Cochran and Jackie Vasquez, advanced to earn Louisville Sluggers/NFCA All-American honors.

This team of course owes a great deal of its success to the superb ASU coaching staff, including Head Coach Clint Meyers and Assistant Coaches Kirsten Voak and Robert Wagner, who have been named to the NFCA's NCAA Division I National Coaching Staff of the year.

As an alumnus of ASU, I am honored and excited to see a team from my alma mater accomplish this feat. This is truly a victory for Sun Devils everywhere. The championship title has been a long time coming for this team, and these women showed that true dedication and persistence can, indeed, pay off.

I ask my colleagues to join me in celebrating the remarkable success of this team whose achievements and camaraderie should be models for other teams across the country.

Go Devils.

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

I would also like to congratulate the Arizona State University softball team. I watched some of the softball on television, and these are dynamic athletes doing a wonderful job of dealing with what has become a very fast sport.

This team was extraordinary. Their victory against Texas A&M in the World Series, 11–0 victory shows just how great they really are.

Beyond that though, I would just like to say that the Arizona State softball is not only an inspiration to student athletes in Arizona and across the United States, but a beacon of higher education as well. Arizona State University is a knowledge and discovery enterprise advancing teaching and research focused on the most pressing challenges that confront global society. A comprehensive public metropolitan research university enrolling more than 60,000 undergraduate, graduate and professional students on four campuses. ASU is a federation of unique colleges, schools, departments and research institutes that comprise closeknit but diverse academic communities that are international in scope. ASU champions intellectual and cultural diversity and welcomes students from all 50 States and more than 100 nations across the globe.

I congratulate everybody who had anything to do with the softball victory this year, and I congratulate Arizona State University on being an outstanding university in our country.

I yield back the balance of our time.

Mr. BISHOP of New York. We have no further speakers, Mr. Speaker, so I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1323.

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. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING THE HAMILTON COLLEGE CONTINENTALS ON WINNING THE NCAA DIVISION III WOMEN'S LACROSSE CHAMPIONSHIP

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1259) congratulating the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1259

Whereas on May 18, 2008, the Hamilton College Continentals women's lacrosse team captured the NCAA Division III championship and completed the best season in the team's 29-year history;

Whereas the Continentals are the first team in the College's history to reach the national semifinals in any NCAA championship;

Whereas the Continentals completed the 2008 season with a remarkable 21–1 record and won 19 straight games, which is the longest winning streak in Division III women's lacrosse;

Whereas the Continentals are led by team captains Tara Eckberg of Castle Rock, CO; Jen McGowan of Jericho, VT; Nicole Tetreault of Guilderland, NY; and are comprised of the following outstanding players: Kate Fowler of Branford, CT; Allie Shpall of Greenwood Village, CO; Laura Stern of Shaker Heights, OH; Becca Green of Wynnewood, PA; Matilda Andersson of Annapolis, MD; Kayla Bettenhauser of West Babylon, NY; Katie White of Stonington, CT; Kate Marek of Alexandria, VA; Audrey Nebergall of Tiverton, RI; Kriti Dave of Newton, MA; Liz Rave of Huntington, NY; Hilary Saverin of New Canaan, CT; Kaillie Briscoe of Orangeville, Ontario; Anne Graveley of Queensbury, NY; Katie Gambir of Darien, CT; Sarah Bray of Rockville, MD; Catie Gibbons of Clarks Summit, PA; and Liz Benjamin of Garrison, NY;

Whereas head coach Patty Kloidt, assisted by Amanda Nobis and Mackay Rippey, merit recognition and praise for guiding the Continentals to their championship win, and were named the Liberty League Coaching Staff of the Year in 2008, and Patty Kloidt was named 2008 NCAA Division III Coach of the Year by the Intercollegiate Women's Lacrosse Coaches Association;

Whereas four Continentals won All-America awards this year, six players were selected to the all-region team, and nine players were selected to the all-league team; and

Whereas the Continentals are shining examples of the products of hard work and commitment, and have inspired and brought pride to their community as well as their loved ones and the students and alumni of Hamilton College: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship and commends them on their contributions to Hamilton College, women's athletics, and the sport of lacrosse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1259 into the RECORD.

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

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to congratulate the Hamilton College Continentals women's lacrosse team for their victory in the 2008 NCAA Division III tournament.

On May 18, Hamilton College Continentals women's lacrosse team celebrated their NCAA Division III championship title after defeating the Franklin & Marshall College Diplomats 13–6 in Salem, Virginia.

□ 1215

This was the first NCAA championship title for not only the woman's lacrosse team but also for Hamilton College. However, amidst the recognition of this single moment, the individuals that constituted this significant occasion should be the main focus of praise. Each individual's hard work and dedication in the course of the entire season should be noted and celebrated.

First, I want to recognize Nicole Tetreault, class of 2008. As a result of her outstanding performances throughout the season, she has received numerous awards and recognitions including 2008 Liberty League Player of the Year, 2008 NCAA Division III All-Tournament team, First Team All-America for the second consecutive year, and 2008 ESPN The Magazine's Academic All-America Women's At-Large Team. Furthermore, Tetreault was granted the honor of Academic All-American, a recognition given to exceptional athletes who also demonstrate academic excellence. Tetreault has proven to be an admirable role model to students and athletes alike.

Additionally, I want to extend my congratulations to head Coach Patty Kloidt who has propelled Hamilton College's women's lacrosse program forward ever since she assumed the position 6 years ago. Kloidt rightfully received the NCAA Division III Women's Lacrosse title Coach of the Year. Moreover, Kloidt and her assistant coaches, Amanda Nobis and Mackay Rippey, were named the Liberty League Coaching Staff of the Year in 2008. They are an excellent representation of outstanding leadership.

The Hamilton College women's lacrosse team made many more accomplishments apart from the ones already mentioned. Four of the women Continentals won All-American awards and six were selected to the All-Region team. They had an impeccable season with a record of 21–1, winning 19 straight games. And I'm sure their lacrosse program will only move forward with many victories in years to come.

It is very rare that a team is granted with an exceptional coaching staff and athletic ability. Yet it takes tremendous leadership and teamwork for potential to be fully realized and for any team to perform at their best. Again, I do not only congratulate the Continentals for their championship title, but the exceptional individuals that made the victory possible. These athletes and coaching staff are truly an outstanding model for any group to refer to, whether it is athletics, academics, or politics as an example of cooperation, tenacity, and excellence.

Mr. Speaker, I once again congratulate the Hamilton College Continental women's lacrosse team 2008 NCAA Division III championship title.

I reserve the balance of my time.

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

I rise today in support of House Resolution 1259, congratulating the Hamilton College Continentals on winning the NCAA's women's lacrosse championship.

On May 18, 2008, the Hamilton College Continentals women's lacrosse team captured the NCAA Division III championship and completed the very best season in the team's 29-year history. The 13–6 victory over the Franklin & Marshall Diplomats secured Hamilton's first national title in any sport.

The Continentals entered the weekend as the number four-ranked team in Division III but knocked off number one Salisbury University 11–10 on Saturday before they defeated the defending champion and third-ranked Diplomats. Hamilton also avenged a 14–13 loss to Franklin & Marshall suffered in Florida on March 19. The loss was the lone blemish on the Continentals' 2008 record. The Continentals completed the 2008 season with a remarkable 21–1 record and won 19 straight games, which is the longest winning streak in Division III women's lacrosse.

Four Continentals earned All-American awards this year. Six players were selected to the All-Region team, and nine players were selected to the All-League team. The Continentals are truly shining examples of the products of hard work and commitment, and they have inspired and brought pride to their community as well as their loved ones and the students and alumni of Hamilton College.

Head Coach Patty Kloidt also merits recognition and praise for guiding the Continentals to their championship win. Coach Kloidt and her staff were named the Liberty League Coaching Staff of the Year in 2008. Coach Kloidt was also named the NCAA Division III women's lacrosse coach of the year.

While the accomplishment of capturing a national athletic title deserves our recognition today, we should also take a moment to reflect on Hamilton's commitment to academics. Hamilton is a liberal arts college with an emphasis on individualized instruction and independent research and is a national leader in teaching effective writing and persuasive speaking. Founded in 1973 as the Hamilton-Oneida Academy, it is the third oldest college established in New York State. Hamilton's curriculum provides its highly motivated students with both the freedom and responsibility to make educational choices that emphasize breadth and depth. In short, Hamilton College is the finest college in the United States.

I graduated from there 40-some years ago.

Through independent projects, The Senior Program, and summer internships with faculty, Hamilton provides an increasing number of opportunities for students to engage in significant—often publishable—research at the undergraduate level.

I am happy to join my colleagues in honoring Hamilton for its many achievements. I extend my congratulations to Hamilton's President Joan Stewart, Athletics Director Jon Hind, Head Coach Patty Kloidt and her staff, the players, the fans and to Hamilton College.

I urge my colleagues to support this resolution.

Mr. Speaker, I have no additional speakers. I'm prepared to yield back my time.

Mr. BISHOP of New York. Before I close, let me congratulate Mr. CASTLE on the success of his alma mater.

Mr. ARCURI. Mr. Speaker, I rise today in strong support of H. Res. 1259, to congratulate the Hamilton College Lady Continentals on their NCAA Division III women's lacrosse championship.

Mr. Speaker, I am proud to stand here today and represent such a talented group of athletes in New York's 24th Congressional District. The Hamilton Continentals this year completed the best season in the college's 29-year women's lacrosse history, and are the first team at the college to ever reach the national semifinals in any NCAA championship.

This truly phenomenal team has demonstrated passion and commitment to their sport, racking up an impressive 21–1 record this year and creating the longest winning streak in Division III women's lacrosse. This group of 20 athletes knows the true meaning of teamwork, while also proving that they are each formidable opponents on the field through their impressive individual records.

Ten Hamilton players have garnered an amazing total of 11 All-America awards throughout their college careers. This year alone, four Continentals won All-America awards this year, six players were selected to the all-region team, and nine players were selected to the all-league team.

Hamilton College, located in Clinton, NY, is a nationally-recognized liberal arts college that consistently ranks in the top 20 liberal arts institutions across the Nation. The college receives applications from around the country and around the world, contributing to a student body with diverse interests and talents with a great potential for achievement and innovation. Given the college's commitment and the dedication of their students, there is no doubt that it will continue its centuries-long tradition of excellence in scholastics and, now, athletics.

The accomplishments of the Hamilton Lady Continentals cannot be applauded without commending the efforts of their coaching staff. Head Coach Patty Kloidt, and assistants Amanda Nobis and Mackay Rippey, have guided the Lady Continentals to victory this year. This nurturing and inspiring coaching team was named the 2008 Liberty League Coaching Staff of the Year, and Head Coach Patty Kloidt was recently named 2008 NCAA Division III Coach of the Year by the Intercollegiate Women's Lacrosse Coaches Association. On behalf of my colleagues in Washington and in my district, I wish to congratulate this team on their success and recognition.

Mr. Speaker, I urge my colleagues today to support this resolution congratulating the Hamilton College Lady Continentals women's lacrosse team, and to support them in their future endeavors as they continue to inspire athletes across the country.

Mr. BISHOP of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1259, 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. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING 2008 NCAA BASEBALL CHAMPION FRESNO STATE BULLDOGS

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1327) congratulating the 2008 National Collegiate Athletic Association (NCAA) Division I Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1327

Whereas California State University, Fresno, better known as Fresno State, was founded in 1911 and has offered advanced degrees since 1949;

Whereas Fresno State has one of the top Agriculture Sciences and Technology programs in the California State University system, with a worldwide reputation in water technology, more than 200 awards for student-produced wines, and research having global impact in the areas of food production, land preservation, and irrigation;

Whereas Fresno State's Craig School of Business has been recognized in the Princeton Review's top business schools and is nationally acclaimed for its Lyles Center for Innovation and Entrepreneurship;

Whereas Fresno State also offers well-regarded programs in schools or colleges devoted to arts and humanities, health and human services, education and human development, social sciences, physical sciences, and mathematics and engineering;

Whereas Fresno State is home to approximately 19,000 undergraduate students, 2,200 graduate students, and nearly 1,000 post-baccalaureate students;

Whereas in the recent Western Association of Schools and Colleges accreditation process, Fresno State was commended as a ''national model for institutions interested in becoming generators of social mobility, economic development, and student success'';

Whereas Fresno State prepares its students to prosper in their chosen careers by being responsible citizens in their communities, as well as in the State, Nation, and world;

Whereas all Fresno State athletic programs pride themselves on recruiting male and female athletes from local high schools and junior colleges;

Whereas every member of this year's championship baseball team is from California, with many players hailing from such San Joaquin Valley towns as Fresno, Clovis, Bakersfield, Visalia, Hanford, and Turlock;

Whereas the Fresno State Bulldogs baseball team beat the University of Georgia Bulldogs two games to one to win the 2008 College World Series;

Whereas the Fresno State Bulldogs opened the College World Series with a victory over sixth-seeded Rice University and had two wins over number-two national seed University of North Carolina at Chapel Hill;

Whereas the Bulldogs hit 14 home runs, the second most in College World Series history, and set the record for the most extra-base hits, runs batted in, and total bases in a championship game;

Whereas the Bulldogs became the first team in College World Series history to score at least 17 runs more than once in the same College World Series;

Whereas the Bulldogs became the first number-four regional seed to reach the College World Series since the tournament expanded in 1999;

Whereas all 10 of the Bulldogs' postseason wins have come against teams ranked in the top 15, including its final 7 wins over national seeds;

Whereas the Bulldogs played on the road for over 40 days;

Whereas, throughout the College World Series, the Bulldogs won 6 elimination games, including a 19–10 victory over the University of Georgia Bulldogs in the championship series;

Whereas, for the third consecutive season, the Bulldogs earned a preseason ranking in Collegiate Baseball Newspaper's Fabulous 40 and an 18th-place ranking from Baseball America Magazine;

Whereas the Bulldogs won 47 games and lost 31 games during the 2008 season;

Whereas 7 members of the Bulldog team were named to the Preseason All-Western Athletic Conference Team;

Whereas on May 17, 2008, the Bulldogs won their third straight Western Athletic Conference championship;

Whereas on May 25, 2008, the Bulldogs won their third straight Western Athletic Conference tournament after beating the University of Nevada;

Whereas the Bulldogs had not played in a College World Series since 1991;

Whereas the Bulldogs won the Long Beach Regional and Tempe Super Regional tournaments, and beat 3rd-ranked Arizona State University, 6th-ranked San Diego University, and 11th-ranked Long Beach State University;

Whereas head coach Mike Batesole was named the 2008 National Coach of the Year, the second time in 10 years he has won the award;

Whereas Steve Susdorf was named the Western Athletic Conference Player of the Year, Tanner Scheppers was named the Western Athletic Conference Pitcher of the Year, Danny Muno was named the Western Athletic Conference Freshman of the Year, and head coach Mike Batesole was named the Western Athletic Conference Co-Coach of the Year;

Whereas Steve Susdorf, Tanner Scheppers, Erik Wetzel, Alan Ahmady, and Brandon Burke earned First-Team All-Western Athletic Conference honors;

Whereas seniors Clayton Allison, Blake Amador, Jason Breckley, Brandon Burke, Jacob Hower, Ryan Overland, and Steve Susdorf and junior Kris Tomlinson have graduated or will graduate within 9 semesters, having managed their time well enough to keep up with studies and play championship baseball over 78 games and hundreds of practice sessions;

Whereas Steve Susdorf was a Western Athletic Conference All-Academic awardee for the fourth year and also won ESPN The Magazine Academic All-District and second team Academic All-America honors;

Whereas senior Clayton Allison, juniors Kris Tomlinson and Erik Wetzel, and freshmen Trent Soares and Jake Floethe were also Western Athletic Conference All-Academic performers;

Whereas Tommy Mendonca was named the College World Series Most Outstanding Player and was named to the 2008 National Collegiate Team;

Whereas Erik Wetzel, Steve Susdorf, Steve Detwiler, and Justin Wilson were named to the 2008 College World Series All-Tournament Team;

Whereas, in addition to the players who earned all-conference honors, the Bulldogs saw outstanding play from Danny Muno, Jordan Ribera, Gavin Hedstrom, and Ryan Overland;

Whereas Bulldog coaches Mike Batesole, Matt Curtis, Mike Mayne, and Pat Waer and the entire Bulldog roster and staff have earned a special place in Fresno State sports history;

Whereas many members of the Bulldog team will never play professional baseball and truly give meaning to the term ''student-athlete''; and

Whereas Fresno State's competition for the national championship has been exciting to watch for all those who have an attachment to the University, the San Joaquin Valley, and the game we call our national pastime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the 2008 National Collegiate Athletic Association (NCAA) Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season; and

(2) recognizes that the Bulldogs, in winning their first College World Series, concluded an unprecedented season and championship that captivated baseball fans across America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1327 into the RECORD.

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

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the California State University Fresno State men's baseball team for winning the 2008 Division I College World Series.

Since June 14, the first day of the College World Series, Fresno State made an improbable run at the championship. As a fourth seed, they fought and clawed their way into the College World Series. Just to make the College Word Series, Fresno State had to win the Western Athletic Conference. Though they edged their way into the CWS, their presence was definitely felt. They gave college baseball fans across the country special treat with their amazing play.

The Bulldogs belted their way through their matchup with Rice University. This lopsided affair ended with

the final score being 17–5. The Bulldog team had a pair of home runs and eight out of the nine starters had a hit. The team steamed forward to play the second-seeded University of North Carolina. In this best-of-three series, Fresno won the first game 5–3, lost a tight second match 4–3, and sealed their championship fate beating UNC 6–1 in the final affair.

In the championship series against the University of Georgia, the Fresno Bulldogs ended up losing their first game in the best-of-three series. The Fresno players bounced back with a vengeance. They cruised to a 19–8 victory with run after run. In the final game, Fresno brought home a championship after defeating University of Georgia 6–1.

I want to extend my congratulations to Coach Mike Batesole who was named the 2008 National Coach of the Year—the second time he has won this award. He has led them through an amazing College World Series. Assistant Coaches Matt Curtis, Mike Mayne, and Pat Waer complete the coaching staff. All of them have done a stellar job preparing this confident group.

Congratulations are always in order for Tommy Mendonca for winning the College World Series MVP and for being invited to play with the USA National Collegiate Baseball Team. Mendonca hit .285 with 19 home runs, 70 RBIs and eight doubles for the College World Series champions this season. He also hit four home runs and drove in 11 runs during the College World Series.

Winning the national championship as an underdog has brought national acclaim to Fresno State. They are the lowest seed to win a College World Series and the first men's team to win a national championship for their school. These Bulldogs have earned a special place in Fresno State sports history.

I once again congratulate Fresno State for their amazing success.

I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, at this time I yield to the gentleman from California (Mr. NUNES) such time as he may consume.

Mr. NUNES. Mr. Speaker, I want to thank my colleagues, Mr. COSTA and Mr. RADANOVICH. Mr. COSTA, of course, is a very proud alum of Fresno State so he's very excited for this day, and I want to thank them both for their help on passage of this important legislation.

I rise today to congratulate my hometown baseball team, the Fresno State Bulldogs, who entered the College World Series as underdogs and against all odds succeeded in clinching the championship title. The Fresno State baseball program has had a successful history since its inception in 1922. Bulldog baseball boasts five titles, three WAC championships, 30 NCAA tournament appearances and four appearances in the College World Series. The program has produced excellent Major League Baseball players throughout their 86-year history and many other student athletes that excel both on and off the field.

The story of the Fresno State Bulldogs in the College World Series is one of outstanding achievement.

With sweat and guts, the Bulldogs won the WAC tournament merely to qualify for the College World Series Their performance at the national championship not only proved that they belonged in this elite tournament, but also left no doubt they were the best team in the Nation.

Without regard for the doubters and the critics, Fresno State baseball exhibited an uncompromising commitment to success, which is truly characteristic of this university. Challenge after challenge, they pulled through in the face of adversity and achieved the greatest victory in the school's history.

During their outstanding run at the 2008 College World Series, the Fresno State Bulldogs broke a series of records. They were the only team in College World Series history to score more than 17 runs in two separate games. The team also set records for the most home runs, most extra-base hits, most runs batted in, and most total bases in a championship game. Fresno State was the lowest seeded team to ever to win the College World Series, and this championship victory marks the highest achievement of the program in its entire history.

While they excelled as a team, some were also recognized for their exceptional individual performances. Fresno State player Tommy Mendonca was chosen as the Most Valuable Player, Most Outstanding Player in the College World Series, and was selected for the U.S.A. Baseball National Team. Coach Mike Batesole received the Coach of the Year award for the second time in his career. Many other outstanding performances are highlighted in this resolution.

The accomplishment of this team has filled the community with the utmost sense of pride. As underdogs, Fresno State overcame all the odds and achieved the much-deserved title of champions of the College World Series. Congratulations to the Fresno State Bulldogs for the tremendous achievement.

Mr. BISHOP of New York. Mr. Speaker, I wish to extend as much time as he may consume to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I want to thank my colleague, Congressman NUNES, for the introduction of this resolution. He has the university in his congressional district. Congressman RADANOVICH and myself share the same sort of pride and enthusiasm for the university, and all three of us work very closely with the institution, we think one of the finest academic institutions in the country. Congressman BISHOP, we thank you for your kind words.

We want to recognize today the Fresno State baseball team, the Bulldogs, the Bulldogs of the West, on their victory over the University of Georgia last month to claim the 2008 NCAA Division I baseball championship of the country. Obviously, as Congressman NUNES mentioned, I am a proud alum of the University of California at Fresno State, or as we like to refer to it, the Bulldogs.

What Fresno State accomplished in their road to victory winning the national championship has all the makings of a movie. The Dogs came into the tournament, it was noted, fourth regional seed, and along the way beat prestigious powerhouse universities like Rice, the University of North Carolina, two big wins. They are the first, as was noted, fourth seed to reach the finals and win the National Collegiate Athletic Association championship in any sport in the history of our country.

□ 1230

As a matter of fact, they are the lowest seed to win a national championship, including professional sports. They went from underdogs to wonderdogs. The team played on the road for 40 straight days and 40 nights. Forty days and 40 nights they played away from home, first going to Baton Rouge to win the WAC tournament, then going back to Long Beach to win the Western tournament, and then to the super-regionals in Phoenix to win that tournament, beating the University of Arizona twice, with their record of 30–2, the University of Arizona in their home stadium; yet the Bulldogs prevailed to put themselves in the College World Series Finals.

What's important to note about this long trek, this incredible journey, is that there were five Bulldogs who made this year's College World Series All-Tournament Team. They were Erik Wetzel, Steve Susdorf, Steve Detwiler, Justin Wilson, and Tommy Mendonca. Congratulations to all of them. They were all Californians.

These truly are student athletes in the finest sense of the word. I suspect the majority of these folks will never play professional baseball, although I suspect they all might want to, and we wish them the best in their endeavors. But these were student athletes who are getting a college education and, in the meantime, enjoying those wonderful aspects of student sports for their university and for their own pride of accomplishment.

Tommy Mendonca, from Turlock, California, was named the College World Series Most Outstanding Player and was recently named to the 2008 National Collegiate Team. He comes from a strong Portuguese family, that both Congressman NUNES and I share, and we enjoyed watching him play all season long.

The character, the camaraderie, the preparation, and the ultimate performance of the success of this team flows from Coach Batsole and his wonderful staff that really made a difference.

When the team started out 8–11 at the beginning of the season, expectations diminished, but they didn't let that, with a series of injuries, put a damper on their spirit, and that spirit of the Bulldogs came back. Go Dogs!

I want to thank my friend Congressman NUNES for introducing this resolution and my dear friend Congressman RADANOVICH for his support for the university. This is a great time that we share for the Valley and for the University of Fresno State.

Mr. CASTLE. Mr. Speaker, at this time, I yield to the gentleman from California (Mr. RADANOVICH) such time as he may consume.

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman from Delaware for giving me time to speak on this.

I'd like to begin first by thanking my colleagues Mr. NUNES and Mr. COSTA and Mr. CARDOZA for working with me to introduce H. Res. 1327, and congratulate the Fresno State Bulldogs on winning the NCAA Division I College World Series.

The Fresno State baseball team's journey of becoming the College World Series champion is, without a doubt, a Cinderella story. The Bulldogs faced obstacles and hardships, and yet they were able to overcome the odds to secure the college national baseball championship.

Fresno State University is known for the quality education that it has provided since its founding in 1911. For 97 years, the students of Fresno State, including its student athletes, have illustrated the university's commitment to excellence in education. Now, Fresno State will also be known for its excellence in our national pastime.

The Bulldogs' triumph has highlighted the quality athletic programs of Fresno State. The Bulldogs' baseball team is the only team in NCAA history to win a championship with a regular season record of 47 wins and 31 losses. Additionally, the Bulldogs spent over 40 long days away from home during their trek towards becoming the College World Series champions.

The achievement of the Fresno State baseball team is not just an accomplishment that can be celebrated by Fresno State University, but by all residents of California's Central Valley and by all fans of America's favorite pastime.

The Bulldogs captured baseball fans' hearts as college baseball fever spread Fresno State's colors of cardinal and blue across the Central Valley and the Nation, making this College World Series the most watched of all time according to ESPN. Radio fans tuned in to local Central Valley radio station, KMJ 580, to listen to the game.

My family and I were among those huddled around our TVs, hanging on every pitch, e-mailing the results to our son King who was away at camp. Perhaps next year, when the Bulldogs are playing for back-to-back championships, we will listen to that game on the radio.

As the lyrics in the Bulldogs' fight song state: ''So fight and give the best there is in you . . . we'll fight on to victory.'' And the Bulldogs did just that. With unwavering determination, with complete dedication, the Bulldogs gave their all, and in the end, they were victorious.

It is with great pride that I stand here with my colleagues today supporting H. Res. 1327, congratulating the Fresno State Bulldogs on their College World Series Championship. Go Dogs!

Mr. BISHOP of New York. Mr. Speaker, I continue to reserve.

Mr. CASTLE. Mr. Speaker, I'm prepared to yield back. I'd just like to make a comment or two and I will do so, and I yield myself such time as I may consume.

I would like to thank all of those who were involved in this. Mr. CARDOZA couldn't be here to speak, but I thank him as well for his interest in this.

And I would just like to congratulate everybody involved with Fresno State. I watched some of these games on television. You see a Georgia versus a Fresno State and your immediate thought is, well, gee, Georgia must be dominant in this situation as they are a very dominant athletic team in the country. But indeed, Fresno State fought to win two out of three of those games and I think deserve a tremendous amount of credit, especially considering the year that they had gone through.

This is an excellent school, and sometimes outside actions cause us to look at other things. And looking at the academics at Fresno State, which include a broad array of offices and services, including over 50 academic departments, eight colleges, a Henry Madden Library, the Division for Graduate Studies, the Division of Continuing and Global Education and dozens of centers and institutes, all these are designed to support the central academic mission of the university, that of creating an environment of engaged, student-centered learning. And they I think deserve to be congratulated for the academic side of what they're doing, as well as their great victory in the NCAA baseball tournament this year.

I congratulate them.

I yield back the balance of my time.

Mr. BISHOP of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1327, 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

RECOGNIZING AND COMMENDING THE ALVIN AILEY AMERICAN DANCE THEATER

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1088) recognizing and commending the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1088

Whereas the Alvin Ailey American Dance Theater (''AAADT'') is widely recognized as one of the world's premier modern dance companies;

Whereas the AAADT is dedicated to promoting the uniqueness of the African-American cultural experience and the preservation and enrichment of the modern dance heritage to people across the globe;

Whereas, over its 50-year history, the AAADT has performed for an estimated 21,000,000 people in 48 States and in 71 countries on 6 continents;

Whereas the AAADT has an extensive touring record;

Whereas the AAADT's signature work, ''Revelations'', has been seen by more people across the globe than any other work of dance;

Whereas the AAADT performs works by both emerging and established choreographers from throughout the United States and the world;

Whereas the AAADT's home in New York City, the Joan Weill Center for Dance, is the largest facility dedicated exclusively to dance in the United States;

Whereas Alvin Ailey, founder of the AAADT, received the United Nations Peace Medal in 1982;

Whereas President George W. Bush recognized the AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001, making the AAADT the first dance company to be honored with this award;

Whereas the AAADT has performed for United States Presidents throughout the company's 50-year history, including in 1968 for President Johnson, at the inaugural gala in 1977 for President Carter, at the inaugural gala in 1993 for President Clinton, and at the state dinner honoring President Mwai Kibaki of Kenya in 2003;

Whereas, over the years, the AAADT has represented American culture with performances at such historic events as the Rio de Janeiro International Arts Festival in 1963, the first Negro Arts Festival in Dakar, Senegal, in 1966, the fabled New Year's Eve performance for the Crown Prince of Morocco in 1978, the Paris Centennial performance at the Grand Palais Theatre in 1989, two unprecedented engagements in South Africa in 1997 and 1998, the 1996 and 2002 Olympic games, the 2005 ''Stars of the White Nights'' festival in St. Petersburg, Russia, and the 2006 Les étés de la danse de Paris festival in Paris, France;

Whereas the AAADT annually provides more than 100,000 young people from diverse cultural, social, and economic backgrounds the opportunity to explore their creative potential and build their self-esteem through

its Arts In Education and Community Programs, including 9 Ailey Camps in cities across the United States;

Whereas Ailey II, the junior company, reaches more than 69,000 people each year through its inspiring performances and outreach activities while touring to smaller communities in more than 50 North American cities; and

Whereas the Ailey School, accredited by the National Association of Schools of Dance, provides the highest quality training consistent with the professional standards of the AAADT, including a Certificate Program, a Fellowship Program, and a Bachelor of Fine Arts degree program in conjunction with Fordham University: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and commends the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world, during which it has provided world-class American modern dance to an estimated 21,000,000 people across the globe;

(2) recognizes that the Alvin Ailey American Dance Theater has been a true pioneer in the world of dance by establishing an extended cultural community which provides dance performances, training, and community programs for all people while using the beauty and humanity of the African-American heritage and other cultures to unite people of all ages, races, and backgrounds; and

(3) recognizes that Ailey II, the prestigious Ailey School, and Ailey's extensive and innovative Arts In Education and Community Programs train future generations of dancers and choreographers while continuing to expose young people from communities large and small to the arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1088 into the RECORD.

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

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1088 and thank Mr. NADLER for introducing this resolution. H. Res. 1088 commends the Alvin Ailey Dance Theater for its excellence, impact and service to the arts.

Alvin Ailey's Dance Theater is referred to by many as the world's premier dance company. AAADT promotes aspects of the African American experience while preserving modern dance heritage to millions across the globe. Its long-standing accomplishments and the rich global impacts speak volumes about the company's caliber of talent and unique mission.

Alvin Ailey founded AAADT in 1958. As a child, Ailey developed a keen interest in art. In his high school years, he began taking dance classes with Katherine Dunham, a pioneer of African modern dance. However, Ailey's most important influence came from Lester Horton. Horton led a team of racially mixed dancers. Ailey, however, took over the team once Horton passed away in 1953. Five years later, Alvin Ailey founded AAADT.

Both the founder and other leaders of the organization have made outstanding accomplishments and have been recognized for their contributions to the arts. In 1982 Ailey received the United Nations of Peace Medal. President George W. Bush recognized AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001. Until that point, a dance ensemble had never received such an award. The recognition this dance company receives is well-deserved.

AAADT has performed for an estimated 21 million people in 48 States, 71 countries, and 6 continents. This company tours more than any other performing arts company. The Joan Weill Center for Dance, the studio for AAADT, is the largest facility dedicated exclusively to dance in the United States.

AAADT has performed before numerous distinguished audiences, including President Johnson, President Carter, President Clinton, and President Mwai Kibaki of Kenya. They have also represented themselves at famous historical engagements such as the Rio de Janeiro International Arts Festival, the First Negro Arts Festival in Dakar, the fabled New Year's Eve performance for the Crown Prince of Morocco, the Paris Centennial performance at the Grand Palais Theatre, South Africa, and two Olympic games.

In addition to the stellar performances, AAADT has also worked with more than 100,000 young folks every year to assist them in discovering their creative talents and help build their self-esteem through their artistic skills. The Arts in Education and Community Programs includes nine Ailey Camps across the United States. They also have implemented an Ailey II, a junior company, to train less experienced dancers to perform across North America. These young people come from various cultural, social, and economic backgrounds to come together to empower themselves and to learn art.

In recognition of 50 amazing years of excellence, let us commend AAADT for their contributions to the United States and the rest of the world. It has established an extended cultural community that provides dance performances, training, and community programs for all people while using the beauty and humanity of the African American heritage and other cultures. AAADT is irreplaceable.

Mr. Speaker, once again, I express my support for Alvin Ailey American Dance Theater, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of H. Res. 1088, recognizing and commending the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world.

The Alvin Ailey American Dance Theater was formed in March 1958. Led by Alvin Ailey and a group of young African American modern dancers, their combination of technique, repertoire, and high-energy performances changed forever the perception of American dance.

The dance company began to travel throughout the country, and in 1960, the AAADT became a resident company of the 51st Street YWCA's Clark Center for the Performing Arts. It was during this time period that Ailey choreographed his signature work ''Revelations'' which has been seen by more people across the globe than any other work of dance. In 1962, the company was chosen to tour the Far East, Southeast Asia, and Australia as part of President John F. Kennedy's ''President's Special International Program for Cultural Presentations.''

AAADT made its performance at the New York City Center in 1971, where it is currently the resident company. AAADT celebrated its 25th anniversary in 1980 and its founder, Alvin Ailey, received the United Nations Peace Medal in 1982. When Ailey died in 1989, Judith Jamison, a former principal dancer, assumed the role of artistic director.

Despite the loss of its founder, AAADT has thrived. Following tours in Russia, France, and Cuba in the 1990s, as well as residency in South Africa in 1997, the Alvin Ailey Dance Foundation broke ground for a new dance complex in Manhattan. It is the largest facility dedicated exclusively to dance in the United States.

Every year the company provides more than 100,000 youth from diverse backgrounds the opportunity to explore their creative potential and build their self-esteem through its Arts in Education and Community Programs, including nine Ailey Camps in cities throughout the country.

Today, Alvin Ailey American Dance Theater has gone on to perform for an estimated 21 million people in 48 States and in 71 countries on 6 continents, including two historic residencies in South Africa. The company has earned a reputation as one of the most acclaimed international ambassadors of American culture, promoting the uniqueness of the African American cultural experience and the preservation and enrichment of American modern dance.

I ask my colleagues to support this resolution.

I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I rise in support of this resolution honoring the Alvin Ailey American Dance Theater, which is celebrating its 50th anniversary. I would like to thank

Chairman MILLER, Ranking Member MCKEON, and the rest of my colleagues on the Education and Labor Committee for bringing this resolution to the floor.

Founded in 1958, Ailey has become widely recognized as one of the world's premier modern dance companies. In its 50-year history, Ailey has performed for an estimated 21 million people in 71 countries on six continents. The troupe's signature work, ''Revelations,'' has been seen by more people across the globe than any other work of dance.

Alvin Ailey was born into an impoverished childhood in the small, segregated town of Rogers, Texas. Dedicated to promoting the uniqueness of the African-American cultural experience, Ailey began offering opportunities to black dancers when there were few. ''Revelations,'' which draws upon the influences of black spirituals, gospel music, and blues, epitomizes the universality of art that Ailey sought to explore. Of this groundbreaking work, he said: ''Its roots are in American Negro culture, which is part of the whole country's heritage. The dance speaks to everyone.''

By 1963, the troupe had begun welcoming dancers of diverse ethnicities and backgrounds, and translating their experiences into some of the most riveting works of dance of the 20th century. The company now performs works by a wide range of choreographers, both emerging and established, from across the globe, totaling more than 200 works by over 70 choreographers.

In 1982, Alvin Ailey received the United Nations Peace Medal, and in 2001, President George W. Bush recognized the Ailey and Artistic Director Judith Jamison with the National Medal of Arts, making the Ailey the first dance company to be honored with this award.

Ailey continues to make a lasting impact in the dance world through its arts in education and community programs, which provide more than 100,000 young people from diverse cultural, social, and economic backgrounds the opportunity to explore their creative potential, not only in New York, but in cities throughout the United States. Ailey II, the junior company, reaches more than 69,000 people each year, and brings its inspiring performances to smaller communities across North America.

I am proud that Ailey calls my congressional district in New York City home, and has made the Joan Weill Center for Dance the largest facility dedicated exclusively to dance in the United States.

I wish to thank Ailey for all it has done to break cultural barriers through the arts. I especially want to thank Judith Jamison, Artistic Director, and Sharon Gersten Luckman, Executive Director, who keep Alvin Ailey's artistic and social vision alive today.

I urge all my colleagues to support this resolution congratulating the Alvin Ailey American Dance Theater for its 50 years as a cultural ambassador to the world, and thanking them for their outstanding service to future generations of artists.

□ 1245

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1088, 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.

CONGRATULATING EAST HIGH SCHOOL IN DENVER, COLORADO, ON WINNING CITIZENSHIP COMPETITION

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1261) congratulating East High School in Denver, Colorado, on winning the 2008 ''We the People: The Citizen and the Constitution'' national competition, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1261

Whereas in order to preserve our democracy, it is important that an indepth understanding of the documents upon which our Nation was founded is passed on from generation to generation;

Whereas students in the ''We the People: The Citizen and the Constitution'' competition demonstrate their understanding of the Constitution and the Bill of Rights, along with the documents' contemporary significance by participating in simulated congressional hearings;

Whereas the ''We the People'' competition, founded in 1987 on the bicentennial of the adoption of the Constitution, celebrates its 21st consecutive year in 2008;

Whereas in the 21 years of competition, East High School has gone to the ''We the People'' national finals 19 times, placed in the Top Ten 16 times, placed in the Top Three 8 times, and placed in the Top Two 4 times;

Whereas on May 5, 2008, East High School placed first in the national ''We the People'' competition;

Whereas East High School placed first for the second year in a row, and for the third time in the school's history, the previous times being in 2007 and 1992; and

Whereas the 27 team members exhibited an extraordinary grasp of the Constitution and the Bill of Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of civics education and the role of the ''We the People: The Citizen and the Constitution'' competition in promoting greater understanding and appreciation of the principles of democracy upon which our Nation was founded;

(2) congratulates the organizers, teachers, and students from across the Nation who participated in the 2008 ''We the People'' competition;

(3) congratulates the East High School team from Denver, Colorado, on winning the 2008 ''We the People'' national competition; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to Denver School District Superintendent Michael Bennet and coach Susan McHugh for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1261 into the RECORD.

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

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to congratulate the students of East High School in Denver, Colorado, on winning the 2008 ''We the People: The Citizen and the Constitution'' national competition.

''We the People'' is a program that encourages civic awareness and responsibility in middle school and high school students through hands-on activities. Students discover firsthand how the Constitution and the Bill of Rights impact their everyday lives and participate in a simulated Congressional hearing. At the national level, students utilize higher order thinking skills as they demonstrate their knowledge of constitutional theory by defending a historical or contemporary issue.

For the second consecutive year, Denver's East High School won the national title. In order to receive this high honor, 27 students from East High School competed against 1,200 other participants from all 50 States. The 3-day long competition took place on Capitol Hill and involved the students completing a mock hearing. They were judged by law school professors, State supreme court justices, mayors, and others on their opening statements and their responses to follow-up questions on 17 different constitutional topics.

This competition makes the Constitution come alive and helps students connect what they are learning to contemporary issues and events. This type of learning is important not only for its academic aspects, but also for the way in which it improves our democracy. Students are able to analyze and evaluate their rights and responsibilities and apply this new knowledge to their surroundings.

Mr. Speaker, once again, I wish to congratulate the students of East High School and all the other students across the Nation that took part in the ''We the People'' competition. I hope all students have the opportunity to see civics come alive, and I encourage my colleagues to pass this resolution.

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

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

Mr. Speaker, I also rise in support of House Resolution 1261, congratulating the East High School in Denver, Colorado, on winning the 2008 ''We the People: The Citizen and the Constitution'' national competition.

Every year since 1987, the Center for Civic Education has sponsored ''We the People: The Citizen and the Constitution,'' a competition for American high school students held in Washington, D.C.

The primary goal of the competition is to promote civic competence and responsibility among the Nation's elementary and secondary students. What makes the program successful is the design of its instructional program, including its innovative culminating activity.

The instructional program enhances students' understanding of the Constitution and the Bill of Rights, while also discovering their contemporary relevance. The culminating activity is a simulated congressional hearing in which students testify before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, take and defend positions on relevant, historical and modern day issues.

In the 21 years of competition, East High School has gone to the ''We the People'' nationals 19 times, placed in the Top Ten 16 times, placed in the Top Three eight times, and placed in the Top Two four times. However, this year East High School placed first in the national competition.

The 27 team members, under the leadership and guidance of their coach, Susan McHugh, are to be commended. I would like to take this opportunity to acknowledge the team's accomplishments.

From the earliest days of American democracy, the study of history has been essential to the preservation of freedom. This competition is a great forum in which to strengthen the teaching, study and understanding of our Nation's history and culture. ''We the People'' is a wonderful opportunity for American youth to develop an understanding of the documents upon which our Nation was founded. Therefore, I ask my colleagues to support this resolution.

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

Mr. BISHOP of New York. Mr. Speaker, I yield as much time as she may consume to the gentlelady from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong support of House Resolution 1261.

I want to take a moment this afternoon to recognize one of the premier civics instruction programs in this country. Most of my colleagues are aware of the ''We the People: The Citizen and the Constitution'' national civics class and competition. And in this day and age, when so few Americans take American Government in school, and even fewer know who their Members of Congress are, this class is incredibly vital and this competition is vital for civics awareness among our high school students.

''We the People'' is a year-long class incorporated into high school curriculums around the country that focuses on the foundation of the U.S. Constitution and its relevance in American modern government. In this program, students are not confined to the walls of their classrooms; they have the opportunity to take their knowledge on the road, participating in a national competition against students from other schools. ''We the People'' culminates in a simulated congressional hearing right here in Washington, D.C. for the finalist teams.

In addition to learning the basic tenets of our democracy, the program teaches students valuable critical thinking, debate, and public speaking skills.

''We the People'' was first started in 1987, on the bicentennial of the adoption of the U.S. Constitution by the Constitutional Convention in Philadelphia. Since its inception, more than 28 million students and 90,000 educators have participated.

The program is sponsored by the nonprofit, nonpartisan Center for Civic Education, whose mission is to help develop and foster a well-informed citizenry through civics education. Its flagship program, ''We the People,'' is funded in part through the U.S. Department of Education under the Education for Democracy Act. And just to show how bipartisan this program is, several years ago I worked with Congressman DAN BURTON to expand funding for this important program to middle school students.

This year, as we've heard, East High School, in my congressional district in Denver, Colorado, won the competition for the second year in a row. Each year, thousands of students from around the country participate in this program, which, as I said, culminates in the hearings on Capitol Hill. These students are given questions ranging from the inadequacies of the Articles of Confederation, to the implications of Federalist No. 51, to what James Madison would think about current political topics. Frankly, Mr. Speaker, most Members of Congress would struggle to answer these questions.

I would also like to note that these students are not simply memorizing facts from stuffy 18th-century debates that they will soon forget. They are diving into real-world debates over executive power, civil liberties, and other issues that are on our front pages every day and on the agenda in this hallowed Chamber week in and week out.

I would like to say I have personal familiarity with the depth of knowledge this program gives to students because I was one of the very first volunteer coaches of the East High School team in the 1980s, well before my tenure in Congress, when I was a practicing attorney in Denver. And I can attest, these students know far more than many professors and Members of Congress about our political process and our Constitution. So, given the depth of knowledge of these thousands of high school students around the country, it really was a tremendous achievement for this year's East High School team to win the ''We the People'' competition for the second year in a row.

Under the leadership of this year's teacher and coach, Susan McHugh, and the dedication of my long-time friend and colleague, Loyal Darr, the ''We the People'' coordinator for Colorado's First District, East High School demonstrated an unrivaled expertise in constitutional issues.

To all of the dedicated students, teachers, parents and organizers of ''We the People'' nationwide, on behalf of the United States Representatives, I want to congratulate you on your accomplishments and thank you for your efforts towards promoting civic engagement, healthy debate, and an ongoing commitment to the foundations of this great country.

Mr. Speaker, I urge my colleagues to support this resolution. But more importantly, I urge my colleagues to think about the importance of civics education in this country. We need to look at the successes of Denver's East High School. We need to look at the accomplishments of ''We the People'' participants from across the Nation and their ability to dissect complex current and historic political issues. And we need to ask ourselves, do we need more civics education, or less? The answer is self-evident.

Mr. Speaker, I would like to place the names of the team and their coaches in the CONGRESSIONAL RECORD. With that, Mr. Speaker, I simply say this is a wonderful program, I'm so proud of my constituents, and I ask for an affirmative vote on this resolution.

EAST HIGH SCHOOL 2008 ''WE THE PEOPLE'' NATIONAL CHAMPIONSHIP TEAM

Isabel Breit, Nicholas Brown, Maya Burchette, Nitai Deitel, Gideon Hertz, Gideon Irving, Katherine Jablonski, Gavin Jacobs, Noah Kaplan, Brendan Lamarre, Zachary Lass, Alexandria Leenatali, Richard Londer, and Nathan Mackenzie.

Rebecca Nathanson, Alyse Opatowski, Marley Pierce, Alyssa Roberts, Paige Romer, Hayley Round, Ryan Saunders, Lindsay Shields, Jeffrey Thalhofer, Shaquille Turner, Charlotte Vilkus, Taylor Want, and Jacob Zax.

Coach: Susan McHugh; We the People coordinator, Colorado's First District: Loyal Darr.

Mr. CASTLE. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I appreciate this time to be able to address. I want to commend East High School in Denver, Colorado. As a former civics teacher myself, I concur with my colleague from Colorado of the importance of teaching government and the processes of how we should do things here in Washington. Hopefully they're giving some real world examples of what we do and what we fail to do. An

example of what we fail to do is energy policy in this country.

Historically, since the Bush administration came in, crude oil was at $23 a barrel. When this new leadership came in in the House, the price of a barrel of crude oil was $58, now it stands at $145 a barrel. What we're saying here on this side of the aisle is that the trend line in this energy debate is bad, and we have to address this. That's why we've come to the floor—unfortunately we have to do it in times like this—to raise awareness that there is a plan to get away from this reliance on imported crude oil. And that answer is, do all of the above. Do all of the above: Expand our renewable portfolio; push for efficiencies; open up the Outer Continental Shelf; explore and recover gas in the Arctic National Wildlife Refuge. I was in a hearing today addressing expansion of nuclear power. Move to coal-to-liquid technologies.

Now, what's interesting about this floor, this bicameral legislative body that we have, we have a House and a Senate. The Founding Fathers, as ''We the People'' would teach, identified the House as the body that should be most outraged and be the most responsive to the public needs and demands. It is the House that's supposed to take up the clarion call when the public is angry and frustrated at their government, and it is the House that's not doing that. We're acting like we're the Senate. We're sitting back and doing nothing. We're trying to take some long-term provision instead of moving aggressively to address the energy crisis in this country.

And the people are behind us. Numerous polling is highlighting this debate. A new IBD/TIPP poll says 64 percent of Americans support Republican-led new American energy production efforts. That's not good enough? I had a telephone town hall meeting last night to my district. Three different callers referenced this poll number: 76 percent of Americans say we need more drilling, we need more supply.

The Founding Fathers, in the formation of this new Constitution that we have, would say it is the House that should be taking up this call. We're the ones who are supposed to be responding to the 76 percent of Americans, saying, ''we hear you. We're going to aggressively move to open up more supplies.''

Seventy-six percent, just over three-quarters, support immediately increasing oil drilling in the United States, more than seven in 10. And from Democrats, 71 percent of Democrats hold this view. So the populist issue that should be raised in the House is not being heard. A CNN opinion research poll, 73 percent of more than 1,000 Americans surveyed from June 26 to June 29 said they favor offshore drilling for oil and natural gas in U.S. waters. Los Angeles Times poll, 68 percent; when all registered voters were asked whether they support increased exploration for oil and natural gas, 68 percent responded in the affirmative. In a Rasmussen poll, 67 percent. According to Rasmussen, 67 percent of Americans support oil drilling off the Nation's coast. And 64 percent think it will lower gas prices.

Is anyone on the floor of the House listening to this? Sixty-seven percent. Seventy-six percent of the public want us to drill. They want us to look at our natural resources not as an environmental disaster, but as a strategic national interest.

Reuters: Most Americans support more U.S. oil drilling, some 59.6 percent of Americans surveyed in a poll. In a Gallup poll, 57 percent support drilling. Now, why is this important? Here's a news story from my congressional district, Wayne County Board. The Wayne County Board has approved covering a shortfall in the county sheriff's gasoline budget with money from the county's Public Safety Tax Fund. Members urged the sheriff to cut costs anywhere possible and to curb any unnecessary spending the remainder of the fiscal year. Why? High energy costs.

□ 1300

A transfer of funds will take place near the end of the current fiscal year.

Sheriff Jim Hinkle has announced that dramatic measures have been taken to curb gasoline consumption in his department. This is in a rural county. One major community, rural. The sheriff covers the entire county. He has initiated two-man patrols and has mandated that officers perform 2 hours of stationary patrol. I think that's an oxymoron. How can you patrol and be stationary? But energy costs are causing rural sheriffs to make a decision which does not have sheriffs driving the county roads. He has initiated two-man patrols and has mandated that officers perform 2 hours of stationary patrol with their engines turned off during each 8-hour shift.

Friends, we don't have to be in this position. Mr. Speaker, we can aggressively address these issues. The House should be the body. My colleagues on the other side should be welcoming this. We're doing what the Founding Fathers intended us to do. We are the body that should be throwing stones when the Federal Government is not hearing the cries of the public. And the cries of the public are we have got to address this problem. And how do we do it?

A current debate is the Outer Continental Shelf. We only drill and explore on 15 percent of the Federal lands in the Outer Continental Shelf, and that is the western gulf. What is off-limits by mandate by us by Federal law, we said no, you cannot go on the West Coast, you cannot go on the East Coast, you cannot go on the eastern gulf coast, thus depriving our country of billions of barrels of oil and trillions of cubic feet of natural gas.

We can change this today with a vote on the floor. In fact, yesterday the President said have at it, I will not stand in the way. Now it's up to us to address the Outer Continental Shelf, bringing on more supply to lower gas and oil prices. That's what this line here has.

Other options is when we do that, we'll get royalties, we will get Federal money, and we can expand wind and solar. The great position about our side is we are for all of the above. We want more renewables. We want more efficiency standards. We want more supply. We want more energy to lower prices.

Also I have talked about earlier coal-to-liquid technologies. Taking American coal, American jobs, mining that coal, bringing it to the surface, building a coal-to-liquid refinery, refining that coal into liquid fuel and using it for aviation. The bill coming to the floor next is honoring Nelson Mandela. South Africa is a leader on coal-to-liquid technologies. South African Airlines, that's how they operate their fleet.

And then, of course, the renewable fuel issues with biodiesel, soy diesel, ethanol, cellulosic. And the one solution is to bring on more supply.

Mr. Speaker, I appreciate this time to be able to talk about we the people and addressing the important educational aspects of our Founding Fathers. Having taught civics for 4 years at the high school level, I agree with my colleague from Colorado we can't teach the Constitution and the process more than we do today, but we have to lead by example here on the floor of the House. We cannot continue to bring regular order bills on a suspension calendar so we are not allowed a chance to amend, debate, and argue this out in front of the American people.

This is the first in a long time that the Republican side has been so right on a populous issue that the public wants and that we're right on our votes, that we welcome any chance, and, unfortunately, the only chance we have to do it is on suspension bills like we have today.

I want to thank my colleague from New York, who is a great friend and a colleague, for putting up with my ranting and raving. I want to thank the ranking member.

Mr. BISHOP of New York. Mr. Speaker, I also want to thank my friend from Illinois, who is truly a friend, and I thank him for his passion on this issue.

I would simply say that we understand and agree that we need to expand our development and research and drilling for additional supplies of energy. And I would just ask all of my friends on the other side of the aisle to join us on this side of the aisle in passing use-it-or-lose-it legislation. It is estimated by the Minerals and Management Service of the Department of the Interior that 81 percent of the known reserves of oil and natural gas are already available for lease and the vast majority of those leases are not being acted upon. So we are going to try to pass, on this side of the aisle, use-it-or-

lose-it legislation, and I would ask my friends on the other side of the aisle to join us in that effort.

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

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

In returning to the resolution at hand, congratulating the East High School in Denver, Colorado, I would just like to ask that all of us be supportive of this, not just to recognize that school but to recognize that program and what we the people have done to educate people about the Constitution and the Bill of Rights and make all of us better citizens.

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

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1261, 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 NELSON MANDELA ON HIS 90TH BIRTHDAY

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1090) honoring the esteemed former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1090

Whereas Nelson Rolihlahla Mandela was born to the Thembo Dynasty in Mvezo in the Umtata District of Transkei, South Africa, on July 18, 1918;

Whereas he joined the African National Congress (ANC) in 1942 and in 1944 joined with other young dissidents to form the African National Congress Youth League (ANCYL), which embraced African nationalism and began building a mass movement;

Whereas after the National Party came to power in an all-white election in 1948 on a platform of apartheid, a system of strict racial segregation, the ANC adopted the Programme of Action, inspired by the ANCYL, which advocated the use of boycotts, strikes, civil disobedience, and noncooperation against the National Party's apartheid policies;

Whereas, in 1952, after being designated volunteer-in-chief of the Defiance Campaign Against Unjust Laws, Nelson Mandela traveled the country, organizing resistance to discriminatory legislation;

Whereas in recognition of his outstanding contribution during the Defiance Campaign, Nelson Mandela was elected to the presidency of both the ANCYL and the Transvaal region of the ANC at the end of 1952, earning him a position as deputy president of the ANC itself;

Whereas, after the banning of the ANC in 1960 and the continued violent response to the ANC's nonviolent methods, Nelson Mandela led the effort to set up Umkhonto we Sizwe (''Spear of the Nation''), the armed resistance organization of the ANC;

Whereas, in 1964, Nelson Mandela and 9 of his fellow leaders of the ANC and Umkhonto we Sizwe were arrested, charged with treason, and brought to trial for plotting the violent overthrow the Government of South Africa;

Whereas in his statement at the opening of the defense case in the historic Rivonia Treason Trial on April 20, 1964, in which he and 9 other ANC leaders were tried for 221 acts of sabotage designed to ''ferment violent revolution'' to overthrow the apartheid system, Nelson Mandela use his oratory skills as a legal advocate to lay out the reasoning for the ANC's choice to use acts of sabotage as a tactic to defeat apartheid, as doing otherwise would have been tantamount to unconditional surrender;

Whereas he closed his statement with these words: ''During my lifetime I have dedicated myself to the struggle of the African people. I have fought against White domination, and I have fought against Black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.'';

Whereas on June 12, 1964, 8 of the accused, including Nelson Mandela, were sentenced to life imprisonment;

Whereas, from 1964 to 1982, Nelson Mandela was incarcerated at Robben Island Prison, off the coast of Cape Town, and thereafter at Pollsmoor Prison, nearby on the mainland;

Whereas Nelson Mandela consistently refused to compromise his political demands for freedom and equality for all South Africans to obtain his freedom while in prison;

Whereas Nelson Mandela became widely accepted around the world as one of the most significant leaders of the 20th century and became a potent symbol of resistance as the anti-apartheid movement gathered strength;

Whereas the Congressional Black Caucus and other Members of Congress actively engaged in efforts to bring about an end to South Africa's apartheid system and played a key role in raising public awareness in the United States about South Africa's racist regime;

Whereas, after nearly 14 years of opposition, the Comprehensive Anti-Apartheid Act of 1986 was finally agreed to by both Houses of Congress, calling for sanctions against South Africa and establishing conditions for the lifting of such sanctions, including the release of all political prisoners including Nelson Mandela;

Whereas the Comprehensive Anti-Apartheid Act of 1986 withstood a veto by President Ronald Reagan making it the first time in the 20th century that a President had a foreign policy veto overridden by Congress;

Whereas Nelson Mandela was released from prison on February 11, 1990, after the apartheid Government of South Africa agreed to his terms for release;

Whereas, after his release, he plunged himself wholeheartedly into his life's work, striving to attain the goals he and others had set out almost 4 decades earlier;

Whereas, in 1991, at the first national conference of the ANC held inside South Africa after the organization had been banned in 1960, Nelson Mandela was elected President of the ANC;

Whereas Nelson Mandela was elected President of South Africa in that country's first democratic elections with full enfranchisement was granted were held on April 27, 1994, and was inaugurated on May 10, 1994, as the country's first indigenous African President;

Whereas, as President from May 1994 until June 1999, Nelson Mandela presided over the transition from minority rule and apartheid to a participatory democracy, winning international respect for his advocacy of national reconciliation and international peace; and

Whereas Nelson Mandela has received numerous prestigious honors, including the Nobel Peace Prize in 1993, which was shared with Frederik Willem de Klerk, the Order of Merit and the Order of St. John from Great Britain's Queen Elizabeth II, and the Presidential Medal of Freedom from George W. Bush: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday on July 18, 2008, and extends best wishes to him and his family;

(2) honors his many accomplishments on behalf of all South Africans;

(3) congratulates him for his efforts to promote dialogue to peacefully resolve conflicts between people in Africa and around the world; and

(4) celebrates his contributions to South Africa, the United States, and the international community.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. ROYCE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Let me first thank our chairman, Mr. BERMAN, for moving this resolution swiftly to the floor in light of the time sensitivity of this resolution. Let me also recognize Mr. JEFFERSON for introducing this resolution and for inviting me to join him in that endeavor.

Mr. Speaker, this Friday a living icon of freedom will turn 90 years old. His birthday already has been celebrated at more than 20 different charity events around the world. Now it's time for the United States Congress to rise in its voice of praise of Mr. Nelson Mandela in recognition of his remarkable life and the contributions that he has made to humankind.

His struggle on behalf of black South Africans confronted with the horrific system of racial hatred is legendary. It landed him in prison under harsh conditions for 27 years. Mr. Mandela will be remembered for many things, but perhaps the words he spoke at his trial sums up his effort best. He said:

''During my lifetime, I have dedicated myself to this struggle of the African people. I have fought against

white domination, and I have fought against black domination. I have cherished the ideals of a democratic and free society in which all people live together in harmony with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal which I am prepared to die for.''

Mr. Speaker, death did not claim Nelson Mandela that day or in the decades of dismal imprisonment to follow. Instead, he grew to become a figure almost larger than life, an international symbol of an oppressed people's thirst for justice. He joined the pantheon of inspirational figures whose legacy belongs to all humankind: Mahatma Gandhi, Mother Theresa, Dr. Martin Luther King, Jr. And as a measure of what he meant to us, Nelson Mandela's liberation and subsequent rise to become President of a free and democratic South Africa were greeted with joy and near disbelief around the world when it occurred.

Mr. Speaker, Nelson Mandela was born in a small village in the Eastern Cape of South Africa. His family belonged to the Thembo Dynasty, a Xhosa noble bloodline in South Africa. He was well educated, earned a law degree, set up a law practice with his long-time friend who spent 27 years with him on Robben Island, Walter Sisulu.

As a young man, Nelson Mandela joined the African National Congress, which was established in 1912 to fight for justice and equality for Africans against discrimination and unjust laws prescribed by the minority European settlers. For decades leaders of the ANC challenged the segregation system imposed on them and demanded, through petition to the courts and to the British Royalty and government, the freedoms and opportunities afforded the whites who dominated South Africa at that time.

In 1944 Nelson Mandela, along with other young educated Africans, formed the African National Congress Youth League, in large measure to shift the traditional ANC role from an elite organization to a mass-based, African nationalist movement. After the 1948 election of the Afrikaner National Party, racial segregation laws that had been adopted incoherently were codified into a comprehensive segregation policy called ''apartheid,'' creating major challenges for Mandela, the African National Congress, and its allies.

Apartheid institutionalized racism through physical and social segregation of all ethnic groups. It codified race classifications, prohibited interracial marriage, and reserved certain jobs for whites. While black Africans comprised 75 percent of the population, under apartheid they were allowed to live on only 13 percent of the worst land in the country. All public facilities were segregated by race. Black Africans were forced to carry identification cards and forbidden to be in towns preserved for whites, unless they had explicit permission to go there.

In 1964 when many fellow leaders of the ANC and its armed wing were arrested, Mandela was brought to trial with other comrades who were plotting to overthrow the government by violent means. He and his seven comrades were imprisoned for life for their leadership in opposing apartheid.

In 1989, on the strength of South Africa's own definition of the African National Congress, the United States Government listed the ANC as one of fifty-two organizations around the world as ''the more notorious terrorist groups.''

I am pleased to say that 2 weeks ago, President Bush signed into law a bill introduced by Chairman BERMAN of our committee that several of our House colleagues joined in cosponsoring to erase this injustice. Particularly, Representative BARBARA LEE was instrumental in ensuring the bill's passage in the Senate. Now Nelson Mandela and others who supported the effort of the ANC will no longer face additional security measures based solely on their association with the ANC while traveling to this country. Long overdue.

In 1993 Nelson Mandela received the Nobel Peace Prize, which he shared with former South African President F.W. de Klerk.

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He also has received the Order of Merit and the order of St. John from Queen Elizabeth II and the Presidential Medal of Freedom from George W. Bush.

Today President Mandela is revered around the world and continues to represent the values of freedom, justice and liberation for all people. He has become the champion in the fight against HIV and AIDS through his foundation. He continues to work on behalf of everyday men, women and children so that they can enjoy lives of freedom from injustice, sickness and want.

Mr. Speaker, I strongly urge my colleagues in the House to support the measure recognizing Nelson Mandela's unique contributions to humankind.

I reserve the balance of my time.

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

The world recently celebrated Nelson Mandela's 90th birthday in London, and so much has been said about him. But in a world of division, a world of many deadly divisions, it's appropriate that Congress is once again making note of Mandela's legacy of unity. And I think Mr. PAYNE and the other authors of this resolution should be commended.

I should note also that I think Chairman BERMAN's legislation recently signed into law that took Mandela and other African National Congress members off the terrorism list is a move that was long, long overdue.

Nelson Mandela served 27 years in prison for opposing apartheid. At his trial, he stood in the face of the possible sentence of death. After being freed from captivity, which were very hard years on Robben Island, he easily could have let bitterness consume him. He could have sought revenge. Some predicted that South Africa would spiral into chaos suffering racial and tribal violence. So many other countries have. Many predicted a ruined economy. But fortunately for South Africans, it was Nelson Mandela who took the helm.

Mandela is a unifier. He is an exceptional unifier. Consider that he invited a former white jailer of his to attend his presidential inauguration as a guest. He invited the man who prosecuted him to a presidential lunch. He made it a point to learn the language of the Afrikaners, the architects of apartheid, and to embrace their beloved rugby, making it an obsession for the whole South African nation and signaling to all people that they had a place in the country.

With these and countless other acts of reconciliation, Nelson Mandela navigated a very treacherous transition for South Africa into majority rule. Nelson Mandela left power after serving only one term as his country's first president elected by universal suffrage. He was lionized. He could have served longer, but he stepped down. What a contrast, what a contrast to the petty tyrant to the north, Robert Mugabe of Zimbabwe who was a fellow liberation leader who instead of championing democracy as Nelson Mandela did, instead desperately clung to power bringing his country to ruin. Mandela walked away. And he hasn't meddled with his successor's presidency. And Nelson Mandela has spoken out about human rights around the world, including the tyranny of Zimbabwe.

I don't agree with every position that Nelson Mandela the politician took. He opposed America on some important issues. South Africa, in general, is too wedded to a nonaligned ideology. Yet this doesn't diminish this man's tremendous political accomplishment and his character defined by dignity, courage, warmth, humor, and so many other attributes, nor his positive impact worldwide.

South Africa isn't without many difficult challenges. The rule of law is coming under challenge because of rampant crime. Unemployment is high. Economic expectations are unrealistic. The U.S. has an interest in working with South Africa as we are to see that this young democracy meets these challenges. The future will tell. But what is certain is that South Africa would be in a far, far tougher spot were it not for the career of Nelson Mandela.

I reserve the balance of my time.

Mr. PAYNE. I yield to the gentlelady from California, a member of the Foreign Affairs Committee, Ms. LEE, for 3 minutes.

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding. But I also thank you for your leadership on this issue and so many issues relating to Africa, making sure that the continent of Africa is central in our foreign policy. Oftentimes you are the lone voice

in the wilderness. But I think you have seen the day now where there are so many of us on both sides of the aisle who are doing the right thing as it relates to the continent. Thank you, Mr. PAYNE.

Let me say how happy I am today that this resolution commemorating the 90th birthday of Mr. Mandela, one of the greatest and most beloved statesmen of the 21st century, is before us. And I have to thank our chair, Mr. BERMAN, and of course Congressman JEFFERSON who brought this resolution forward, to our ranking member on another subcommittee, Mr. ROYCE, and to all who have really worked together to make sure that we send a loud signal and raise our voices in celebration of a person whose life has triumphed. And we've lived to see the day that good has triumphed over evil and the indomitable nature of the human spirit prevails in the spirit and in the life of Mr. Mandela.

For 27 years, Nelson Mandela's struggle personified the fight against apartheid. With a very dignified defiance, he never compromised his political principles or the mission of the anti-apartheid movement. In the 1970s and in the 1980s, I proudly served as a foot soldier in that movement. Through demonstrations, boycotts, divestment campaigns and being arrested, we all expressed our outrage at the cruelty of apartheid, even while continuing to fight injustices at home in the United States.

It was really a very proud day for myself and all of us when the Congress passed legislation in 1986 sponsored by my predecessor, a great statesman, a former Congressman, now Mayor Ron Dellums, overriding President Reagan's veto imposing sanctions against South Africa, putting our country on the right side of history. Those sanctions really did help signal the death knell of apartheid. And under the leadership of our own Congresswoman MAXINE WATERS, I was very proud of the fact that she introduced sanctions in our State of California and made our State the first State to divest. And they both very recently were awarded with one of South Africa's highest honors.

Not all freedom fighters live to see their struggle bring about the changes they imagined. Nelson Mandela did. He emerged from the infamous Robben Island Prison to unite and to lead a nation transformed from racial tyranny to a thriving multiracial democracy. South Africa now guarantees equal rights for all.

President Mandela retired from political life in 1999. But he continues to lend his voice and moral authority to causes that affect the world.

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

Mr. PAYNE. I yield 1 additional minute to the gentlelady.

Ms. LEE. As I was saying, President Mandela continues to lend his voice and his moral authority to causes that affect the world such as the global AIDS pandemic, poverty and human rights. Nelson Mandela is a genuine hero to the world. So I was shocked last year, quite frankly, to learn when we were in South Africa with Congresswoman DONNA CHRISTENSEN that President Mandela and the ANC were barred from entering the United States unless they received a specific visa waiver certifying that they were not terrorists. So I'm pleased that we were able to finally rectify this indignity earlier this month when we passed, and the President signed, as Mr. PAYNE acknowledged, legislation to remove him and the ANC from the U.S. Terrorist Watch list. So I have to commend our chairman, Mr. BERMAN, Mr. ROYCE, Chairman THOMPSON, Chairman CONYERS, and again, Mr. PAYNE for their efforts to make sure that this occurred before Mr. Mandela's 90th birthday.

Just as that legislation was a fitting tribute to his legacy, this too is an opportunity for us to express our appreciation to President Mandela for his unfailing belief in the power of people to change.

Mr. ROYCE. I reserve my time.

Mr. PAYNE. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana, the sponsor of the resolution, Mr. JEFFERSON.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding, and I thank Mr. PAYNE and Chairman BERMAN for moving this resolution to the floor. And I urge my colleagues and others who have joined us in support of H. Res. 1090 to honor President Nelson Mandela's 90th birthday.

As an African proverb says, ''You cannot shave a man in his absence.'' Thus, it is better that we in the Congress honor President Mandela while he is still with us. That his life would have reached such a pinnacle of longevity would not have been foreseen, when one recalls the statement he made during his trial in 1964 in South Africa, the context in which it was made, and the ominous tone it struck. At the end of it he says, it's talking about the idea of equality for everyone in a nonracial society, he says ''it is an ideal which I hope to live for and achieve. But, if need be, it is an ideal for which I am prepared to die.''

Through the grace of God, however, he is still alive today. And because of that, South Africa and the world have become better places. As a great leader, activist and humanitarian, President Nelson Mandela brought social and political change to South Africa, and he continues to serve Africans and the disenfranchised around the world.

He was born in Transkei, South Africa, on July 18, 1918. Through his political life from 1944 to 1999, he showed courage and determination and became the symbol of resistance and freedom. But more importantly, perhaps, he championed forgiveness and redemption to the point where today he has become one of our planet's foremost moral authorities, persuading seats of power everywhere to simply do the right thing by even the simplest people.

After gaining his freedom after 27 years of imprisonment, his life sacrifices were crowned on May 10, 1994, when he was inaugurated as South Africa's first black president. I was privileged to be in South Africa on that date to witness this supremely inspirational event, as did thousands of people from around the world everywhere. I have been blessed to be in the company of Mr. Mandela on a number of other occasions, including as a member of President Clinton's delegation to South Africa in 1998 and on President Clinton's peacekeeping mission in 2000 when Mr. Mandela was seeking peace for African nations in conflict. And in June 2005, as chair of the Congressional Black Caucus Foundation, I was honored to present Mr. Mandela with the foundation's Phoenix Award representing the decision of the Congressional Black Caucus to honor him as the most significant African-ancestored person of the 20th century. President Mandela's work to transition from South Africa's apartheid rule has been widely recognized and respected. He has received numerous South African and International awards, including the Nobel Peace Prize he shared with Frederik Willem de Klerk, the Order of Merit and the Order of St. John from Queen Elizabeth II, and the Presidential Medal of Freedom from President George W. Bush.

My own alma mater in Louisiana, Southern University, renamed its school of public policy the Nelson Mandela School of Public Policy when he came to visit our school showing a great connection between us and him.

President Mandela's dream, as was the dream of Martin Luther King, Jr., for human equality is still alive in our hearts and souls today and will never die. I hope that the Members of the House and our Nation will join us in unanimously wishing the happiest of birthdays and to do so while marking his accomplishments and altruism on this special day. Let us celebrate his life and work with the international community and the people of our country and extend our best wishes to him and to his family.

Mr. ROYCE. Mr. Speaker, I continue to reserve my time.

Mr. PAYNE. Let me once again thank Chairman BERMAN for moving this legislation and all of those who cosponsored it. I thank Mr. ROYCE for his continued interest in the continent of Africa and justice in general.

And with that, I yield as much time as he may consume to the chairman of the committee.

Mr. BERMAN. I thank the gentleman for yielding. And, Mr. Speaker, I rise in strong support of this resolution. Chairman PAYNE, Congressman JEFFERSON, Congresswoman LEE and Congressman ROYCE have all pointed out

various aspects of this marvelous individual's career. There are very few people one sees in a lifetime who can inspire by their strength, their commitment, their dedication and their perseverance to a noble and idealistic cause the way that Nelson Mandela has inspired so many of us. And so I'm happy to join with my colleagues in speaking on behalf of this resolution and urging its support.

In some ways, the most fascinating thing about Nelson Mandela's career is that after that incredible struggle against the evil of apartheid and the tyranny and the indignities that were suffered by the vast majority of the population of South Africa under the very regimented and institutionalized system of apartheid that they were forced to live under, that when victory came, and the apartheid regime ended and he took over the leadership of South Africa, that he dedicated himself to the concept not of vengeance against those who had perpetrated the evil, but to bringing forth the truth and then the reconciliation with his fellow countrymen and -women.

□ 1330

And even to the point where I read that the original president, when the legislation that institutionalized apartheid was adopted in South Africa, that he invited this man who didn't start the apartheid and the segregation, but he did more than anyone else to implement the repressive policies of apartheid, that after he became president, he invited the widow of this symbol of apartheid to come to his inauguration. And when she refused, he visited her in her house to demonstrate the depths to which he believed in that process of reconciliation.

He truly was an inspirational and marvelous individual, and I obviously urge all of my colleagues to support Mr. JEFFERSON's resolution.

Mr. ROYCE. Mr. Speaker, I urge all of my colleagues to support Mr. JEFFERSON's resolution, and I yield back the balance of my time.

Mr. PAYNE. In keeping with what the chairman said, in addition to what Mr. Mandela did with the person who really codified apartheid, he invited his jailer, the one who locked and unlocked his cell door, to attend his inauguration as president because he felt that the prison guard treated him with a modicum of respect and he invited him to also attend the inauguration. This was certainly a unique person.

With that, I urge my colleagues to support the resolution.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H. Res. 1090 honoring Nelson Rolihlahla Mandela as he celebrates 90 years of life.

Mr. Mandela was born on July 18, 1918, in Transkei, South Africa, where he was given the name Rolihlahla, meaning ''troublemaker,'' which would later seem so fitting. Throughout his early adulthood, he developed his own ideas about the oppression he had experienced which led him to join the African National Congress. His work with the ANC led him to be tried for treason. He was acquitted of the charges, but his strong opposition to South African apartheid continued.

His fight against racial segregation came to sudden halt when he was convicted and sentenced to life imprisonment for allegedly plotting to overthrow the South African government.

However, 27 years in prison could not diminish the spirit of a great leader. Once released from prison, Mr. Mandela wasted no time in becoming involved with the ANC once again. It was no surprise that this revolutionary man would become the next President of the ANC in 1990, continuing to devote himself to a multi-racial democracy for his country.

Mr. Speaker, Mr. Mandela embodies the dignity, strength, and leadership that all of us should strive for. Our country was founded on the values of freedom and liberty for all, personified undoubtedly by Mr. Mandela. He grasped these ideals and fought to make them a reality for South Africa through commitment unsurpassed by others. The dedication Mr. Mandela displayed, despite the many challenges he encountered, is deserving of our highest respect.

Mr. Mandela has undisputedly contributed to tremendous change with his efforts to peacefully resolve conflicts throughout the world. It is with great pleasure that I commend Mr. Mandela for his lifetime commitment to promoting the vision of freedom and equality for the people of South Africa.

Mr. PAYNE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1090, 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. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONDEMNING 1994 ATTACK ON ARGENTINE JEWISH CENTER

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 385) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 385

Whereas, on July 18, 1994, 85 people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to Hezbollah, which is based in Lebanon, supported by Syria, sponsored by Iran, and designated by the Department of State as a Foreign Terrorist Organization;

Whereas, on October 25, 2006, the State Prosecutor of Argentina, an office created by the Government of Argentina, concluded that the AMIA bombing was ''decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran's Supreme Leader Ali Khamene'i, Iran's then-leader Ali Akbar Hashemi Rafsanjani, Iran's then-Foreign Minister Ali Akbar Velayati, and Iran's then-Minister of Security and Intelligence Ali Fallahijan;

Whereas, on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses ''terrorism as a mechanism of its foreign policy'' in support of ''its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Assembly of Experts and of Iran's Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue an international arrest warrant for Rafsanjani and detain him;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezai, a former commander of Iran's Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attaché at the Iranian Embassy in Buenos Aires, Ahmad Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas, on March 5, 2007, the Executive Committee of INTERPOL unanimously supported the issuance of Red Notices for Hezbollah operative Imad Moughnieh and for Iranian officials Ali Fallahijan, Mohsen Rezai, Ahmad Vahidi, Mohsen Rabbani, and Ahmad Reza Asgari, thereby allowing arrest warrants for those individuals to be circulated worldwide with an eye to their arrest and extradition;

Whereas, on November 7, 2007, the General Assembly of INTERPOL upheld the Executive Committee's decision to support the issuance of six Red Notices in connection to the AMIA case;

Whereas, on February 12, 2008, Hezbollah operative Imad Moughnieh reportedly was killed in Syria;

Whereas in June of 2008, the Government of Saudi Arabia hosted an international Muslim conference that was reportedly attended by Iranian officials Ali Akbar Hashemi Rafsanjani, against whom an Argentine arrest warrant has been issued, and Mohsen

Rezai, against whom both an Argentine arrest warrant and INTERPOL Red Notice have been issued;

Whereas the Government of Saudi Arabia reportedly made no attempt to detain or arrest Ali Akbar Hashemi Rafsanjani or Mohsen Rezai during their time in Saudi Arabia, and the two departed Saudi Arabia without incident;

Whereas, on May 22, 2008, Argentine prosecutor Alberto Nisman filed a request with Argentine judge Ariel Lijo for the arrest of Carlos Saul Menem, who was president of Argentina at the time of the AMIA bombing, and four other former Argentine high officials in connection with the AMIA case;

Whereas Mr. Nisman claimed in his request for an arrest warrant that Menem and the other four officials had attempted to cover up the involvement of a Syrian-Argentine businessman, Alberto Jacinto Kanoore Edul, in the AMIA bombing;

Whereas Argentine investigators have stated that prior to the AMIA bombing, Mr. Kanoore Edul was in contact with at least two men who have been identified as suspects in the AMIA case;

Whereas Mr. Nisman stated in an article published on May 29, 2008, that his request for arrest warrants against Argentine nationals in the AMIA case ''does absolutely not change the accusations against Hezbollah and Iran . . . To a certain degree, it reinforces them, because [suspect Alberto Jacinto] Kanoore Edul has many links with Islamist extremists'';

Whereas during the last two years, the Government of Argentina has made significant advances in the AMIA investigation and other counter-terrorism efforts including the enactment, in July 2007, of counter-terrorism legislation which seeks to criminalize financing, fund-raising, and money laundering activities of groups linked to terrorism;

Whereas the issuance of an Argentine arrest warrant for an attaché of the Iranian Embassy in Argentina in connection with the AMIA case, indicates that Iran has used its embassies abroad as tools and extensions of radical Islamist goals and attacks;

Whereas in recent years, Iran has greatly expanded its diplomatic, political, and economic presence in the Western Hemisphere, including the opening of nearly a dozen embassies in Latin America; and

Whereas according to news reports published in June 2008, intelligence agencies in the United States and Canada have warned of significant evidence that Hezbollah, with the support of the Government of Iran, plans to launch a major attack against ''Jewish targets'' outside the Middle East, and that possible targeted areas include Canada and Latin America: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the Argentine Jewish Mutual Association (AMIA) Jewish Community Center in Buenos Aires, Argentina, honors the victims of this attack, and expresses its sympathy to the relatives of the victims;

(2) applauds the Government of Argentina for increasing the pace of the AMIA bombing investigation and for enacting counter-terrorism legislation;

(3) urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case and to prosecute those responsible;

(4) commends the General Assembly of the International Criminal Police Organization (INTERPOL) for upholding and issuing the Red Notices supported by the Executive Committee of INTERPOL in March 2007;

(5) expresses grave concern regarding the Government of Saudi Arabia's failure, when given the opportunity, to detain Iranian officials against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case;

(6) urges all nations to cooperate fully with the AMIA investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities, and by detaining and extraditing to Argentina, if given the opportunity, any persons against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case, including Iranian officials and former officials, Hezbollah operatives, and Islamist militants;

(7) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for the purposes of deepening and expanding the investigation into the AMIA bombing; and

(8) urges governments in the Western Hemisphere, who have not done so already, to draft, adopt, and implement legislation designating Hezbollah as a terrorist organization, banning fundraising and recruitment activities, and applying the harshest penalties on those providing support for activities involving Hezbollah and other such Islamist terrorist organizations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from California (Mr. ROYCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, on July 18, 14 years ago, a devastating bomb exploded outside the AMIA Jewish Community Center in Buenos Aires, Argentina. Eighty-five people were brutally killed and 300 wounded because they happened to be in the building at that fateful moment.

On that day, the world suffered yet another example of the consequences of radical violent religious extremism, and 85 more victims were tragically added to the list of those whose lives have been taken unnecessarily.

We recalled the shock felt in Jewish communities worldwide, and are reminded that as long as radical extremism exists, no religious group should consider itself free from persecution.

Almost a decade and a half later, the perpetrators of the AMIA bombings still have not been brought to justice.

The AMIA attack was approved in advance by Iran's supreme leader and by the highest officials of the Iranian government. The attack was orchestrated by the government of Iran and the Lebanese terrorist group Hezbollah.

Since 1994, Iran has greatly expanded its diplomatic, political, and economic presence in the western hemisphere, represented by the opening of nearly a dozen embassies in Latin America.

As the AMIA tragedy shows, Iran has made use of its embassies abroad as tools to perpetrate its radical Islamic goals. We cannot let our guard down as we face this threat of terrorism.

This legislation recognizes that in the past few years, the government of Argentina has made significant advances in the AMIA investigation, primarily through the dedication and determination of Prosecutor Alberto Nisman and those who support his work.

We celebrate, as well, that Argentina has also recently enacted counterterrorism legislation which seeks to criminalize the financing, fund-raising and money-laundering activities of groups linked to terrorism. We encourage our South American neighbor to continue pursuing the criminals of the AMIA bombing and through this legislation commit to accompany them in that pursuit.

The resolution also commends the efforts of the General Assembly of INTERPOL to uphold and implement the international arrest warrants issued for the Hezbollah and Iranian operatives. We must continue to push the entire community of nations to work together to capture and arrest those who would harm us.

Mr. Speaker, only by taking the investigation of the AMIA bombing to its ultimate conclusion, capture and punishment for those who planned it, can the community of nations show Iran, Hezbollah, and those who support terrorism that their efforts will not bear fruit.

Mr. Speaker, I want to congratulate my colleague, my friend, the ranking member of the Foreign Affairs Committee, for introducing this resolution, and urge all of my colleagues to support this important measure.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I am a coauthor also on this resolution, and I just want to say that this was the worst, most horrific bombing in the history of Argentina.

Their state prosecutor found that this attack was organized by the highest leaders of the government of Iran whom at the same time entrusted the execution of this operation to Hezbollah.

We have watched as Iran has empowered Hezbollah to the tune of hundreds of millions of dollars and sent this organization out to establish contacts throughout Central America and throughout Latin America. I would remind my colleagues that it was Mahmoud Qomati, the brother of the Hezbollah general who carried out the attacks on Lebanon, the rocket attacks in 2006. That individual was caught in our own country. His brother

was caught in our own country, having been smuggled in in the trunk of a car across California and up to Detroit. And subsequently, he and 50 of his other associates in Hezbollah here in the United States were arrested and are now serving time. They were found to have received their training from the Iranian government. They had been trained in terror tactics. They had been trained in the ability to conduct attacks.

You know, the state prosecutor of Argentina stated that the government of Iran uses terrorism as a mechanism of its foreign policy. As he said, its final link is to export its radicalized vision of Islam and to eliminate the enemies of the regime.

Chairman BERMAN is right when he says there has to be justice. We have to capture and punish those responsible. This resolution is an attempt to do that. Along with Chairman BERMAN, one of the architects of this resolution, is the gentlelady from Florida.

I ask unanimous consent to yield the control of the balance of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California (Mr. ROYCE) for his remarks, and I thank most especially our chairman of the Foreign Affairs Committee, also from California, Mr. BERMAN, who has been a joy for our side to work with on this and many other measures.

Mr. Speaker, I rise today as the author of House Concurrent Resolution 385 which is a bipartisan resolution condemning the 1994 attack on AMIA, the Argentine Jewish Mutual Association, in Buenos Aires, Argentina. I would like to thank Chairman BERMAN for working with me in bringing this bill to the floor, and I thank the gentlewoman from Nevada (Ms. BERKLEY) who will also be speaking on this. So many on our committee and beyond have joined us as cosponsors of this important resolution.

This Friday, Mr. Speaker, marks the 14th anniversary of the AMIA attack. It was the deadliest bombing in the history of Argentina. Eighty-five people were killed, and more than 300 wounded that day. In the year 2006, the government of Argentina concluded that the attack was ''decided and organized by the highest leaders of the former government of Iran who at the same time entrusted its execution to Hezbollah.''

Among those found to be responsible were a former Iranian ambassador to Argentina; a former cultural attache at the Iranian Embassy in Buenos Aires; a former official at the Iranian embassy; a former Iranian Minister of Security and Intelligence; and Ayatollah Rafsanjani, Iran's leader at the time of the AMIA bombing, who continues to wield power at the highest level of the Iranian regime.

In the year 2007, INTERPOL issued red notices for a Hezbollah operative and for five of the Iranian officials wanted by the government of Argentina in connection with the AMIA attack. This enabled arrest warrants for those individuals to be circulated worldwide with an eye toward their arrest and their extradition.

Unfortunately, the government of Saudi Arabia made no attempt to detain or to arrest two of the Iranian officials implicated in the AMIA bombing during their time in Saudi Arabia earlier this year.

□ 1345

The two departed without Saudi Arabia taking any action. The Government of the Kingdom of Saudi Arabia had a failure to detain these two individuals. That is of grave concern, and I hope that it will not be repeated by other governments.

With this in mind, House Concurrent Resolution 385 urges all responsible nations to cooperate fully with the AMIA investigation by detaining and extraditing to Argentina any persons against whom Interpol has issued red notices for their role in the AMIA attack. Agents of the Iranian regime linked to the AMIA attack must once and for all be held responsible for their reprehensible actions.

Furthermore, the evidenced complicity of Iranian embassy officials in the AMIA attack clearly demonstrates that the Iranian regime has used its embassies as tools of extension of its radical goals. It also underscores the direct threat that these actions may have toward America's own national security. As the Iranian regime continues to greatly expand its diplomatic, its political and its economic pressure in our own western hemisphere so close, it is essential that we remain mindful of the danger that this may pose to us.

In closing, I would like to commend the government of Argentina on the significant advances that it has made in the investigation of the AMIA attack and congratulate the leadership of Argentina for the efforts that they have made to prevent similar extremist attacks from taking place in the future.

I am going to continue to work with my colleagues and others in the U.S. Government to ensure that we provide any support and cooperation requested by the government of Argentina to deepen and expand the investigation into this terrible AMIA bombing.

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

Mr. BERMAN. Mr. Speaker, I am pleased to yield to the gentlelady from Nevada, a former member of the House Foreign Affairs Committee, Ms. BERKLEY, 2 minutes.

Ms. BERKLEY. I want to thank Chairman BERMAN for yielding some time, and my dear friend, ILEANA ROS-LEHTINEN, Congresswoman from Florida, for being the prime sponsor of this resolution.

Mr. Speaker, I rise today to remember the victims of the July 18, 1994, attack on the AMIA Jewish Community Center in Argentina. I remember being rocked to my very core when I learned of this unprecedented and ruthless attack against innocent members of the Jewish community in Argentina when I first learned of it 14 years ago.

This vicious attack, which killed 85 innocent people, has been linked strongly to Hezbollah and to the government of Iran. We know all too well that Iran's saber rattling has become far more alarming of late. Hezbollah is gaining strength in Lebanon and anti-Israel, anti-Jewish groups have threatened Jewish targets all over the globe.

It is therefore vital we do everything we can to bring the perpetrators of this attack to justice. With this resolution, we applaud Argentina's efforts and urge our own President to provide law enforcement support to the government of Argentina. We also call on the Saudi regime to stop turning a blind eye to this growing threat and choose to help, rather than hinder, those who are fighting terrorists in their Middle East neighborhood.

Lastly, and perhaps most important, we ask all the nations of the western hemisphere to stand together in calling Hezbollah what it truly and really is, a terrorist organization, and not just a political party.

I thank the gentleman for yielding, and I urge support for this resolution.

Mr. KUCINICH. Mr. Speaker, I join my colleagues in condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July of 1994. Those responsible for the destruction and loss of human life that resulted from this attack must be held accountable. I believe that anyone who acts to destroy innocent life, regardless of their position in society or the country they are from should be subject to international scrutiny for their actions, and that includes our own officials.

In the past I have voted in favor of similar resolutions that condemned the attack on the AMIA Jewish Community Center and sought to hold accountable those responsible for this deplorable and heinous act. Accordingly, today I once again support all aspects of this resolution that calls for justice on behalf of the 85 people murdered and 300 wounded.

However, H. Con. Res. 385 is not without problems in its current form. First, the final ''Whereas'' clause of the resolution contains information that is speculative rather than factual. The resolution appears to draw this clause from an ABC News report from June 19, 2008, which provides no hard evidence to support the stated claims. Second, the resolution claims in the penultimate ''Whereas'' clause that Iran ''in recent years'' has opened ''nearly a dozen embassies in Latin America.'' In recent years, Iran has opened two embassies in Latin America, one in Colombia in 2007 and one in Nicaragua in 2007. These events brought the total of Iranian embassies in Latin America to eight. According to experts at the Congressional Research Service, CRS, the

other six Iranian Embassies in Latin America have been around for a long time and include those in Cuba, Argentina, Uruguay, Brazil, Mexico, and Venezuela.

As such, I do not agree with the decision by the U.S. House of Representatives to treat this resolution as noncontroversial. The bill could unwittingly place this Congress in the position of promoting an attack on the country of Iran through its attempt to draw parallels between Iran and those responsible for the attack on the AMIA Jewish Community Center. Instead of using speculative and factually inaccurate information which is clearly included in this bill, the resolution should be redrafted and kept to readily ascertainable facts about the unconscionable attack on the AMIA Jewish Community Center in 1994.

This body must not allow an attack on innocent people be used as a pretext for an attack on more innocent people. Indeed, we have done this once with disastrous results. I believe this House is better served by demanding sensible and responsible diplomatic foreign policy initiatives. This body should demand that the administration engage Iran immediately in high-level diplomatic negotiations without preconditions. By neglecting this duty and employing tactics that maintain an ongoing condemnation of Iran, without opening diplomatic channels, this body is systematically destroying every available route to restoring peace and security in the Middle East, which could have devastating consequences for Israel, as well as our troops in Iraq.

Mr. PAUL. Mr. Speaker, as one who is most consistently opposed to war and violence, I join my colleagues in condemning the brutal and unjustified attack on a Jewish community center in Argentina 14 years ago. I do not support this resolution, however, as it misuses a tragedy 14 years ago in a foreign country to push for U.S. war against Iran today.

Although this resolution clearly blames Iran and Hezbollah for the bombing, in fact the investigation is ongoing and far from conclusive. In an article titled ''U.S. uses probe to pressure Iran,'' the Wall Street Journal earlier this year suggested that renewed U.S. interest in this 14-year-old case is more related to politics than a genuine desire for justice. Reported the Journal,

As tensions between the U.S. and Iran persist, Washington and its allies are using an investigation into a 1994 terrorist attack in Argentina to maintain pressure on the Iranian regime.

Behind the scenes, Bush administration officials are encouraging the probe, which centers on the bombing of a Jewish community center in Buenos Aires. One U.S. goal is to cause legal problems for some of Iran's political leaders. Administration officials also hope to use the matter to highlight Iran's alleged role in financing and supporting terrorism around the world.

Those pushing for a U.S. attack on Iran are using this tragic event to foment fear in the United States that Iran and Hezbollah are perpetrating terrorist acts in the Western Hemisphere. This is another in an ongoing series of resolutions we see on the House floor pushing us toward war against Iran. I have no doubt that we will see another similar resolution on the floor next week, and the week after, and so on until we find ourselves making another tragic mistake as we did in 2002 with H.J. Res. 114 giving the President the authority to attack Iraq.

I urge my colleagues to resist this push to war with Iran before it is too late.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Con. Res. 385, which condemns the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994.

I led an official congressional delegation to Buenos Aires in February and visited the leaders of the Argentine Jewish community. I saw the site of the devastating July 18, 1994, bombing of the Argentine Jewish Mutual Association. I will never forget the sadness I felt laying a wreath of flowers on the memorial to the 85 victims of the terrorist attack and will always keep in the forefront of my mind the need to bring to justice the perpetrators of that horrible crime.

Mr. Speaker, overwhelming evidence links the attacks to the government of Iran, and the execution of the bombings to Hezbollah, a terrorist organization based in Lebanon. The state prosecutor of Argentina announced this conclusion on October 25, 2006, stating that the AMIA bombing was ''decided and organized by the highest leaders of the former government of Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah.'' He specifically alleged that the attack was approved by Iran's Supreme Leader Ali Khamene'i and Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Assembly of Experts and Iran's Expediency Council.

On November 9, 2006, an Argentine judge issued an arrest warrant for Rafsanjani and others for their involvement in the AMIA bombing. One year later, the General Assembly of INTERPOL issued six Red Notices, circulating the Argentine warrants in an effort to extradite the indicted Iranians.

One of the perpetrators of the AMIA bombing was Hezbollah operative Imad Moughnieh. Moughnieh was not only responsible for the act of terror in Buenos Aires, he also carried out the dastardly attack on the U.S. Marine barracks in Lebanon in 1983. This brutal terrorist was reportedly killed in Syria on February 12, 2008. While I do not know who carried out the attack on Moughnieh, it seems that justice has been done.

It is unconscionable that the entire leadership of the government of Iran was involved with the terror campaign in Argentina. We must not let the world's lead sponsor of international terror continue to get away with its criminal deeds.

I stand with the President of Argentina, Cristina Fernandez de Kirchner, and the government of Argentina, which has stepped up the pace of the AMIA investigation. The United States must continue to work with Argentina and provide any help it needs as it seeks to bring the terrorists to justice.

I stand with the peace-loving Jewish community of Argentina which, despite the horror which befell them 14 years ago, remains vital and strong. Their survival is a testament to the human spirit which will not succumb to the reprehensible designs of an evil few.

And I stand with the freedom-loving peoples around the world who know the horrors of terrorism and will not rest until the perpetrators have been apprehended and convicted in a court of law.

Again, I strongly support H. Con. Res. 385, a resolution of which I am a cosponsor, and urge my colleagues to do the same.

Ms. ROS-LEHTINEN. Mr. Speaker, we have no further requests for time, and we yield back the balance of our time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 385.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3985. An act 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.

The message also announced that the Senate has passed with an amendment a bill of the following title in which the concurrence of the House is requested:

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

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENTS IN SENATE AMENDMENTS TO H.R. 3890, TOM LANTOS BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1341) providing for the concurrence by the House in the Senate amendments to H.R. 3890, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

Resolved, That upon the adoption of this resolution the bill (H.R. 3890) entitled ''An Act to amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.'', with the Senate amendment, thereto, shall be considered to have

been taken from the Speaker's table to the end that the Senate amendment, thereto be, and the same are hereby, agreed to with the following amendments: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council (SPDC), the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the regime to engage in meaningful dialogue to pursue national reconciliation.

(2) The Burmese regime responded to these peaceful protests with a violent crackdown leading to the reported killing of approximately 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. Burmese military, police, and their affiliates in the Union Solidarity Development Association (USDA) perpetrated almost all of these abuses. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the peaceful protests.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) In October 2007, President Bush announced a new Executive Order to tighten economic sanctions against Burma and block property and travel to the United States by certain senior leaders of the SPDC, individuals who provide financial backing for the SPDC, and individuals responsible for human rights violations and impeding democracy in Burma. Additional names were added in updates done on October 19, 2007, and February 5, 2008. However, only 38 discrete individuals and 13 discrete companies have been designated under those sanctions, once aliases and companies with similar names were removed. By contrast, the Australian Government identified more than 400 individuals and entities subject to its sanctions applied in the wake of the 2007 violence. The European Union's regulations to implement sanctions against Burma have identified more than 400 individuals among the leadership of government, the military, and the USDA, along with nearly 1300 state and military-run companies potentially subject to its sanctions.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities in part through financial transactions, travel, and trade involving the United States, including the sale of petroleum products, gemstones and hardwoods.

(7) In 2006, the Burmese regime earned more than $500 million from oil and gas projects, over $500 million from sale of hardwoods, and in excess of $300 million from the sale of rubies and jade. At least $500 million of the $2.16 billion earned in 2006 from Burma's two natural gas pipelines, one of which is 28 percent owned by a United States company, went to the Burmese regime. The regime has earned smaller amounts from oil and gas exploration and non-operational pipelines but United States investors are not involved in those transactions. Industry sources estimate that over $100 million annually in Burmese rubies and jade enters the United States. Burma's official statistics report that Burma exported $500 million in hardwoods in 2006 but NGOs estimate the true figure to exceed $900 million. Reliable statistics on the amount of hardwoods imported into the United States from Burma in the form of finished products are not available, in part due to widespread illegal logging and smuggling.

(8) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, according to gem industry experts, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(9) According to hardwood industry experts, Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(10) The SPDC owns a majority stake in virtually all enterprises responsible for the extraction and trade of Burmese natural resources, including all mining operations, the Myanmar Timber Enterprise, the Myanmar Gems Enterprise, the Myanmar Pearl Enterprise, and the Myanmar Oil and Gas Enterprise. Virtually all profits from these enterprises enrich the SPDC.

(11) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(12) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(13) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

(14) On the night of May 2, 2008, through the morning of May 3, 2008, tropical cyclone Nargis struck the coast of Burma, resulting in the deaths of tens of thousands of Burmese.

(15) The response to the cyclone by Burma's military leaders illustrates their fundamental lack of concern for the welfare of the Burmese people. The regime did little to warn citizens of the cyclone, did not provide adequate humanitarian assistance to address basic needs and prevent loss of life, and continues to fail to provide life-protecting and life-sustaining services to its people.

(16) The international community responded immediately to the cyclone and attempted to provide humanitarian assistance. More than 30 disaster assessment teams from 18 different nations and the United Nations arrived in the region, but the Burmese regime denied them permission to enter the country. Eventually visas were granted to aid workers, but the regime continues to severely limit their ability to provide assistance in the affected areas.

(17) Despite the devastation caused by Cyclone Nargis, the junta went ahead with its referendum on a constitution drafted by an illegitimate assembly, conducting voting in unaffected areas on May 10, 2008, and in portions of the affected Irrawaddy region and Rangoon on May 26, 2008.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Ways and Means of the House of Representatives.

(3) ASEAN.—The term ''ASEAN'' means the Association of Southeast Asian Nations.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term ''SPDC'' means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

SEC. 5. SANCTIONS.

(a) VISA BAN.—

(1) IN GENERAL.—The following persons shall be ineligible for a visa to travel to the United States:

(A) Former and present leaders of the SPDC, the Burmese military, or the USDA.

(B) Officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity or in other gross violations of human rights in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC.

(C) Any other Burmese persons who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA.

(D) The immediate family members of any person described in subparagraphs (A) through (C).

(2) WAIVER.—The President may waive the visa ban described in paragraph (1) only if the President determines and certifies in writing to Congress that travel by the person seeking such a waiver is in the national interests of the United States.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to conflict with the provisions of section 694 of the Consolidated Appropriations Act, 2008 (Public Law 110–161), nor shall this subsection be construed to make ineligible for a visa members of ethnic groups in Burma now or previously opposed to the regime who were forced to provide labor or other support to the Burmese military and who are otherwise eligible for admission into the United States.

(b) FINANCIAL SANCTIONS.—

(1) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subsection (a)(1) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(A) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(B) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(2) FINANCIAL TRANSACTIONS.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003), no United States person may engage in a financial transaction with the SPDC or with a person described in subsection (a)(1).

(3) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and financial transactions under this subsection shall include the following:

(A) Payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the United States, to the SPDC or to an individual described in subsection (a)(1).

(B) The export or reexport directly or indirectly, of any goods, technology, or services by a United States person to the SPDC, to an individual described in subsection (a)(1) or to any entity owned, controlled, or operated by the SPDC or by an individual described in such subsection.

(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).

(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) LIST OF SANCTIONED OFFICIALS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of—

(A) former and present leaders of the SPDC, the Burmese military, and the USDA;

(B) officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC;

(C) any other Burmese persons or entities who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA; and

(D) the immediate family members of any person described in subparagraphs (A) through (C) whom the President determines effectively controls property in the United States or has benefitted from a financial transaction with any United States person.

(2) CONSIDERATION OF OTHER DATA.—In preparing the list required under paragraph (1), the President shall consider the data already obtained by other countries and entities that apply sanctions against Burma, such as the Australian Government and the European Union.

(3) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists of the persons described in paragraph (1) as new information becomes available.

(4) IDENTIFICATION OF INFORMATION.—The Secretary of State and the Secretary of the Treasury shall devote sufficient resources to the identification of information concerning potential persons to be sanctioned to carry out the purposes described in this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(f) EXCEPTIONS.—

(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma.

(2) REGULATORY EXCEPTIONS.—For the following purposes, the Secretary of State may, by regulation, authorize exceptions to the prohibition and restrictions described in subsection (a), and the Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsections (b) and (c)—

(A) to permit the United States and Burma to operate their diplomatic missions, and to permit the United States to conduct other official United States Government business in Burma;

(B) to permit United States citizens to visit Burma; and

(C) to permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

(g) PENALTIES.—Any person who violates any prohibition or restriction imposed pursuant to subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(h) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (a), (b), or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(i) WAIVER.—The President may waive the sanctions described in subsections (b) and (c) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 6. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—The Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by inserting after section 3 the following new section:

"SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Finance and the Committee on Foreign Relations of the Senate.

''(2) BURMESE COVERED ARTICLE.—The term 'Burmese covered article' means—

''(A) jadeite mined or extracted from Burma;

''(B) rubies mined or extracted from Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(3) NON-BURMESE COVERED ARTICLE.—The term 'non-Burmese covered article' means—

''(A) jadeite mined or extracted from a country other than Burma;

''(B) rubies mined or extracted from a country other than Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(4) JADEITE; RUBIES; ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—

''(A) JADEITE.—The term 'jadeite' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (in this paragraph referred to as the 'HTS').

''(B) RUBIES.—The term 'rubies' means any rubies classifiable under heading 7103 of the HTS.

''(C) ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—The term 'articles of jewelry containing jadeite or rubies' means—

''(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeite or rubies; or

''(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

''(5) UNITED STATES.—The term 'United States', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PROHIBITION ON IMPORTATION OF BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall prohibit the importation into the United States of any Burmese covered article.

''(2) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to implement the prohibition under paragraph (1).

''(3) OTHER ACTIONS.—Beginning on the date of the enactment of this Act, the President shall take all appropriate actions to seek the following:

''(A) The issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization granting a waiver of the applicable obligations of the United States under the World Trade Organization with respect to the provisions of this section and any measures taken to implement this section.

''(B) The adoption of a resolution by the United Nations General Assembly expressing the need to address trade in Burmese covered articles and calling for the creation and implementation of a workable certification scheme for non-Burmese covered articles to prevent the trade in Burmese covered articles.

''(c) REQUIREMENTS FOR IMPORTATION OF NON-BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall require as a condition for the importation into the United States of any non-Burmese covered article that—

''(A) the exporter of the non-Burmese covered article has implemented measures that have substantially the same effect and achieve the same goals as the measures described in clauses (i) through (iv) of paragraph (2)(B) (or their functional equivalent) to prevent the trade in Burmese covered articles; and

''(B) the importer of the non-Burmese covered article agrees—

''(i) to maintain a full record of, in the form of reports or otherwise, complete information relating to any act or transaction related to the purchase, manufacture, or shipment of the non-Burmese covered article for a period of not less than 5 years from the date of entry of the non-Burmese covered article; and

''(ii) to provide the information described in clause (i) within the custody or control of such person to the relevant United States authorities upon request.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The President may waive the requirements of paragraph (1) with respect to the importation of non-Burmese covered articles from any country with respect to which the President determines and certifies to the appropriate congressional committees has implemented the measures described in subparagraph (B) (or their functional equivalent) to prevent the trade in Burmese covered articles.

''(B) MEASURES DESCRIBED.—The measures referred to in subparagraph (A) are the following:

''(i) With respect to exportation from the country of jadeite or rubies in rough form, a system of verifiable controls on the jadeite or rubies from mine to exportation demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted, total carat weight, and value of the jadeite or rubies.

''(ii) With respect to exportation from the country of finished jadeite or polished rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iii) With respect to exportation from the country of articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the article of jewelry containing jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iv) Verifiable recordkeeping by all entities and individuals engaged in mining, importation, and exportation of non-Burmese covered articles in the country, and subject to inspection and verification by authorized authorities of the government of the country in accordance with applicable law.

''(v) Implementation by the government of the country of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to prevent trade in Burmese covered articles.

''(vi) Full cooperation by the country with the United Nations or other official international organizations that seek to prevent trade in Burmese covered articles.

''(3) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders and conduct such investigations, as may be necessary to implement the provisions under paragraphs (1) and (2).

''(d) INAPPLICABILITY.—

''(1) IN GENERAL.—The requirements of subsection (b)(1) and subsection (c)(1) shall not apply to Burmese covered articles and non-Burmese covered articles, respectively, that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported into the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States.

''(2) ADDITIONAL PROVISION.—The requirements of subsection (c)(1) shall not apply with respect to the importation of non-Burmese covered articles that are imported by or on behalf of an individual for personal use and accompanying an individual upon entry into the United States.

''(e) ENFORCEMENT.—Burmese covered articles or non-Burmese covered articles that are imported into the United States in violation of any prohibition of this Act or any other provision law shall be subject to all applicable seizure and forfeiture laws and criminal and civil laws of the United States to the same extent as any other violation of the customs laws of the United States.

''(f) SENSE OF CONGRESS.—

''(1) IN GENERAL.—It is the sense of Congress that the President should take the necessary steps to seek to negotiate an international arrangement—similar to the Kimberley Process Certification Scheme for conflict diamonds—to prevent the trade in Burmese covered articles. Such an international arrangement should create an effective global system of controls and should contain the measures described in subsection (c)(2)(B) (or their functional equivalent).

''(2) KIMBERLEY PROCESS CERTIFICATION SCHEME DEFINED.—In paragraph (1), the term 'Kimberley Process Certification Scheme' has the meaning given the term in section 3(6) of the Clean Diamond Trade Act (Public Law 108–19; 19 U.S.C. 3902(6)).

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall transmit to the appropriate congressional committees a report describing what actions the United States has taken during the 60-day period beginning on the date of the enactment of such Act to seek—

''(A) the issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization, as specified in subsection (b)(3)(A);

''(B) the adoption of a resolution by the United Nations General Assembly, as specified in subsection (b)(3)(B); and

''(C) the negotiation of an international arrangement, as specified in subsection (f)(1).

''(2) UPDATE.—The President shall make continued efforts to seek the items specified in subparagraphs (A), (B), and (C) of paragraph (1) and shall promptly update the appropriate congressional committees on subsequent developments with respect to these efforts.

''(h) GAO REPORT.—Not later than 14 months after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the implementation of this section. The Comptroller General shall include in the report any recommendations for improving the administration of this Act.''.

(b) DURATION OF SANCTIONS.—

(1) CONTINUATION OF IMPORT SANCTIONS.—Subsection (b) of section 9 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(4) RULE OF CONSTRUCTION.—For purposes of this subsection, any reference to section 3(a)(1) shall be deemed to include a reference to section 3A (b)(1) and (c)(1).''.

(2) RENEWAL RESOLUTIONS.—Subsection (c) of such section is amended by inserting after ''section 3(a)(1)'' each place it appears the following: ''and section 3A (b)(1) and (c)(1)''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection take effect on the day

after the date of the enactment of 5th renewal resolution enacted into law after the date of the enactment of the Burmese Freedom and Democracy Act of 2003, or the date of the enactment of this Act, whichever occurs later.

(B) RENEWAL RESOLUTION DEFINED.—In this paragraph, the term ''renewal resolution'' means a renewal resolution described in section 9(c) of the Burmese Freedom and Democracy Act of 2003 that is enacted into law in accordance with such section.

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended—

(1) by inserting ''or section 3A (b)(1) or (c)(1)'' after ''this section''; and

(2) by striking ''a product of Burma'' and inserting ''subject to such prohibitions''.

SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President. Except for the position of United States Ambassador to the Association of Southeast Asian Nations, the Special Representative and Policy Coordinator may not simultaneously hold a separate position within the executive branch, including the Assistant Secretary of State, the Deputy Assistant Secretary of State, the United States Ambassador to Burma, or the Charge d'affairs to Burma.

(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the member states of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

SEC. 8. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

SEC. 9. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Section 5 of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended—

(1) by inserting ''(a) OPPOSITION TO ASSISTANCE TO BURMA.—'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations, subject to paragraph (2), designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

(i) SPDC-controlled entities;

(ii) entities run by members of the SPDC or their families; or

(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national interests of the United States;

(ii) a description of the national interests need for the waiver is submitted to the appropriate congressional committees; and

(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

SEC. 10. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term ''military or intelligence aid'' means, with respect to the SPDC—

(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

(4) conducting joint military exercises;

(5) the provision of naval support, including ship development and naval construction;

(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex and the unclassified form shall be placed on the Department of State's website.

SEC. 11. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, takes steps toward inclusion of ethnic minorities in political reconciliation efforts, and holds free and fair elections to establish a new government.

SEC. 12. REDUCTION OF SPDC REVENUE FROM TIMBER.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State, in consultation with the Secretary of Commerce, and other Federal officials, as appropriate, shall submit to the appropriate congressional committees a report on Burma's timber trade containing information on the following:

(1) Products entering the United States made in whole or in part of wood grown and harvested in Burma, including measurements of annual value and volume and considering both legal and illegal timber trade.

(2) Statistics about Burma's timber trade, including raw wood and wood products, in aggregate and broken down by country and timber species, including measurements of value and volume and considering both legal and illegal timber trade.

(3) A description of the chains of custody of products described in paragraph (1), including direct trade streams from Burma to the United States and via manufacturing or transshipment in third countries.

(4) Illegalities, abuses, or corruption in the Burmese timber sector.

(5) A description of all common consumer and commercial applications unique to Burmese hardwoods, including the furniture and marine manufacturing industries.

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations on the following:

(1) Alternatives to Burmese hardwoods for the commercial applications described in paragraph (5) of subsection (a), including alternative species of timber that could provide the same applications.

(2) Strategies for encouraging sustainable management of timber in locations with potential climate, soil, and other conditions to compete with Burmese hardwoods for the consumer and commercial applications described in paragraph (5) of subsection (a).

(3) The appropriate United States and international customs documents and declarations that would need to be kept and compiled in order to establish the chain of custody concerning products described in paragraphs (1) and (3) of subsection (a).

(4) Strategies for strengthening the capacity of Burmese civil society, including Burmese society in exile, to monitor and report

on the SPDC's trade in timber and other extractive industries so that Burmese natural resources can be used to benefit the majority of Burma's population.

SEC. 13. REPORT ON FINANCIAL ASSETS HELD BY MEMBERS OF THE SPDC.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Ways and Means of the House of the Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Finance of the Senate a report containing a list of all countries and foreign banking institutions that hold assets on behalf of senior Burmese officials.

(b) DEFINITIONS.—For the purpose of this section:

(1) SENIOR BURMESE OFFICIALS.—The term ''senior Burmese officials'' shall mean individuals covered under section 5(d)(1) of this Act.

(2) OTHER TERMS.—Other terms shall be defined under the authority of and consistent with section 5(c)(2) of this Act.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex. The report shall also be posted on the Department of Treasury's website not later than 30 days of the submission to Congress of the report. To the extent possible, the report shall include the names of the senior Burmese officials and the approximate value of their holdings in the respective foreign banking institutions and any other pertinent information.

SEC. 14. UNOCAL PLAINTIFFS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should work with the Royal Thai Government to ensure the safety in Thailand of the 15 plaintiffs in the Doe v. Unocal case, and should consider granting refugee status or humanitarian parole to these plaintiffs to enter the United States consistent with existing United States law.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate Congressional committees a report on the status of the Doe vs. Unocal plaintiffs and whether the plaintiffs have been granted refugee status or humanitarian parole.

SEC. 15. SENSE OF CONGRESS WITH RESPECT TO INVESTMENTS IN BURMA'S OIL AND GAS INDUSTRY.

(a) FINDINGS AND DECLARATIONS.—Congress finds the following:

(1) Currently United States, French, and Thai investors are engaged in the production and delivery of natural gas in the pipeline from the Yadana and Sein fields (Yadana pipeline) in the Andaman Sea, an enterprise which falls under the jurisdiction of the Burmese Government, and United States investment by Chevron represents approximately a 28 percent nonoperated, working interest in that pipeline.

(2) The Congressional Research Service estimates that the Yadana pipeline provides at least $500,000,000 in annual revenue for the Burmese Government.

(3) The natural gas that transits the Yadana pipeline is delivered primarily to Thailand, representing about 20 percent of Thailand's total gas supply.

(4) The executive branch has in the past exempted investment in the Yadana pipeline from the sanctions regime against the Burmese Government.

(5) Congress believes that United States companies ought to be held to a high standard of conduct overseas and should avoid as much as possible acting in a manner that supports repressive regimes such as the Burmese Government.

(6) Congress recognizes the important symbolic value that divestment of United States holdings in Burma would have on the international sanctions effort, demonstrating that the United States will continue to lead by example.

(b) STATEMENT OF POLICY.—

(1) Congress urges Yadana investors to consider voluntary divestment over time if the Burmese Government fails to take meaningful steps to release political prisoners, restore civilian constitutional rule and promote national reconciliation.

(2) Congress will remain concerned with the matter of continued investment in the Yadana pipeline in the years ahead.

(3) Congress urges the executive branch to work with all firms invested in Burma's oil and gas sector to use their influence to promote the peaceful transition to civilian democratic rule in Burma.

(c) SENSE OF CONGRESS.—It is the sense of Congress that so long as Yadana investors remain invested in Burma, such investors should—

(1) communicate to the Burmese Government, military and business officials, at the highest levels, concern about the lack of genuine consultation between the Burmese Government and its people, the failure of the Burmese Government to use its natural resources to benefit the Burmese people, and the military's use of forced labor;

(2) publicly disclose and deal with in a transparent manner, consistent with legal obligations, its role in any ongoing investment in Burma, including its financial involvement in any joint production agreement or other joint ventures and the amount of their direct or indirect support of the Burmese Government; and

(3) work with project partners to ensure that forced labor is not used to construct, maintain, support, or defend the project facilities, including pipelines, offices, or other facilities.

Amend the title so as to read: ''A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the resolution and yield myself such time as I may consume.

Mr. Speaker, 2 short months ago, tropical cyclone Nargis struck the coast of Burma, killing tens of thousands of Burmese citizens. The response of Burma's military leaders to this devastating catastrophe demonstrated their fundamental disdain for the welfare of the Burmese people.

Repeated offers from the international community to provide desperately needed assistance went unanswered. Thousands of veteran international relief workers were denied visas. Instead of dispatching Burmese groups to help the victims, the government proceeded with its referendum on a constitution drafted by an illegitimate assembly. This referendum was written without the input of Nobel Laureate and Burmese opposition leader Aung San Suu Kyi.

Even today, the restrictions placed by the government on international aid workers have severely limited their ability to help cyclone survivors. The disastrous manner in which the Burmese government handled the cyclone comes on the heels of its violent crackdown on Burma's Saffron Revolution last September. Buddhist monks, draped in saffron robes, peacefully marched through the streets of Rangoon. They were joined by tens of thousands of other Burmese citizens calling for nonviolent change, freedom and democracy.

The reaction of the ruling regime to these peaceful demonstrations was predictable. Unarmed monks were shot in the streets. Those who weren't killed were hauled off to detention centers. Political dissidents were tossed in jail.

In short, the Saffron Revolution was crushed, along with the aspirations of the Burmese people for democracy and a better life. These brutal actions demonstrate the moral bankruptcy of the regime.

Unfortunately, the regime is not financially bankrupt. While the Burmese people live in great poverty, Burma's military leaders continue to take Burma's vast natural resources as their own. The legislation before the House today hits the regime where it hurts, in the wallet. By blocking the import of Burmese gems into the United States and expanding financial sanctions, the legislation will take hundreds of millions of dollars out of the pockets of the regime each year.

The legislation is supported by U.S. industry. The 11,000-store Jewelers of America supports a ban on Burmese gem imports to the United States. Major retailers like Tiffany's and Bulgari have also voluntarily implemented such a ban.

The amendments to this bipartisan bill provided for in this resolution, which have been carefully negotiated with the Senate, promote a coordinated multilateral approach to sanctions against Burma.

The European Union has similarly banned the import of Burmese gems, as have the Canadians. It's our hope that the financial sanctions contained in this bipartisan bill will push other countries to examine their own financial dealings with Burma.

As we move forward with H.R. 3890 today, I do want to thank the ranking Republican member of the committee, ILEANA ROS-LEHTINEN, as well as PETER KING of the Homeland Security Committee, for their strong support for this legislation and for democracy in Burma.

Thanks also must be given to the chairman of the Ways and Means Committee, CHARLIE RANGEL; the chairman of the Trade Subcommittee, SANDER LEVIN; as well as their Republican counterparts, JIM MCCRERY and WALLY HERGER, for their enormous help in moving forward with this bill.

Finally, let me thank Speaker NANCY PELOSI for her continued leadership on this legislation.

Since the first shots were fired in Rangoon, the Speaker has firmly indicated our intention to significantly tighten sanctions on the ruling Burmese regime. Today, we fulfill that promise.

Burmese freedom fighter and Nobel Laureate Aung San Suu Kyi memorably asked of the world community, ''Use your liberty to promote ours.'' So today we use our liberty in the United States Congress to ratchet up the economic pressure on the Burmese regime to move towards freedom, democracy and respect for human rights.

I urge all Members to support the resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

This past year has been an extremely tragic one for the nation of Burma and its long suffering people. Last fall, the world watched in horror as a corrupt and cruel military junta moved with barbaric vengeance against its own people. Even the monkhood, who led the people in the Saffron Revolution in this devoutly Buddhist nation, was not spared from the bayonets and the bullets of this blood-thirsty regime.

Television sets around the world were filled with images of midnight raids on temples and of monks and other peaceful demonstrators being shot at and arrested.

Many have simply disappeared into the Burmese gulag and have not been heard from again. International appeals for human decency and restraint have consistently fallen on deaf ears. This is a regime, after all, whose head general reportedly spent three times the national health budget on his daughter's wedding 2 years ago. A videotape smuggled out of Burma shows film clips of the bride dripping with diamonds.

The pictures are particularly disturbing when one reflects on the fact that Burma is one of the world's poorest countries. This is also the same regime who, following the devastation brought on by Cyclone Nargis, compounded its inept and inhumane response by actively blocking international relief efforts.

A flotilla of U.S. Navy ships, loaded with relief supplies, was forced to turn back after being rejected by junta leaders. This stonewalling took place as tens of thousands died and hundreds of thousands were left without food, without water, without shelter.

The U.S. humanitarian mission, as spelled out by the senior U.S. military commander in the Pacific, Admiral Timothy Keating, was to ease the suffering of hundreds of thousands. The international community must no longer subsidize the leaders of this immoral regime by trading in the commodities that they peddle in international markets, while their own people are left to starve and, indeed, to die.

The rainbow coalition of contraband products for sale by the military junta has included red rubies, white opium, green jade and brown timber.

The legislation we put forth today sends a clear message. It will not be business as usual for the repressors in Rangoon. They must stop their suppression of the people of Burma.

The automatic renewal of sanctions imposed by the Burmese Freedom and Democracy Act of 2003 will eliminate the annual requirement for congressional action. Is there any Member here today who has any doubts about making economic sanctions against the current Rangoon regime both permanent and hard hitting?

□ 1400

This legislation has the full support of leaders of the American gem industry. They have seen the necessity of putting principle ahead of profit when it comes to the reprehensible actions of the Burmese regime.

This bill also seeks to put the pain squarely on the backs of those who have earned it, the ruling generals and their families, and not on the backs of the Burmese people who have already suffered so much. It calls for frozen bank accounts for the generals, for an end to money laundering by the ruling junta, and a ban on visas to the United States for those involved in the continuing acts of repression and their immediate families.

This legislation, Mr. Speaker, is dedicated to the memory of our former colleague and chairman, Tom Lantos, a champion of human rights. It provides an opportunity to send a strong bipartisan message that where human freedom is concerned, politics does, indeed, stop at the water's edge.

I therefore rise today to urge my colleagues to join us in voicing their enthusiastic support for a free Burma by supporting the Block Burmese JADE Act. So I call on my colleagues to join me in taking a firm stand in favor and in support of the people of Burma.

Let us pass this legislation in honor of Tom Lantos, and the August 8, 20th anniversary of the Burmese democracy movement. That movement represents a far more important milestone than the scheduled opening on August 8 of the Olympics in Beijing.

Now is the time for our voices to be heard. People of Burma, we stand with you.

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

Mr. BERMAN. Mr. Speaker, I reserve my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY), the ranking member on the Committee on Ways and Means.

Mr. MCCRERY. I thank the gentlelady for yielding.

It is a privilege today to rise in strong support of the Tom Lantos Block Burmese JADE Act of 2008. I must say at the outset, however, that the real privilege was to have had the opportunity to serve in this House for almost 21 years with Tom Lantos. His passing is an immeasurable loss for his family, for this Chamber, and for the people across the world for whom he tirelessly fought.

Since December, when the House and Senate passed different bills to strengthen and broaden sanctions against the repressive Burmese regime, we have worked across the aisle, across jurisdictional lines and across the Capitol to finalize a bill to pass into law. This bill has benefited enormously from the collaborative and bipartisan efforts of the House Foreign Affairs, Senate Foreign Relations, Ways and Means and Senate Finance committees. Our collective efforts have produced a sanctions bill that takes a tough position against the Burmese regime, while maximizing compliance with United States international obligations.

Among other things, the Tom Lantos Block Burmese JADE Act promises to eliminate trade in jewelry containing Burmese rubies and jadeite, even if the jewelry was made in and exported from a third country. These sales finance the Burmese regime, and if we want to pressure them to provide for their impoverished people, we must eliminate trade in all Burmese rubies and jadeite, not just if those products are exported directly from Burma itself.

We must also structure our import sanctions in a way that encourages and facilitates multilateral pressure. We believe the Ways and Means Committee contributions to this legislation do just that, as well as pave the way toward building a multilateral consensus at the United Nations and World Trade Organization to prevent trade in Burmese rubies and jadeite. Modeled after the successful conflict diamonds legislation, the provisions our committee added are proven and administrable.

I would also note that this bill is an improvement over the original House-passed bill because it no longer targets a single United States company for unfavorable tax treatment.

Lastly, I would like to thank Chairman RANGEL for the improvements he is responsible for in this bill, particularly his agreement to eliminate the

problematic provisions relating to the generalized system of preferences that were in the original House-passed bill.

For all these reasons, Mr. Speaker, I urge support of H. Res. 1341.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1341.

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.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

JULY 14, 2008.

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

DEAR SPEAKER PELOSI: I hereby resign my seat on the Committee on Science and Technology, effective July 14, 2008. It has been a pleasure to serve on this committee.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1434

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ROYBAL-ALLARD) at 2 o'clock and 34 minutes p.m.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–131)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 6331, the ''Medicare Improvements for Patients and Providers Act of 2008.'' I support the primary objective of this legislation, to forestall reductions in physician payments. Yet taking choices away from seniors to pay physicians is wrong. This bill is objectionable, and I am vetoing it because:

It would harm beneficiaries by taking private health plan options away from them; already more than 9.6 million beneficiaries, many of whom are considered lower-income, have chosen to join a Medicare Advantage (MA) plan, and it is estimated that this bill would decrease MA enrollment by about 2.3 million individuals in 2013 relative to the program's current baseline;

It would undermine the Medicare prescription drug program, which today is effectively providing coverage to 32 million beneficiaries directly through competitive private plans or through Medicare-subsidized retirement plans; and

It is fiscally irresponsible, and it would imperil the long-term fiscal soundness of Medicare by using short-term budget gimmicks that do not solve the problem; the result would be a steep and unrealistic payment cut for physicians—roughly 20 percent in 2010—likely leading to yet another expensive temporary fix; and the bill would also perpetuate wasteful overpayments to medical equipment suppliers.

In December 2003, when I signed the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) into law, I said that ''when seniors have the ability to make choices, health care plans within Medicare will have to compete for their business by offering higher quality service. For the seniors of America, more choices and more control will mean better health care.'' this is exactly what has happened—with drug coverage and with Medicare Advantage.

Today, as a result of the changes in the MMA, 32 million seniors and Americans with disabilities have drug coverage through Medicare prescription drug plans or a Medicare-subsidized retirement plan, while some 9.6 million Medicare beneficiaries—more than 20 percent of all beneficiaries—have chosen to join a private MA plan. To protect the interests of these beneficiaries, I cannot accept the provisions of this legislation that would undermine Medicare Part D, reduce payments for MA plans, and restructure the MA program in a way that would lead to limited beneficiary access, benefits, and choices and lower-than-expected enrollment in Medicare Advantage.

Medicare beneficiaries need and benefit from having more options than just the one-size-fits-all approach of traditional Medicare fee-for-service. Medicare Advantage plan options include health maintenance organizations, preferred provider organizations, and private fee-for-service (PFFS) plans. Medicare Advantage plans are paid according to a formula established by the Congress in 2003 to ensure that seniors in all parts of the country—including rural areas—have access to private plan options.

This bill would reduce these options for beneficiaries, particularly those in hard-to-serve rural areas. In particular, H.R. 6331 would make fundamental changes to the MA PFFS program. The Congressional Budget Office has estimated that H.R. 6331 would decrease MA enrollment by about 2.3 million individuals in 2013 relative to its current baseline, with the largest effects resulting from these PFFS restrictions.

While the MMA increased the availability of private plan options across the country, it is important to remember that a significant number of beneficiaries who have chosen these options earn lower incomes. The latest data show that 49 percent of beneficiaries enrolled in MA plans report income of $20,000 or less. These beneficiaries have made a decision to maximize their Medicare and supplemental benefits through the MA program, in part because of their economic situation. Cuts to MA plan payments required by this legislation would reduce benefits to millions of seniors, including lower-income seniors, who have chosen to join these plans.

The bill would constrain market forces and undermine the success that the Medicare Prescription Drug program has achieved in providing beneficiaries with robust, high-value coverage—including comprehensive formularies and access to network pharmacies—at lower-than-expected costs. In particular, the provisions that would enable the expansion of ''protected classes'' of drugs would effectively end meaningful price negotiations between Medicare prescription drug plans and pharmaceutical manufacturers for drugs in those classes. If, as is likely, implementation of this provision results in an increase in the number of protected drug classes, it will lead to increased beneficiary premiums and copayments, higher drug prices, and lower drug rebates. These new requirements, together with provisions that interfere with the contractual relationships between Part D plans and pharmacies, are expected to increase Medicare spending and have a negative impact on the value and choices that beneficiaries have come to enjoy in the program.

The bill includes budget gimmicks that do not solve the payment problem for physicians, make the problem worse with an abrupt payment cut for physicians of roughly 20 percent in 2010, and add nearly $20 billion to the Medicare Improvement Fund, which would unnecessarily increase Medicare spending and contribute to the unsustainable growth in Medicare.

In addition, H.R. 6331 would delay important reforms like the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies competitive bidding program, under which lower payment

rates went into effect on July 1, 2008. This program will produce significant savings for Medicare and beneficiaries by obtaining lower prices through competitive bidding. The legislation would leave the Federal Supplementary Medical Insurance Trust Fund vulnerable to litigation because of the revocation of the awarded contracts. Changing policy in mid-stream is also confusing to beneficiaries who are receiving services from quality suppliers at lower prices. In order to slow the growth in Medicare spending, competition within the program should be expanded, not diminished.

For decades, we promised America's seniors we could do better, and we finally did. We should not turn the clock back to the days when our Medicare system offered outdated and inefficient benefits and imposed needless costs on its beneficiaries.

Because this bill would severely damage the Medicare program by undermining the Medicare Part D program and by reducing access, benefits, and choices for all beneficiaries, particularly the approximately 9.6 million beneficiaries in MA, I must veto this bill.

I urge the Congress to send me a bill that reduces the growth in Medicare spending, increases competition and efficiency, implements principles of value-driven health care, and appropriately offsets in physician spending.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 15, 2008*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Michigan (Mr. DINGELL) is recognized for 1 hour.

Mr. DINGELL. Madam Speaker, for purposes of debate only, I yield 30 minutes to my dear friend, the gentleman from Texas (Mr. BARTON).

Madam Speaker, I also yield 15 minutes of my time to my dear friend, the gentleman from New York (Mr. RANGEL), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. DINGELL. Madam Speaker, once again, the House has before it an irresponsible, flint-hearted veto sent by the White House, which has participated in no way in bringing us to the point where we are today.

The legislation before us is critical to ensuring access to high-quality physician services for Medicare beneficiaries. If we fail to override this veto, physicians will face a 10 percent pay cut, which will jeopardize access to care for seniors and for the disabled. If we fail to override this veto, low-income beneficiaries will lose out on additional protections and benefits in the traditional Medicare programs, such as coverage for more preventive benefits.

□ 1445

Finally, if we fail to override this veto, we will miss out on an opportunity to begin addressing the most egregious abuses made by the private health plans operating under Medicare. Private Fee-for-Service (PFFS) plans, one type of Medicare Advantage plan, do not have to sign providers to be a part of their networks. The result of this is that beneficiaries have no idea which physicians accept payments for their plans. And if the physician does not accept payment, the physician and the beneficiary are left holding the bag. These plans create tremendous uncertainty, confusion and hardships for all concerned, beneficiaries and providers.

I urge Members to vote to override the President's veto.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent to yield 15 minutes of the 30 minutes that I control to the ranking member of the Ways and Means Committee, Mr. MCCRERY of Louisiana.

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

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I rise in support of the President's veto. I know that's not a popular position to take on this floor since only 59 Members of this body supported the President when the vote was to pass the bill a month or so ago, but I think the position that I take is the right position on policy.

The bill before us, if the veto is not sustained, would delay—and I'm being charitable to use that verb—the reform of competitive bidding for durable medical equipment. It would delay that for 18 months, which in all probability would kill a program that would save billions and billions of dollars if implemented.

We have over 300 successful bidders for durable medical equipment that are not now going to be able to provide that. We have a program that, according to the Government Accountability Office, 10 percent of all the expenditures are for fraud, and we're going to perpetuate that program. The bill before us delays the reform of competitive bidding. I think that's a mistake.

The bill before us does prevent a, I believe, 10 percent cut going into effect for our physicians, and that's a good thing. I don't think any Member of this body wants our physicians that provide services for our Medicare and Medicaid beneficiaries to have to take a payment cut. So that is the one socially redeeming value of this bill. But it doesn't permanently fix the system, it simply delays the cut for another year. And next year it will be 20 percent, I think 20.7 percent. So there is no long-term fix for that, it's another kick-the-can-down-the-road for one more year.

There are some changes in the way pharmacies are reimbursed or are paid for or priced for their prescription drugs, a reform called Average Manufacturing Price, which I think is a good reform. We have had some consultations with the pharmaceutical community and the pharmaceutical manufacturers about how to actually calculate that price, but that reform replaced the system that was ridden with inequity and subject to quite a bit of gamesmanship. The bill before us would revert, as I understand it, back to the old system, which I think is a mistake.

So I know it's not politically popular to say we ought to stand on principle and do the right thing, but that's the position that I'm taking. I think that's the position the President is taking. So when the vote comes, I would hope that people would look at the underlying issues and vote to sustain the President's position on this, which is the position that's the best public policy for all Americans.

I haven't talked about Medicare Advantage. My good friend from Louisiana I think will make those points, but it's obvious that this bill significantly impacts, in a negative way, Medicare Advantage, which is a program that 10 million of our senior citizens have chosen to participate in to receive their Medicare benefits.

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

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the remainder of the time that I use be yielded to Mr. STARK, the chairman of the Subcommittee on Health, and he would have the right to distribute it to Members that he recognizes.

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

There was no objection.

Mr. RANGEL. Madam Speaker, I rise in support of the veto, of the President demonstrating once again a reckless, mean-spirited disregard of the health of our children, our poor folks, and now the aging. And yet I stand on the floor proud of the fact that we're on the brink of a new day, where people like Chairman STARK, working with Chairman DINGELL and Chairman PALLONE, will be able to create a system where, whether you're old or young or live in rural or urban areas, that health care is going to be a priority, and we don't have to come to this floor and fight each other as to who can be the meanest in denying people health care.

And so I just want the people to know that this really isn't a question of Republican and Democrats because, to some extent, we're united in sending a message to the President: Think about what you're doing to the American people and try to help us to move forward. I hope I'm not violating the rules by saying that.

When TED KENNEDY got out of his sick bed and walked over to the Senate

floor, it wasn't a Democratic Senator speaking to a bipartisan Senate. It was the voice of someone who has demonstrated compassion for all of the things that all of us believe in. As a result of that, he has brought us together. Let us stay together; and let's send a message to the President, his days of doing us harm are very, very limited.

I yield the balance of my time to Chairman STARK.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to avoid making improper references to the President.

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

Madam Speaker, I'm glad that you admonished Members to not improperly invoke the President's name. I don't think Chairman RANGEL really thought through what he said there at first about the President being mean-spirited with this veto. I disagree with the policy in this bill, but I don't think Mr. STARK or Mr. DINGELL or any of my colleagues were mean-spirited in putting together flawed policy. And I think the more that we recognize that we're all here, including the President, for the same reason, and that's to make this country a better place, the quicker we will get on to solving the bigger problems of the country on a bipartisan basis. So I appreciate the Speaker's admonition.

As I say, I don't agree with the policy that's in the bill, but I do commend those who worked on solving at least the immediate problem of the pending cut to physicians. It is an intractable problem, very, very difficult for us to deal with, both substantively and politically. So I recognize that this was a tough process, a very difficult process to bring legislation to the floor that at least solved the immediate problem. But I think this bill represents missed opportunities. I think it is premised on false choices, and surely does nothing to protect the long-term solvency of the Medicare program, which we are going to have to tackle eventually in the Congress.

I support reversing the physician pay cuts that are scheduled under current law, but there is a right way to do it and a wrong way. I think this bill represents the wrong way. According to CBO, more than 2 million seniors will lose the Medicare health plan that they have today if this bill becomes law.

Now, as these provisions are fully implemented, I believe Members of Congress will begin hearing from seniors around the country, angry, confused, wanting to know why we passed a bill that has taken away their health care plan. The last time we made changes that negatively impacted these kinds of plans, we certainly heard from seniors in our offices, and they were not happy.

Now, maybe if in this bill we permanently fix the problems of the flawed Sustainable Growth Formula, then we might be willing to make that trade to put up with a few angry seniors because we really did something the right way, we permanently fixed the problem. But this bill doesn't do that; it is another just-kick-the-can-down-the-road. And, in effect, we make the problem worse because, as my colleague from Texas said earlier, the next time Congress has to address this in just a year from now, the physicians will be facing a 20 percent cut in reimbursement. That's what this bill puts in place. That's what this bill sets up the Congress for in about a year.

So I don't believe that the policy that is used in this bill to pay for this temporary fix is the appropriate policy. And I believe seniors will not be happy with us for having just used their health care plans to kick this can down the road.

Now, I'm retiring, Madam Speaker, at the end of this Congress; I won't be here next year. But I am hopeful that sooner, and not later, Members of the House and Senate, on a bipartisan basis, will decide that year-to-year rentals of this patch no longer make sense and roll up their sleeves in a concerted effort to develop a long-term solution to ensure that the Medicare program will be able to serve seniors for generations to come. I don't hold any hope that we're going to do that this year, but I do believe that this legislation, if there is a silver lining, by creating this even higher cliff for physicians, will probably get Congress closer to that bipartisan cooperation to solve the problem.

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

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the legislation before us.

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

There was no objection.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to my distinguished colleague and friend, Mr. PALLONE, chairman of the Health Subcommittee of the Commerce Committee.

Mr. PALLONE. Madam Speaker, last week, Congress sent to the President a commonsense proposal that passed both Chambers with strong bipartisan support. The bill that we sent to President Bush was a balanced approach that would keep Medicare working for America's seniors, doctors and taxpayers.

This bill makes a number of improvements to Medicare that have been long overdue. The bill expands access to services for beneficiaries and provides additional financial assistance for low-income seniors. This bill also staves off the 10.6 percent cut to physicians' payments that are being implemented right now by CMS.

What this bill does not do is make drastic cuts to Medicare Advantage; it makes very modest and sensible reforms to the program. Now, do I think that we should do more to reform Medicare Advantage? The answer is yes. Because the Bush administration has created a bias in favor of Medicare Advantage.

I would like to make reference to yesterday's New York Times editorial called Medicare's Bias. It says, ''Many of the private plans that participate in the huge government-sponsored health insurance program for older Americans have become a far too costly drain on Medicare's overstretched budget.''

''These private plans—that now cover a fifth of the total Medicare population—receive large subsidies to deliver services that traditional Medicare provides more cheaply and more efficiently by paying hospitals and doctors directly. Congress was right—for reasons of equity and of fiscal sanity—to pass a bill that would at least begin to remove some of these subsidies.''

Madam Speaker, now is the time to vote to protect health care for the elderly and disabled. Now is the time to vote to protect fair reimbursements for our Nation's doctors and pharmacists. And now is the time to vote to protect Medicare. Now is the time to vote to override the President's misguided veto.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished minority whip, Mr. BLUNT of Missouri.

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding and for his leading this debate today.

I think we all know what's going to happen today, but we don't know what this debate is all about. The gentleman just mentioned that one out of five people on Medicare now take advantage of Medicare Advantage. This is not a debate about the insurance companies and the doctors, this is a debate about competition.

Now, there is a legitimate division on the floor of this House about whether competition and patient choice is part of the key to the future of Medicare.

□ 1500

I believe it is, and I think we could have taken care of the providers in a way that didn't step in and impact competition. In my district alone—and, in fact, in rural districts and minority districts, that's where that one out of five Americans live. In my district alone 28,000 people take advantage of the opportunity to be part of Medicare Advantage. Half of them take advantage of the opportunity to select their own doctor. That opportunity goes away if this bill becomes law.

I intend to vote ''no'' today not because I don't respect the providers but because I think this is a terrible way to solve this problem that could be solved otherwise.

Mr. STARK. Madam Speaker, I yield myself 2 minutes.

I would like to concur and respond to my friend from Louisiana, we are just

kicking the can down the road, but we have been doing that under his party's leadership for the past 8 years or so. And the truth is that none of us, the distinguished ranking member, the distinguished ranking member of the Health Subcommittee, the distinguished Chair of the Health Subcommittee, have any idea how we're going to solve this physician reimbursement for the long run, and we don't have time. But I think we have all agreed on a bipartisan basis that it is an issue that we have to address as quickly as possible. So we do recognize that this is a temporary fix, and we do recognize the serious problem of reimbursing physicians, but I don't think there's any chance that we could get that done in the time left to us in this session.

And some of the things that we have added, not all of the things we have passed in the CHAMP Act, but there is mental health parity for seniors, which means that they no longer have to pay a 50 percent co-pay for mental health but a 20 percent co-pay, as they would for other services. There are preventative care opportunities for Medicare beneficiaries. There is support for low-income beneficiaries. There is work toward resolving medical disparities, an issue which is of concern to many people in this country. There is electronic prescribing, e-prescribing, as it's called, which we think will be safer and more cost effective in the distribution for pharmaceuticals.

As to the durable medical equipment bidding, I want to correct a statement made earlier. It isn't going to cost the taxpayers anything. The CBO has told us that the way this bill is designed, the durable medical equipment providers will pay for this at their option to take an across-the-board cut in their reimbursement rather than have a bidding system which they felt was unworkable and not realistic.

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

Mr. STARK. I yield myself an additional 30 seconds, Madam Speaker.

So while I think that it's not everything that we wanted and that we voted for in this House on a somewhat less strong bipartisan basis a year ago, we have made some bipartisan steps down the road. We got bipartisan support in the Senate. And what I hope, recognizing that many of us would do each of these things somewhat differently, a vast majority of us here and in the other body have come together as I have not seen in the past 10 or 12 years to work out a bipartisan agreement to proceed, and I hope that is a harbinger of the future.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Madam Speaker, this is not some huge legislative victory, as some would suggest. Instead, it's about maintaining the status quo.

I am committed to finding a way around this unworkable physician payment system that we have now, which rewards volume over quality. Every 15 minutes doctors have to see somebody else. That system's just plain wrong. But let's be honest. This bill only buys us about 18 months, and where has that gotten us before, as the gentleman points out?

I would like to quote the distinguished chairman of the Ways and Means Health Subcommittee, who said back in 2006: ''I am glad that this bill includes a temporary update for physicians, giving us a little breathing room heading into next year. But we're still going to have to do some very heavy lifting in order to dig ourselves out of the $250 billion hole Republicans created by kicking the can down the road the last few years. In the next Congress, I hope my colleagues on the other side of the aisle work with me to address this problem once and for all.''

Well, now we can add Democrats to the list of those digging the hole and kicking the can down the road. And at what cost? CBO estimates that up to 2 million seniors, mostly low income, will permanently, permanently, lose their current health coverage under this bill for a temporary 18-month increase in pay for physicians. Not addressing any of the longstanding problems in terms of rewarding value and not volume.

I can't in good conscience support this bill that pits seniors against physicians. It's a lose-lose proposition and I will vote to sustain the President's veto.

Mr. DINGELL. Madam Speaker, I yield myself 15 seconds.

My colleagues on the other side talk about Medicare Advantage. Medicare Advantage gets somewhere between 11 and 30 percent more than they are supposed to get and more than regular Medicare gets. That's absolutely wrong. If we support this veto, we would continue that outrage. This is something that needs to be corrected.

Madam Speaker, I am now happy to yield to my dear friend, the distinguished majority leader, Mr. HOYER, for 1 minute.

Mr. HOYER. I thank the chairman for yielding and would observe, as I have before on this floor, that there is no Member of this House who has been involved any more deeply, any more passionately, any more effectively to protect, preserve, and expand the availability of health care to the American people more than my friend JOHN DINGELL, the chairman of the committee. I want to congratulate him. Not only has he done that, but his father before him did that as well.

Madam Speaker, last week we watched as Senator TED KENNEDY returned from the treatment of his brain cancer to cast his vote in favor of this vital Medicare bill. I don't have to tell you how many of us in both Chambers were moved to see that lifelong crusader for health care come back to cast one more vote for America's seniors.

With that as inspiration, the Senate joined the House in voting by overwhelming margins for legislation that would and does replace a 10.6 percent payment cut for thousands of doctors in Medicare with a 1.1 percent increase, a cut that would put at risk coverage and availability of doctors for our seniors. The bill extends expiring provisions and bonus payments critical to rural communities and providers. The bill expands the preventive services that are available to our seniors. The bill phases mental health parity into the Medicare program. And it improves protections and assistance programs for our low-income seniors, about whom all of us are concerned.

Three hundred and fifty-five of us in this House voted to pass this legislation. Three hundred and fifty-five in an overwhelming bipartisan vote which said this is good legislation, our people need it, and we're going to pass it. Sixty-nine Members of the United States Senate stood up and supported this piece of legislation. And I was pleased to see so many Republicans lining up with us. This is an overwhelmingly bipartisan bill as it was sent to the President of the United States.

Preventing these Medicare cuts isn't a Republican issue or a Democratic issue. It's an issue of protecting and preserving the health care that over 44 million seniors count on, depend on, and, yes, deserve. And our message to the President was unambiguous: We will stand with our seniors and our health care providers, our military families and our disabled. And when it comes to protecting and preserving the health care they depend on, we will put aside party politics and we will stand together. Three hundred and fifty-five of us, sixty-nine in the Senate.

Today President Bush decided that the overwhelming majority of the Congress was wrong. He will have to explain, however, to America's seniors why he was so willing to stand between them and their health care.

But, thankfully, we don't have to take ''no'' for an answer. Thankfully, the Constitution provides us with the ultimate policy-making authority. And I expect, hope, and urge that the 355 of us that stood for this legislation just a short time ago will do so again today, not in opposition to the President but as a proponent of legislation which seeks to solve a problem and to provide health care for our seniors.

I urge my colleagues on both sides of the aisle to override this misguided veto. And with their support, this bill for our seniors will become law and they will be better for it.

Mr. BARTON of Texas. Madam Speaker, I want to yield 3 minutes to a member of the Energy and Commerce Committee, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I rise with a little bit of apprehension today, but this is really a horrible way to do what we're trying to do today, and we've known that every year certainly since I have been a Member of Congress. I think this is my eighth time trying to fix what is really a bad system of telling doctors every year you're going to be cut unless we do something. A horrible system. I think we all agree we have to do something.

But something really spectacular happened today and I don't think in a good way. For the first time since I've been in Congress, we've decided that we're going to fix it as we have every single year since I have been here except we are going to cut senior citizens off from their programs in Medicare, for the first time since I have been here, and that we're going to do that today. And I scratch my head a little bit. We have always been able to come together in a bipartisan way and say we can fix it for the doctors without taking it out of the seniors. We don't have to punish the patients to help the doctors. And I know they can get on planes and they are doing okay financially and they can fly here and lobby us and talk to us and get in our ears, and that's important. And you know what? They should. Because every single year we tell them don't invest in your company because we are not going to tell you their business, their business of providing medical services. Don't invest in that because we're not sure if we are going to cut you 10 percent or give you 2 percent. Pretty hard to make that investment decision to go to health information technology that we know will save lives or add a new staff member that they know they might be not able to pay for if we don't get our act together, which tells us why this system is so horrible. But because we failed to act, this Congress failed to act, I think the provision starts tomorrow with a 10 percent cut. We said 2 million poor seniors in this country, you're going to get a letter in the mail that says you no longer have service under Medicare Advantage. Think about the fear and the confusion. Do we have to do that? Is that the best that we can do here in this Chamber and call it a bipartisan effort?

Ten million seniors depend on Medicare Advantage. They voluntarily signed up. And after this bill, 200,000 of them that live in Michigan will have fewer choices, reduced benefits, higher out-of-pocket costs.

Half of the Medicare Advantage enrollees have incomes below $20,000 a year. Imagine the fear when your electric bills are going up because we haven't done anything here in this Congress, when your gasoline prices are over $4 and maybe your kids don't even come to see you anymore. But, oh, by the way, we are going to give you this letter and we are going to celebrate that in a bipartisan way we have stood up and said the heck with you, you're going to have to deal with it on your own, you 10 million seniors. Can't we do better? I think we can.

So when the President vetoed this, it wasn't about mean spiritedness and taking things away and we're not going to help those seniors. It was about please renegotiate. If for the last 7 years we could come together and say we can help you doctors without punishing you senior citizen patients, why can't we do that today? It's the first time that we have had to do that since I have been in Congress. I know we can do better. And when you're done, think of this: Fully 70 percent are minorities making under $20,000 on Medicare Advantage.

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

Mr. BARTON of Texas. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. ROGERS of Michigan. I thank the chairman.

Madam Speaker, 70 percent are minorities making under $20,000. They'll get that letter in the mail. I doubt that they'll be celebrating the warmth and the fuzzy feeling that we are all feeling today because 355 people tried to read a bill that we only had 24 hours to read.

Please, sustain the President's veto. It doesn't mean it's over. It means we get to negotiate a bill that protect doctors, as they should, allows them to make investments in the future of health information technology and other things without facing a 20 percent cut. By the way, if we did nothing, it would be a 15 percent cut by the end of next year. Because of this bill, it's a 20 percent cut.

We have to do better. I will vote to sustain. I would urge you to sustain the President's veto.

□ 1515

Mr. STARK. Madam Speaker, I would like to yield 1 minute to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Madam Speaker, over 1 year ago, we were trying to figure out how we would resolve this situation where seniors were on the verge of losing access to their doctor and where doctors were fretting whether they would be able to get enough reimbursement to be able to continue to offer services to these seniors. And it's very difficult to come to consensus.

We almost went over the cliff. That 10 percent cut to doctors almost came to be. But today we have a chance after the President's veto to make sure that doctors will get their payment, seniors will get their services and then we can all move forward to try to deal with the major reforms to Medicare that we must make. Three hundred fifty-five to fifty-nine. That was the vote in the House some 3 weeks ago to pass this legislation. Sixty-nine to thirty in the Senate.

It's not often that you get a strong vote in the House. It's not often that you get a strong vote in the House and the Senate. This is bipartisan. This is bicameral. It is the type of consensus we need. We did something for our seniors who are modest income. We did something to make sure that we have better oversight over those doctors that are unscrupulous. And at the same time, we did this without adding a single cent to the deficit for a Federal budget which right now is in the hock for $400 billion. This is the right way to go. We will overturn the President's veto on a bipartisan basis.

Mr. MCCRERY. I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Louisiana.

Madam Speaker, I voted in favor of H.R. 6331 and will vote to override the President's veto today. This is a very important piece of legislation for those of us who care strongly about our communities and their survival. And in rural America the delivery of health care is in jeopardy. The pharmaceutical aspect of this bill is one that perhaps has been understated. But those of us who care about the community pharmacists believe that the direction that this bill provides in requiring a timely payment through prompt payments under part D and the elimination for 1 year of the average manufacturers' price, which will undercut the ability of pharmacists to deliver prescription drugs under Medicaid, and the elimination of bidding for durable medical equipment is awfully important.

Much of the focus is upon the elimination of the 10 percent reduction in reimbursement to our physicians for Medicare. And I want to quote from one of my physicians back home in Kansas in a letter to me dated July 7. ''It is with mixed emotions that I am writing to inform you of my intent to leave my Family Medicine practice in Kansas. I have reached the point where I am no longer willing to expose myself or my family to the risk of having to rely upon an increasingly unreliable (and poor) source of income; specifically Medicare. I do not have the margin to absorb others' incompetence or our government's capricious reimbursement. I am no longer willing to be a pawn in the ideological chess match in Washington and therefore as of today I will no longer accept Medicare patients.

''I am at a point in my career where I must consider my family as well as my retirement. We once again have been threatened with an across-the-board 10 percent cut. Congress and the Medicare system are taking advantage of good-intentioned physicians who are more interested in caring for patients and upholding and honoring the Hippocratic Oath than lining their pockets. I feel a sense of guilt, as though I am betraying my Medicare patients. I have realized, however, that it is not I that has betrayed the elderly, rather Congress.''

I think it's important for us to move forward with this legislation. It's a matter of survival for the delivery of health care to many seniors, particularly those who come from places like I do where the population is Medicare dependent. And I appreciate the gentleman from Louisiana giving me the opportunity to express my position and to indicate once again that I will override President Bush's veto.

Mr. DINGELL. Madam Speaker, at this time, I'm happy to yield to the distinguished gentlewoman from Colorado (Ms. DEGETTE) 2 minutes.

Ms. DEGETTE. Madam Speaker, although these much-needed updates for physician payments are the crux of today's bill, numerous improvements to the Medicare program and beneficiary protections are also included. It also provides incentives for physicians to use e-prescribing technology, and it extends and vastly improves low-income-assistance programs for very-low-income Medicare beneficiaries.

And it includes a 2-year reauthorization of the Special Diabetes Programs for Type 1 diabetes and for American Indians, which has been a priority of the Congressional Diabetes Caucus for many years. Thanks to over a decade of investment in the Special Diabetes Programs, we can point to tangible and significant progress, such as the creation of an artificial pancreas, that is improving the lives of many people.

And this multiyear reauthorization was just what we needed. I want to talk for a minute about Medicare Advantage though. Medicare Advantage was originally conceived of as a way to save money in the Medicare system. But the way it has evolved over the years, we now have 13 percent overpayments to the insurance companies that administer Medicare Advantage. There is no evidence that this money goes to the senior citizen beneficiaries. And there is further no evidence that if we cut these overpayments that these senior citizens are going to lose their insurance, because there is no evidence that they're getting that 13 percent overpayment.

Now I would suggest if there was a 13 percent overpayment to the traditional Medicare program, the other side would be having a fit because we would just be throwing money away. But, according to them, it's all right if we throw 13 percent away and give it to private insurance companies.

In my opinion, we need to bring our entire Medicare program into balance no matter how it is being administered. We need to be sure that it's ministered efficiently. And ultimately, we need to restore balance to our entire health care system. Vote ''yes'' to override this veto and restore the physician payments.

Mr. BARTON of Texas. Madam Speaker, could I inquire as to the time remaining on the four sides.

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes, and the gentleman from Michigan has 8. The gentleman from Louisiana has 5½, and the gentleman from California has 9½.

Mr. BARTON of Texas. Madam Speaker, I don't have any speakers at this time, so I will reserve the balance of my time.

Mr. STARK. Madam Speaker, I'm pleased to yield 1 minute to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

This debate has a familiar feel. Once again the President has vetoed legislation important to rural America, legislation that was supported by a broad bipartisan consensus in this body. We saw the same thing in the farm bill, overrode him once, overrode him twice, and we need to override today as well. Those that argue that rural interests are best served by standing with the President's position on this are arguing that we ought to pay insurance companies more, cut doctors, cut hospitals and somehow this produces a better health result. It doesn't stand up.

This bill provides very important reimbursements, not just to physicians, but also to struggling rural facilities representing the infrastructure for health care in rural America. Passing this bill and overriding the veto addresses physician payments. It addresses critical-access hospitals. It addresses sole-community hospitals. It addresses rural ambulance services. It addresses rural pharmacies. That is why the Rural Health Care Association supports the bill. It is why the Rural Health Care Coalition supports the bill. Please vote to override.

Madam Speaker, I rise in strong support of overriding the President's veto of H.R. 6331, the Medicare Improvements for Patients and Providers Act, legislation that strengthens the Medicare Program and maintains our commitment to rural America.

With an estimated 40 percent cuts in physician payment reductions under Medicare expected by 2016, Medicare's physician payment system is clearly broken. Because of the flawed Sustainable Growth Rate, 2008 Medicare physician payment rates are about the same as they were in 2001. This has prevented some physicians and the hospitals who employ them from making needed investments in staff and health information technology as well as created a great deal of uncertainty and instability for physicians and hospitals as they run their businesses.

H.R. 6331 takes an important step forward by reversing these previously scheduled cuts in Medicare payments over the next 18 months while also providing a 1.1 percent update for 2009. This translates to at least $30 million for North Dakota's doctors and hospitals over the next year and a half, bringing relief for many of our struggling hospital systems. I am hopeful that these 18 months will give Congress the time it needs to make commonsense and much needed reforms to the SGR system so that North Dakota hospitals and doctors will have the fairness and stability in Medicare payments they deserve.

H.R. 6331 also makes a strong commitment to maintaining access to important rural health services by investing in $3 billion in our vulnerable rural health care delivery system. Rural America continues to be challenged by shortages of health care providers, barriers to health care access, and geographic isolation. In my own home State of North Dakota, approximately 80 percent of the State is designated as a partial or full county Health Professional Shortage Area. In order to address these unique challenges, the Medicare Modernization Act (MMA) enacted special payment enhancements to make sure that rural health care facilities and providers have the resources they need to deliver quality care in their communities.

Unfortunately, many of these important provisions have expired and further assistance is needed to ensure that seniors living in rural America have access to quality, affordable health care. That is why Representative GREG WALDEN and I, as co-chairs of the bipartisan Rural Health Care Coalition, introduced H.R. 2860, the Health Care Access and Rural Equity (H-CARE) Act, legislation that addresses these and other barriers to quality health care by recognizing the unique characteristics of health care delivery in rural areas and assisting rural health care providers in their efforts to continue to provide quality care to rural Americans.

I am pleased that the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008 incorporates many important provisions from H-CARE that will do much to protect the fragile rural health care safety net. More specifically, MIPPA will do the following:

Ensure that rural doctors are paid the same rate for their work as their urban counterparts by extending the 1.0 work floor on the Medicare work geographic adjustment applied to physician payments through 2009, bringing in $9 million to North Dakota;

Improve Medicare reimbursements for Critical Access Hospitals by directly increasing payments for critical lab services performed outside the hospital that will benefit North Dakota's 34 CAHs;

Boost reimbursements to sole community hospitals by updating the data used to calculate their Medicare reimbursements;

Protect access to rural ambulance services by providing rural ambulance providers an additional three percent of their Medicare reimbursement in order to help cover their costs;

Require prompt payment to rural pharmacies by Medicare prescription drug plans;

Extend a provision that allows 19 North Dakota hospital-based labs to directly bill Medicare for pathology services;

Expand access to telehealth services by allowing hospital-based renal dialysis facilities, skilled nursing facilities, and community mental health centers to be reimbursed under Medicare for telehealth services;

Reauthorize and expand the FLEX Grant Program to include a new grant program that could mean up to $1 million to Richardton, North Dakota, as they convert from their status as a Critical Access Hospital; and

Extend Section 508 of the Medicare Modernization Act which provides nearly $10 million a year to North Dakota hospitals to give them the resources they need to compete in an increasingly competitive labor market.

The Medicare Improvements for Patients and Providers Act is a good bill that has been endorsed by the National Rural Health Association and deserves every Member's support.

We should quickly override this veto so that our health care providers can get back to their business of caring for our seniors without the uncertainty that has been hanging over their heads for the last 2 weeks.

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

Mr. DINGELL. Madam Speaker, at this time I yield to the distinguished gentlewoman from California (Ms. SOLIS) 2 minutes.

Ms. SOLIS. Madam Speaker, today I rise with my colleagues to support the overriding of the President's veto on this legislation that will protect our seniors. Did you know that over 44 million vulnerable Medicare patients are depending on us to pass this bill? By vetoing the legislation, President Bush is ignoring the needs of our seniors, the disabled individuals and our doctors.

Less than a month ago, Congress passed the bill by a margin of 355–59. I voted for the bill so I could help ensure that 70,000 Medicare beneficiaries, patients in my district, would be able to receive their continued health care. The bill includes programs that help low-income Medicare patients, including low-income Latinos. Although Latinos make up only 6 percent of the overall Medicare beneficiaries, more than 14 percent are considered low-income seniors. Allowing a 10 percent cut would be devastating to patient providers practicing in communities like mine in East Los Angeles.

I have heard from many of my constituents that some California physicians, even in my own district, are considering not taking any more Medicare patients because of the inadequate reimbursement rate. Even less access would be imposed upon a community that is already faced with health care disparities and being able to access health care. Organizations across the country understand the importance of this piece of legislation including AARP and the American Medical Association.

I encourage all of my colleagues, Members of Congress, to help us override the President's misguided veto and to stand first and foremost for our seniors and those disabled Americans that are counting on our work here in the Congress.

Mr. STARK. Madam Speaker, I am delighted to recognize the gentlelady from Ohio (Mrs. JONES) for 1 minute.

Mrs. JONES of Ohio. I thank the gentleman for yielding.

I know sometimes we stand on this floor and we talk about health care for seniors in isolation. I stand here among my colleagues with many like me who have lost both of their parents. And but for Medicare and the services they received, their last health care probably would not have been as good or as great. We can stand here and talk about, well, the President didn't want to hurt anybody by overriding the veto. And we can stand here and talk about long-term policy down the line. But what we can't talk about is the health disparities that exist in our country and the study that was recently released that talked about minorities have more amputations than any other group of folks in America. And it doesn't talk about the issue of diabetes that overrides the minority communities across this country. Come on, y'all, let's get a life. Let's wake up, and let's help these seniors by overriding this veto.

And if we want to talk about better health care, better policy down the line, then let's do it. But let's not do it on the backs of the seniors who have worked all of their lives in order for us to be here to even be in Congress. Thank God I had a mom and a dad.

Mr. DINGELL. Madam Speaker, at this time, I yield to the distinguished gentlewoman from California, the vice chairman of the Subcommittee on Health, Mrs. CAPPS, 2 minutes.

Mrs. CAPPS. Madam Speaker, I rise in strong support of this veto override. It is apparent that President Bush has chosen to ignore the will of the American people and an overwhelming bipartisan majority in the House and the Senate. He would rather cozy up to his friends in the insurance industry than improve access to health care for our seniors, our frail seniors, and those with disabilities.

I am proud to support H.R. 6331, our seniors and our health care professionals who need this legislation. Yes, this is an 11th-hour fix, so it is not the best way to do business here. It allows me to express a strong word of appreciation for our Chairman DINGELL and chairman of the subcommittee, Mr. PALLONE, for their leadership in bringing to the floor and supporting a long-term solution which we passed in this House last year, known as the CHAMP Act, a comprehensive way to deal with challenges for our seniors on Medicare.

It is a solution that will bring us to where we should be in the long-term for reimbursing our physicians and those who provide services. So until we have a new administration in the White House, we have to do what we can to protect physicians and to protect their patients. H.R. 6331 does the right thing by preventing a 10 percent cut in reimbursements. And we all know the stories of our senior citizens who fear the loss of their provider, particularly in hard-to-serve areas like rural America.

I urge my colleagues to do the right thing, to vote to override the President's veto.

□ 1530

Mr. STARK. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, this isn't the cure-all for everything, but it is a step in the right direction, and we should take note.

It cracks down on fraud in Medicare which is one of the ways we make payments to doctors and seniors. It ensures that we don't overpay health insurance companies for the care you get for less money. It begins us on a process to make sure that we have an e-prescribe system. And most importantly, what this does is preserve the doctor and senior patient relationship. This is the right step to do.

Not only are we taking this step in helping Medicare and preserving the relationship between doctors and patients, it builds on the progress we have made by restoring $14 billion to veterans' health care.

Also, just the other day we reversed six of the President's rules and regulations as it relates to Medicaid. Unfortunately, we haven't taken that step as it relates to 10 million children and their health care program.

But this Congress, from Medicare to Medicaid to our veterans, has begun to take the steps that are necessary, that are important to health care reform, to ensure that people have access to the doctors that they need and the system that we have that once again preserves the relationship between doctors and patients.

So on a host of fronts, whether you want to crack down on fraud, whether we want to make sure that we are not overpaying insurance companies, whether we want to make sure we are preserving the relationship between doctors and their patients, this is the right step in the right direction, and I am proud that it is done in a bipartisan fashion, once again putting the American people first.

Mr. DINGELL. Madam Speaker, I yield at this time to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE) 1 minute.

Mr. ALTMIRE. Madam Speaker, today's vote will be a significant victory for seniors, their doctors, and home medical suppliers. I am especially pleased that two important Medicare provisions that I spearheaded are included in this bill, and after this override will be enacted into law.

This bill delays for 18 months the ill-conceived Medicare durable equipment competitive bidding proposal that, if implemented, will do serious harm to small medical equipment suppliers in western Pennsylvania and around the country.

This bill also incorporates my legislation to provide prescription drug coverage to millions of low-income seniors by permanently eliminating the late enrollment penalty under Medicare part D.

Through his veto, President Bush demonstrates that he does not share our values on these important issues. But this bill is good for western Pennsylvania and good for the Nation, and I ask my colleagues to join me in overriding this veto today.

Mr. STARK. Madam Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for his leadership.

''Pay more, get less,'' that's the Bush Medicare plan. The President's veto

means that taxpayers get an opportunity to pay more unnecessarily to subsidize private insurers, while seniors and the disabled get less.

Each person in privatized Medicare costs American taxpayers $1,000 more each year than the cost for one relying on the traditional, more efficient Medicare system. Without change, $150 billion will be wasted on unnecessary subsidies to highly profitable private insurers. Even Medicare's only actuary reports absolutely zero quantifiable savings have occurred through private Medicare, and that savings will never occur through private Medicare as currently set up, a waste of $150 billion bestowed on the insurers. That's the waste that President Bush is so intent on protecting through his veto. We take some of that unnecessary waste and we use it to pay physicians who are working hard and ought not to have a cut in their reimbursement rates, and more importantly, for the many people around this country who rely on those physicians to care for them.

The Administration has refused time and again to offer us any legislative fix on this waste in the so-called Medicare Advantage plan, which is nothing but a disadvantage to American taxpayers and Medicare recipients.

Today, we must overcome this continued obstructionism of the Administration and its allies here in the Congress. We should reject wasteful corporate welfare, protect our physicians, and override this veto.

Mr. DINGELL. Madam Speaker, I yield at this time 2 minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank the chairman of our committee, Mr. DINGELL, for his leadership on this issue and so many others.

There are two things that relate to health care that absolutely mystify me. The first is that any President, this President, would oppose insuring children in the United States of America. Fought that, fought that, fought that, would not expand and add 10 million children to the health care rolls in our country. I don't understand any President of the United States doing that.

And today, we are here to override his veto. Imagine, vetoing a bill that allows seniors to have doctors take care of them. It's one heck of a way to gut Medicare. There isn't any Medicare unless there are doctors to treat the patients. In this case, it is the seniors of our country.

I am proud that Republicans and Democrats are coming together to provide the vote to override that bad, bad idea. And it serves the country well because when we invest in our people, whether they are children or seniors, we strengthen our Nation.

I thank God for EDWARD KENNEDY and showing his tenacity to get up out of his sick bed to cast that vote which then injected some iron in the spine of Members of Congress. So I join with my colleagues gladly and proudly today to override the President's veto in order to sustain Medicare, to save money, but more importantly than anything else, to invest in their precious lives and to celebrate that generation that all of us hail that made America so strong and so good. Thank you, Congress, for providing the votes to do so.

Mr. STARK. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. We must overturn the President's veto, Madam Speaker. This time the President has gone too far. He is jeopardizing the health of over 44 million seniors.

This legislation is in the best interest of Medicare patients, physicians, pharmacies, and other care providers. Rolling back this administration's efforts to privatize Medicare is a critical first step in extending the program's long-term solvency.

In overturning the President's veto of this legislation, Congress has the unique opportunity to upend the years of this administration's destructive attempts to privatize Medicare. And if we don't, the risk of not implementing these modest but necessary Medicare changes is incalculable.

Low-income families stand to become further removed from basic medical care, services and drugs. Physicians stand to be forced out of practice. Pharmacies, overburdened by financial stress, will have to consider closing their doors or laying off workers, actions that will only further depress regional economic activity.

As the number of uninsured Americans climbs to new record highs and the economy continues to struggle, this is called for. We must come together, both sides of the aisle, and veto what the President has done.

Mr. STARK. Madam Speaker, I am pleased to recognize the distinguished gentleman from Wisconsin (Mr. KAGEN) for 1 minute.

Mr. KAGEN. Madam Speaker, I rise in support of overriding a veto that is misguided. And I have the honor of speaking here today for the nearly 90,000 people in northeast Wisconsin who are covered by Medicare, people who would otherwise have to pay more money out of their pocket to the insurance company rather than to where it really belongs, for their health care.

This is an opportunity to join together as Democrats and Republicans and do the right thing. Let's override this meaningless veto. Let's allow our President to do the right thing. President Bush needs our help; let's help him by overriding this veto.

Mr. STARK. May I inquire, Madam Speaker, are we prepared to close?

Mr. BARTON of Texas. Madam Speaker, the Energy and Commerce Republicans are prepared to close.

Mr. DINGELL. Madam Speaker, I have one speaker remaining who will close for us.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time to close, and I believe I have 7 minutes, although I don't believe I will take 7 minutes.

Madam Speaker, I want to try to at least let the American people know what is going on here this afternoon.

I think everybody on both sides of the aisle are for our health care providers. We want our doctors to be fairly reimbursed. We want our hospitals to be fairly reimbursed. We want our pharmacists to be fairly reimbursed. We want our durable medical equipment suppliers to be fairly reimbursed. We want our Medicare and Medicaid beneficiaries and recipients to get quality health care and have the minimum copayments and out-of-pocket expenses necessary for those services. So we have 435 votes for good health care policy in America.

The bill before us is not a good government bill. It is an accountability avoidance bill, in my opinion. It is hard to read exactly what CBO scores this bill, but on subtitle D, provisions relating to part C, section 161, it says, phaseout of indirect medical education, that scores over 5 years a saving of $12.5 billion and over 10 years, $47.5 billion. That's a cut.

Now I am told, I can't prove it, but I am told that $20 billion to $25 billion of that is coming directly out of Medicare Advantage. Those are reimbursement cuts to the 10 million seniors who have chosen Medicare Advantage.

Now the statement has been made on the floor that we are overpaying Medicare Advantage. What happens when there is an overpayment is that 75 percent of that overpayment goes back into the benefit pool for the Medicare beneficiaries that choose that option, and 25 percent goes to the U.S. Treasury. It doesn't go to the insurance companies.

□ 1545

Seventy-five percent of an overpayment is reinvested in benefits for Medicare Advantage beneficiaries, and 25 percent goes as a savings to the taxpayers who are providing the funds. That sounds to me like a pretty good deal.

Now let's talk about the physicians. One of the few good things in the bill is that we are going to delay the physician reimbursement cut of 10 percent that was effective this year. It would have been effective July 1, I believe. That's a good thing.

But is there a reform in this package that sets a different formula for next year and the next year and the next year? No. Were there discussions on a bipartisan basis about that? No. Has any effort that I am aware of really been made to fix that program, to fix that fee schedule? No.

So what happens on the floor next year? We have a 20 percent cut that will go into effect if we don't do something between now and July of next year. That's not good government.

That's, as I said, accountability avoidance.

Let's talk about the pharmaceutical system. There is a good thing in this bill, I have to be honest about that. The prompt pay is a good thing. I support that. But the delay of the average manufacturing price reform is a bad thing. Is a bad thing.

Now I admit there are some problems with average manufacturing price, about definitions of what's included in the cost and what kinds of costs are included, but that's a technical detail that could be worked out. But to delay a true reform that tries to reimburse pharmacists for the true cost of the drugs, to me, is another avoidance in accountability.

Then let's talk about durable medical equipment. GAO says that 10 percent of everything that we pay for durable medical equipment through Medicare is fraud. What we do is delay for 18 months the competitive bidding system that we have been working on for over 10 years. Now it should tell us something that the industry apparently signed off on an across-the-board cut of about 10 percent in order to avoid competitive bidding.

That would tell me that we are overpaying right now for durable medical equipment and oxygen supplies, at least that much, if they are willing to accept an across-the-board cut instead of competitive bidding. The 300 suppliers that won the competitive bidding contracts, they are just out on a limb now. They probably have lawsuit remedies that will cost the taxpayer billions and billions of dollars more. So all we are doing is delaying the reforms that we have worked so hard in the past to implement for 1 year. For 1 year.

Now I understand the politics of that. Any time you tell a constituency, we're going to give you more money this year, that's probably a good thing politically. As I said at the start, I'm friends with the physicians in my district, I'm friends with the pharmacists in my district, I'm friends with the durable medical suppliers in my district, and they're good people. They're trying to provide good services.

But to simply delay some of these reforms for 1 year or 18 months at the costs that are going to be incurred, as I said at the start of my closing remarks, that's not good government, that's accountability avoidance.

I am very happy to support the President's veto. If by some stroke of good public policy we did sustain the veto, we would be happy to work with my friends on both sides of the aisle and in the other body to come up with some true reform, some true changes in public policy that were permanent and would fix this problem, because, mark my words, if we don't sustain the veto, we will be back here next year, and we will probably be doing the same thing that we are doing today.

That's not good government. I hope we will vote to sustain the President's veto.

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

Mr. STARK. Madam Speaker, I yield myself the balance of my time and urge a vote to override the veto.

It isn't everything that everybody wants, but it protects 40 million seniors from losing their access to primary care physicians, and it gives us time to deal with the reforms that are necessary in an orderly way.

We should put an end to the overpayment to Medicare Advantage, to stop giving them a blank check to provide services, which, in many cases, are second rate. Good managed care plans that are not for profit and come under the Medicare Advantage plan can exist at 98 percent of payment. There is no reason to overpay the charlatans who provide second-rate service and overbill the taxpayers by anywhere from 13 to 40 percent.

We have made some advantages and some benefits come together on a bipartisan basis to give us time to do the work that we should to make our Medicare system sustainable, expand its benefits, save money for the taxpayers and provide the kind of quality medical care to which our seniors are entitled. I urge a ''yes'' vote to override the veto.

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

Mr. MCCRERY. Madam Speaker, I yield myself the balance of my time.

I want to talk about two things quickly in closing. There has not been much said during this debate about part of the President's veto message that I think is important. So I am going to read that section from the veto message. It concerns the prescription drug program. The President says, ''The bill would constrain market forces and undermine the success that the Medicare Prescription Drug Program has achieved in providing beneficiaries with robust, high-value coverage—including comprehensive formularies and access to network pharmacies—at lower-than-expected costs. In particular, the provisions that would enable the expansion of ''protected classes'' of drugs would effectively end meaningful price negotiations between Medicare prescription drug plans and pharmaceutical manufacturers for drugs in those classes. If, as is likely, implementation of this provision results in an increase in a number of protected drug classes, it will lead to increased beneficiary premiums and copayments, higher drug prices, and lower drug rebates. These new requirements, together with provisions that interfere with the contractual relationships between part D plans and pharmacies, are expected to increase Medicare spending and have a negative impact on the value and choice that beneficiaries have come to enjoy in the program.''

I think that is an important consideration as we decide whether to sustain or override the President's veto.

Just one other item, and that's this question of paying the insurance companies more than the regular Medicare reimbursement. That has been often stated but still is not the case. By law, the margin over the regular Medicare payments have to go in these plans to beneficiary services or reduction of premiums or go back to the trust fund. That extra margin does not go to the insurance companies.

In fact, GAO did a study of the margins of profit of these insurance plans and Medicare Advantage and found that the average margin of profit was 5 percent, a margin that is considerably lower, I might add, than some other sectors of Medicare services. I just wanted to clear that up and urge all of my colleagues to consider this vote very carefully and urge them to sustain the President's veto.

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

Mr. DINGELL. Madam Speaker, at this time I yield to the distinguished Speaker of the House, Ms. PELOSI, the remainder of my time.

Ms. PELOSI. I thank the gentleman for yielding, I commend him for his extraordinary leadership on this subject.

Madam Speaker, I have not been able to watch the entire debate, because I was involved in meetings, but I hope it was made known to all who are following this debate how historic this is that we have Mr. DINGELL as part of the management of this bill and bringing this bill to the floor. He comes from a strong tradition of access to affordable, reliable health care for all Americans.

His father had it as his life's work in the Congress. Mr. DINGELL was a young Congressman at the time he sat and presided. He sat in the chair and presided and gaveled the passage of the Medicare bill. I don't know if that has been discussed here today, but I want to be sure that all who follow the record of Congress know of the long history, the family tradition and the tremendous leadership that Mr. DINGELL has provided in this regard.

I also want to commend Mr. PALLONE from the Energy and Commerce Committee for his work in this important legislation; Mr. STARK, the Chair of the committee of jurisdiction in the Ways and Means Committee. Thank you, Mr. STARK, for your leadership. I also commend Mr. RANGEL for the important work that he did to make this vote possible today.

People across America saw us pass this bill before the Fourth of July break, and it was celebrated by seniors who were concerned, and with people with disabilities, who were concerned about the impact of this however modest reform of Medicare. After the break, the Senate took up the bill once again. They failed with 59 votes the first time. You need 60 in the Senate, as you know.

The whole country was jubilant and applauded when Senator KENNEDY came to the floor, a fighter for America's seniors, a fighter for people with disabilities, a fighter for our children,

a fighter for working families in America. He left his own physical challenge behind to come to the floor of the Senate all the way from Massachusetts to be the 60th vote.

It was such an historic moment, and nine Republican Senators changed their votes on the strength of Senator KENNEDY's vote. It was 59 until he voted, and then he made the 60th, and then it became 69, and it was pretty exciting. People cheered, and everyone was tear filled and happy that this happened, affordable, reliable, health care for America's seniors and those with disabilities passed.

Then the President said that he would veto the bill. It was such a downer.

Here we are again today to come back to have an overwhelming bipartisan support in the Congress of the United States, in the House of Representatives, to say to the American people we understand the challenges they face. All of the seniors organizations and disabilities groups, of course, support this legislation, but just about every health-care providing group in our country supports this legislation as well, except one, and that is some in the health insurance industry. I guess the President is voting with them and not with America's seniors and those with disabilities when he vetoes the bill.

I am very proud of the work of, again, Mr. RANGEL, Mr. DINGELL, Mr. PALLONE, Mr. STARK. I thank them for their leadership. You have given us an opportunity to vote for the American people, not only as their representatives, but on their behalf, and we are all grateful to you for that. I urge a vote to override the veto.

Mr. MICA. Madam Speaker, I plan to vote to sustain the President's veto on H.R. 6331.

I wanted to clarify my action to sustain the President's veto on H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. First let me say that I in no way support a 10.6 percent reduction in payment to our physicians that participate in Medicare, nor do I support the meager .5 percent increase to physicians in this legislation. Both the proposed cuts and the increase are an insult to one of our Nation's most honorable and vital professions.

I did not support this measure when it came before the House of Representatives because of the aforementioned reasons, and furthermore I think it is degrading to the medical profession to force physicians and medical professionals to come before Congress time and time again since 2002 and most recently in December of last year to plead with Congress not to cut their Medicare reimbursements for services rendered.

The override of this Presidential veto is not a victory for the medical profession, the American Medical Association or the hard working dedicated physicians that I represent. In fact passage of this measure over the President's veto only exacerbates the situation and in 18 months physicians will face the prospect of a 20 percent cut in their payment. Furthermore this bill takes an estimated $48 billion from the Medicare Advantage Program—a program designed to provide our seniors with choices.

It is imperative that Congress address the deteriorating condition of the Medicare program and enacts corrective measures that will keep this reoccurring nightmare cast upon our medical professionals from happening again in the future. What is even worse, the bill has proposed budget gimmicks that will contribute to further unnecessary increases in Medicare spending and aid in the further financial destruction of the Medicare program.

Congress must get serious and address the deficiencies in our Medicare system especially as we face an onslaught of baby boomers soon to be eligible for the program.

Mr. BACA. Madam Speaker, today, we find ourselves fighting for H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008.

It is with great pleasure that I stand here today in support of this necessary veto override measure, fighting and doing my part to protect our seniors, the disabled and the American people.

For months now, I have been actively listening to leaders in my district in San Bernardino, California, about the necessary need to pass H.R. 6331.

Congress has made it clear over the last weeks that we are standing our ground on behalf of the American family.

Unfortunately, President Bush is playing politics on the backs of our seniors and today vetoed H.R. 6331. This is unacceptable. Congress will not stand by and watch our seniors on Medicare get turned away next time they go see their doctor.

This is not about politics; it's about our struggling American families that are constantly choosing between putting food on the table and paying for medicines.

Today, I proudly will vote to override the President's veto and put America's seniors and their families first.

I urge my colleagues to vote for this veto override and remember that we are here to represent the families in our district that so desperately need help.

Mr. ETHERIDGE. Madam Speaker, I rise to express my support for this vote to override the President's veto of H.R. 6331, the ''Medicare Improvements for Patients and Providers Act of 2008.'' We cannot abandon Medicare's promise to America's seniors and disabled citizens that they would have access to high quality health care in their time of need.

As of July 1, physicians face a 10.6 percent cut in their payments from Medicare. As of July 1, patients undergoing a variety of medical treatments, from radiology to oxygen treatments, face a cutoff in services. As of July 1, the relationship between medical suppliers and the beneficiaries they serve is at risk.

Madam Speaker, this bill fixes all of these threats to Medicare and improves access in many other ways. Instead of a cut, it provides a slight increase in payment for physicians, ensuring doctors can continue providing Medicare services. Instead of cutting beneficiaries off from their medical services, it allows exceptions to current caps on medical therapy. It also ensures access to community pharmacies, by providing for fair and prompt payment for prescriptions.

Additionally, H.R. 6331 improves access to health services for all Medicare beneficiaries. It extends grants that rural health care providers can use to improve the quality of care facilities provide and to strengthen health care networks. It supports telehealth services in rural communities, improves access to ambulance services for small hospitals, and increases Medicare payments for community health centers.

By overriding the President's veto, Congress is standing with seniors and their ability to continue to see the doctors they know and trust. By overriding the veto, we are standing for better health care for all Medicare beneficiaries. I urge my colleagues to join me in continued support of this bill.

Mrs. CHRISTENSEN. Madam Speaker, today I rise in strong support of H.R. 6331—The Medicare Improvements for Patients and Providers Act. I also rise to urge all of my colleagues—on both sides of the aisle—to do what this President won't: to protect the millions of seniors and people with disabilities who rely on Medicare to preserve their health and well-being.

As a physician and as the Chair of the CBC Health Braintrust, I find it more than unfortunate that this President would veto a piece of sound health legislation that would help our Nation's most vulnerable, and that would prevent the catastrophic payment cuts to physicians. With this override, we will ensure that seniors and active-duty military personnel and retirees have access to doctors who they not only know, but who they trust.

Additionally, I feel strongly—as do more than 150 national organizations—that H.R. 6331 is a bill that needs to be enacted because it will reduce many of the health inequities that disproportionately and detrimentally affect millions of racial and ethnic minorities, as well as rural Medicare beneficiaries, by: strengthening the collection of data to better assess and identify solutions to health disparities; enhancing the scope of preventive and mental health benefits; bolstering low-income assistance programs for Medicare beneficiaries; improving access to quality health care for the millions of rural Americans—a disproportionate number of whom are racial and ethnic minorities—who currently experience insurmountable barriers to care; strengthening and reforming the Medicare Advantage plans without reducing access to the services needed by the tens of thousands of seniors who rely on them to stay healthy; and protecting access to pharmacies so that our seniors have consistent and reliable access to their medications and so that our pharmacies—particularly those in low-income communities—are reimbursed promptly and adequately by Part D programs.

Madam Speaker, this bill passed in the Senate 1 month after it passed in the House, and did so with a veto-proof margin.

We—as a Congress—have not had many successes with introducing and passing smart and sound health policies that are as socially and medically appropriate as they are fiscally responsible. This bill could be one such success and I therefore urge my colleagues to vote ''yes'' on this important bill.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for overriding the President's veto of H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. This important legislation amends titles XVIII and XIX of the Social Security Act to extend, for 18 months, expiring provisions under the Medicare program. This bill prevents the implementation of a scheduled 10.6 percent cut in Medicare reimbursements for physicians and other health care professionals,

and extends the 0.5 percent payment update for 2008 and provides a 1.1 percent payment increase for physicians in 2009.

In addition to delaying reimbursement cuts, H.R. 6331 speeds up reimbursements for Medicare Part D claims and delays cuts to Medicaid generic prescription drug reimbursement. The bill also includes a delay in the flawed Medicare DMEPOS (durable medical equipment, prosthetics and supplies) competitive bidding program. H.R. 6331 also improves beneficiary access to preventive and mental health services by eliminating discriminatory co-payment rates for Medicare outpatient psychiatric services.

The reimbursement cuts that went into effect on July 1 have shaken the Medicare system to its very core. It boggles the mind to think that, with an aging population and a worsening physician shortage, this administration and congressional Republicans have turned their backs on hard-working physicians who care for millions of Medicare patients across the country.

I want to reassure Michigan's Medicare doctors that I will never turn my back on those who care for our parents and grandparents. I am proud that, with this vote, the Democratic majority is standing up for Michigan's Medicare doctors—a group of physicians who regularly make financial sacrifices when they accept Medicare patients. Our support stands in sharp contrast to the administration's position. Instead of encouraging our best and brightest doctors to participate in the Medicare program, the administration would encourage doctors to turn needy seniors away from their waiting rooms.

Similarly, I will never play politics with health security of those in our society who survived the Great Depression and won two world wars.

Madam Speaker, at this time the passage of H.R. 6331 is a simple necessity. We must protect our seniors and Medicare doctors while we work to achieve a comprehensive solution to our Medicare problems. I encourage my colleagues to support this veto override effort.

Mr. MARKEY. Madam Speaker, I rise today to urge a ''yes'' vote on overriding President Bush's veto of the urgently needed Medicare Improvements for Patients and Providers Act of 2008. Over the last several months, President Bush has had an opportunity to work with a bipartisan majority of Congress to enhance access to care for our Nation's seniors, disabled, and military families by preventing cuts in reimbursement to physicians.

The President had an opportunity to invest in our country's health by ensuring that seniors would continue to have access to physicians in the Medicare program. But instead, he opted to throw patients and physicians under the proverbial bus, all for the sake of padding the pockets of the Medicare Advantage program.

A veto of the President's override would not only improve seniors' access to health care, it would also increase investment in preventive health care, expand programs in rural communities, and guarantee mental health benefits. For our active-duty military personnel and military retirees, a veto override will ensure they have access to doctors they know and trust in the military health care program, Tricare.

This bill is supported by over 150 large organizations, and most importantly, by a vast majority of our Nation's seniors, disabled, military families, and physicians. We need to build on the success of this program and override this ill-timed and unconscionable veto.

At a time when the population of seniors seeking Medicare services continues to grow, what does the President do? He vetoes a bill written to prevent cuts to Medicare physicians, and in doing so, threatens seniors' access to Medicare providers. This is absolutely unacceptable.

To my Republican colleagues, who are considering how to vote on this bill today—given the overwhelming support for this bill from the patient and provider community, I urge you to reject the President's stand against patients and physicians in favor of the insurance industry and join the overwhelming majority of the American public who support this legislation.

It has been said that ''Health is the first wealth.'' Well, what does it say about our country when seniors, military families, and physicians are pushed aside for the interests of the insurance industry? Let's not put increased wealth for the insurance companies above the health of our seniors. We must give seniors the access to the health care that they need and deserve, and that is what today's veto override vote will accomplish.

I urge an ''aye'' vote to override this veto.

Mr. LEVIN. Madam Speaker, I urge the House to join me in voting to override the President's veto of the ''Medicare Improvement for Patients and Providers Act of 2008.''

A vote to override the President's veto of this bill is a vote in support of our seniors and their doctors. It is a vote in support of people who have worked hard, who have contributed, who have earned the best health care available to them at this stage of their lives. It is a vote that sends a clear message that politics should not get in the way of their access to the care they deserve.

H.R. 6331 prevents a pending 10 percent reduction in the payments physicians receive for treating Medicare patients. The bill also allows for the expansion of preventive care services under Medicare, reforms the pharmacy payment process for the benefit of our small community pharmacies, and delays and repairs a flawed competitive bidding process for durable medical equipment.

We must continue a vigorous effort to ensure that Medicare remains strong for all of the Nation's citizens. This bill honors that commitment without delaying difficult decisions about Medicare's funding future; it is fully paid for.

I encourage all of my colleagues to vote in favor of the veto override.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of overriding President Bush's veto of H.R. 6331, the ''Protecting the Medicaid Safety Net Act of 2008.'' I would like to thank my colleague from New York, Chairman CHARLES RANGEL and Congressman DINGELL for their leadership in this important issue.

This legislation could not come at a more crucial time. Americans are in need of support. Rising gas prices, food costs at an all time high, and a rocky housing market has pushed this great Nation toward an economic downturn. Families are clinging to basic necessities and quality healthcare is own of those essential needs.

I am pleased to see that there is no language that inhibits physician ownership of general acute care hospitals. I have worked tirelessly with members of leadership and with the Texas delegation to support general acute-care hospitals and their future development. Physicians who have decided to build in areas where often no other hospital will—should not be penalized for their commitment to work on the clinical and business side of health care.

General acute-care hospitals still need to be able to:

Maintain a minimum number of physicians available at all times to provide service;

Provide a significant amount of charity care;

Treat at least one-sixth of its outpatient visits for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment;

Maintain at least 10 full-time interns or residents-in-training in a teaching program;

Advertise or present themselves to the public as a place which provides emergency care;

Serve as a disproportionate share provider, serving a low-income community with a disproportionate share of low-income patients; and

Have at least 90 hospital beds available to patients.

This issue is of the utmost importance to me because I, like others in the Democratic Caucus, have hospitals and hospital systems such as University Hospital Systems of Houston in my district that would have been greatly affected by this provision.

For example, 2 years ago St. Joseph Medical Center, downtown Houston's first and only teaching hospital, was on the verge of closing its doors. However, a hospital corporation in partnership with physicians purchased it, and as a result of proper and responsible management, has made it the premier hospital in the region, with a qualified emergency room responsive to a heavily populated downtown Houston. St. Joseph Medical Center is also in the process of reopening Houston Heights Hospital, the fourth oldest acute care hospital in Houston. This hospital will be serving a large Medicare/Medicaid population.

I am committed to this issue and to the issue of health care for all Americans. Provisions that could end the expansion of truly compassionate hospital care in places like Texas, Maryland, New York, and California have no place in health care legislation.

What I do support is legislation that seeks to aid our elderly, our disabled, our veterans, our children and our indigent populations. I stand here today to show my support not only for the physicians and medical care providers of Houston, Texas, but for all of our health care providers across this country. We need them to continue to be able to care for our underserved and elderly—this bill allows them to do just that.

This bill provides a delay of 18 months for the competitive bidding program for durable medical equipment (DMEPOS). It also prevents the 10.6 percent pay cut to physicians that is scheduled to take place on July 1, and provides a 1.1 percent update starting January 1, 2009.

This bill also includes important beneficiary improvements such as Medicare mental health parity, improved preventive coverage, and enhanced assistance for low-income beneficiaries.

It contains provisions that will protect the fragile rural health care safety net. In my home state of Texas, we have not only great urban areas such as Houston, Dallas and

Austin, we have over 300 rural areas in Texas with cities such as Rollingwood and Hamilton.

Our rural health care providers are scheduled to receive steep cuts in Medicare reimbursement rates on July 1 unless we take action now. Such cuts are catastrophic in rural America, where a disproportionate number of elderly Americans live. These seniors are, per capita, older, poorer and sicker (with greater chronic illnesses) than their urban counterparts. Additionally, recruitment and retention of providers to much of rural America is often daunting. Provider shortages are rampant throughout many rural and most frontier regions.

Additionally, H.R. 6331 also includes several other critical provisions for rural providers which, cumulatively, create a rural package that will help protect both the rural health safety net and the health of tens of millions of seniors who call rural America home.

H.R. 6331 focuses on strengthening primary care and takes significant strides in protecting rural seniors' access to care by correcting certain long-standing inequities between rural and urban providers.

Thank you both for your continued concern for the health of rural Americans. So many enduring inequities in health care must be faced by rural patients and providers daily. H.R. 6331 offers critical assistance and will go far to improving the health of millions of rural Medicare beneficiaries.

Quality measures must continue to be adequately funded in order to promote quality, cost-effective health care for consumers and employers. The uncertainty of Medicare payments makes it increasingly difficult for surgeons and their practices to plan for the expenses that they will incur as they serve their patients.

The provisions included in H.R. 6331 would enable surgeons and surgical practices to plan for the rising costs that they will continue to face over the next year and a half.

By addressing payment levels through 2009, Chairman RANGEL has given us more time to study the payment issues surrounding Medicare and allow us to look at the systemic reforms needed to preserve access to quality surgical care and other physician services.

As a longtime advocate for universal health care, I believe we must continue to support our essential medical providers so that they can focus on patient care. We need more physicians as we seek to expand health care for all Americans. Yet, how can we expect to grow that workforce when we continue to cut their reimbursement levels? We must support our physicians so that they may support and care for their patients. We have to continue to look at how we can save Medicare and expand it to care for those who need it most. Finally, with the recent passing of Dr. Michael E. Debakey, I hope his life and legacy will inspire the Congress to continue to build up the system of the health in America for all Americans.

I urge my colleagues to join me in overriding the President's veto of this very important legislation.

Mr. FARR. Madam Speaker, I rise today in support of overriding the President's veto of this Medicare bill. I may not sit on the Ways and Means Committee but I have followed the progress of this bill minute-by-minute, it seems. The seniors in my community need this bill. The doctors in my community need this bill. If this country wants to assure affordable health care for its elderly, this country needs this bill.

The President's veto of this bill was a poorly cloaked nod to the insurance industry. While the rest of us are trying to find a way to reform the Medicare system, the White House is trying to find a way to privatize it. Whereas government has the charge of making sure the program delivers health care efficiently, private insurance has the charge of making sure the program brings a profit to shareholders. Taxpayer dollars should not be making insurance companies rich.

I urge all my colleagues to vote to override.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of overriding the President's veto of the Medicare Improvements for Patients and Providers Act of 2008.

It is very unfortunate that the President has sided with the interests of certain big insurance companies against the health care needs of seniors. There are a number of important provisions in this legislation that will benefit more than forty-four million Medicare beneficiaries by preserving patient access to physicians, enhancing preventive and mental health benefits in the Medicare program, extending expiring provisions for rural and other providers, and improving assistance for low-income seniors. Unlike the President, Congress has put aside party politics and is protecting and preserving the health care that seniors depend on.

Madam Speaker, this is an issue that affects all Americans. I strongly urge my House colleagues to override the President's veto on this bipartisan legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: motion to suspend on House Resolution 1259; motion to suspend on House Resolution 1323; and passing H.R. 6331, the objections of the President to the contrary notwithstanding.

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

CONGRATULATING THE HAMILTON COLLEGE CONTINENTALS ON WINNING THE NCAA DIVISION III WOMEN'S LACROSSE CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1259, 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 New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1259, as amended.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 489]

YEAS—423

Abercrombie	Conaway	Green, Al
Ackerman	Conyers	Green, Gene
Aderholt	Cooper	Grijalva
Akin	Costa	Gutierrez
Alexander	Costello	Hall (NY)
Allen	Courtney	Hall (TX)
Altmire	Cramer	Hare
Andrews	Crenshaw	Harman
Arcuri	Crowley	Hastings (FL)
Baca	Cuellar	Hastings (WA)
Bachmann	Culberson	Hayes
Bachus	Cummings	Heller
Baird	Davis (AL)	Hensarling
Baldwin	Davis (CA)	Herger
Barrett (SC)	Davis (IL)	Herseth Sandlin
Bartlett (MD)	Davis (KY)	Higgins
Barton (TX)	Davis, David	Hill
Bean	Davis, Lincoln	Hinchey
Becerra	Davis, Tom	Hinojosa
Berkley	Deal (GA)	Hirono
Berman	DeFazio	Hobson
Berry	DeGette	Hodes
Biggert	Delahunt	Hoekstra
Bilbray	DeLauro	Holden
Bilirakis	Dent	Holt
Bishop (GA)	Diaz-Balart, L.	Honda
Bishop (NY)	Diaz-Balart, M.	Hooley
Bishop (UT)	Dicks	Hoyer
Blackburn	Dingell	Hulshof
Blumenauer	Doggett	Hunter
Blunt	Donnelly	Inglis (SC)
Boehner	Doolittle	Inslee
Bono Mack	Doyle	Israel
Boozman	Drake	Issa
Boren	Dreier	Jackson (IL)
Boucher	Duncan	Jackson-Lee (TX)
Boustany	Edwards (MD)	Jefferson
Boyd (FL)	Edwards (TX)	Johnson (GA)
Boyda (KS)	Ehlers	Johnson (IL)
Brady (PA)	Ellison	Johnson, E. B.
Brady (TX)	Ellsworth	Johnson, Sam
Braley (IA)	Emanuel	Jones (NC)
Brown (SC)	Emerson	Jones (OH)
Brown, Corrine	Engel	Jordan
Brown-Waite, Ginny	English (PA)	Kagen
Buchanan	Eshoo	Kanjorski
Burgess	Etheridge	Kaptur
Burton (IN)	Everett	Keller
Butterfield	Fallin	Kennedy
Buyer	Farr	Kildee
Calvert	Fattah	Kilpatrick
Camp (MI)	Feeney	Kind
Campbell (CA)	Ferguson	King (IA)
Cannon	Filner	King (NY)
Cantor	Flake	Kingston
Capito	Forbes	Kirk
Capps	Fortenberry	Klein (FL)
Capuano	Fossella	Kline (MN)
Cardoza	Foster	Knollenberg
Carnahan	Foxx	Kucinich
Carney	Frank (MA)	Kuhl (NY)
Carson	Franks (AZ)	LaHood
Carter	Frelinghuysen	Lamborn
Castle	Gallegly	Lampson
Castor	Garrett (NJ)	Langevin
Cazayoux	Gerlach	Larsen (WA)
Chabot	Giffords	Larson (CT)
Chandler	Gilchrest	Latham
Childers	Gillibrand	LaTourette
Clarke	Gingrey	Latta
Clay	Gohmert	Lee
Cleaver	Gonzalez	Levin
Clyburn	Goode	Lewis (CA)
Coble	Goodlatte	Lewis (KY)
Cohen	Gordon	Linder
Cole (OK)	Granger	Lipinski
	Graves	

LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Barrow
Bonner
Boswell
Broun (GA)
Cubin
Lewis (GA)
Pearce
Pryce (OH)
Rush
Tancredo
Wamp

□ 1627

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.

CONGRATULATING HON. HOWARD COBLE ON BECOMING LONGEST-SERVING REPUBLICAN IN NORTH CAROLINA HISTORY

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

Mr. HAYES. Madam Speaker and ladies and gentlemen of the House and my follow colleagues, today Congressman JOHN HOWARD COBLE from the Sixth District of North Carolina makes history by becoming the longest-serving Republican in the history of the North Carolina delegation.

Mr. COBLE. Will the gentleman yield to me?

Mr. HAYES. Not yet.

Madam Speaker, the dean and the daddy of the delegation is not known as one of the rich and famous in Washington, D.C., but is the most eligible bachelor on the Hill.

And as I say that, I yield to my daddy.

Mr. COBLE. Madam Speaker, I did not know this was coming.

I thank my friend from North Carolina. And my colleagues, thank you for the very generous ovation. I appreciate that very much.

Mr. Majority Leader, at Pinehurst, North Carolina, the golf capital in my district, some days ago a man came up to me and said, ''Are you planning on retiring?'' I told him I was not planning on voluntarily retiring, but I did say to him that I will not try to emulate Strom Thurmond's record.

But I thank you again, gentlemen.

Mr. HOYER. Would the gentleman from North Carolina yield?

Mr. HAYES. I'm happy to yield.

Mr. HOYER. I want to rise and join my friend from North Carolina in recognizing my good friend. HOWARD COBLE and I vote together about 1 or 2 percent of the time, I'm sure, but he has become a very dear and close friend of mine. HOWARD, I want to congratulate you on your service to your State and to your country.

Mr. COBLE. Thank you, Mr. Leader. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

COMMENDING THE 2008 WOMEN'S COLLEGE WORLD SERIES CHAMPION ARIZONA STATE SUN DEVILS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1323, 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 New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1323.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 490]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano

Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrow
Bonner
Boswell
Broun (GA)
Cubin
Lewis (GA)
Pearce
Rush
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1641

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.

MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill, (H.R. 6331) to amended titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes, on which the yeas and nays are ordered.

The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yea and nays.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 41, not voting 11, as follows:

[Roll No. 491]

YEAS—383

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—41

Akin
Barrett (SC)
Barton (TX)
Bishop (UT)
Blunt
Boehner
Brady (TX)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Cole (OK)
Conaway
Doolittle
Duncan
Flake
Franks (AZ)
Hensarling
Johnson, Sam
Jordan
King (IA)
Lewis (KY)
Linder
Marchant
McCrery
Mica
Neugebauer
Paul
Pence
Renzi
Rogers (MI)
Royce
Sali
Scalise
Sensenbrenner
Smith (NE)
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—11

Barrow
Bonner
Boswell
Broun (GA)
Cubin
Davis (IL)
Delahunt
Lewis (GA)
Pearce
Rush
Wamp

□ 1648

So (two-thirds being in the affirmative) the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that the RECORD would reflect on rollcall No. 491 that I would be recorded as an ''aye.''

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Ms. ZOE LOFGREN of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1342

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Ms. Speier.

(2) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Ms. Edwards of Maryland (to rank immediately after Ms. Richardson).

(3) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Edwards of Maryland.

Ms. ZOE LOFGREN of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMITTING DESIGNATION OF INDIVIDUAL TO DISBURSE CAMPAIGN FUNDS UPON CANDIDATE'S DEATH

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3032) to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3032

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

SECTION 1. DESIGNATION OF INDIVIDUAL AUTHORIZED TO MAKE CAMPAIGN COMMITTEE DISBURSEMENTS IN EVENT OF DEATH OF CANDIDATE.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

''(j)(1) Each candidate may, with respect to each authorized committee of the candidate, designate an individual who shall be responsible for disbursing funds in the accounts of the committee in the event of the death of the candidate, and may also designate another individual to carry out the responsibilities of the designated individual under this subsection in the event of the death or incapacity of the designated individual or the unwillingness of the designated individual to carry out the responsibilities.

''(2) In order to designate an individual under this subsection, the candidate shall file with the Commission a signed written statement (in a standardized form developed by the Commission) that contains the name and address of the individual and the name of the authorized committee for which the designation shall apply, and that may contain the candidate's instructions regarding the disbursement of the funds involved by the individual. At any time after filing the statement, the candidate may revoke the designation of an individual by filing with the Commission a signed written statement of revocation (in a standardized form developed by the Commission).

''(3) Upon the death of a candidate who has designated an individual for purposes of paragraph (1), funds in the accounts of each authorized committee of the candidate may be disbursed only under the direction and in accordance with the instructions of such individual, subject to the terms and conditions applicable to the disbursement of such funds under this Act or any other applicable Federal or State law (other than any provision of State law which authorizes any person other than such individual to direct the disbursement of such funds).

''(4) Nothing in paragraph (3) may be construed to grant any authority to an individual who is designated pursuant to this subsection other than the authority to direct the disbursement of funds as provided in such paragraph, or may be construed to affect the responsibility of the treasurer of an authorized committee for which funds are disbursed in accordance with such paragraph to file reports of the disbursements of such funds under section 304(a).''.

(b) INCLUSION OF DESIGNATION IN STATEMENT OF ORGANIZATION OF COMMITTEE.—Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(7) in the case of an authorized committee of a candidate who has designated an individual under section 302(j) (including a second individual designated to carry out the responsibilities of that individual under such section in the event of that individual's death or incapacity or unwillingness to carry out the responsibilities) to disburse funds from the accounts of the committee in the event of the death of the candidate, a copy of the statement filed by the candidate with the Commission under such section (as well as a copy of any subsequent statement of revocation filed by the candidate with the Commission under such section).''.

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to authorized campaign committees which are designated under section 302(e)(1) of the Federal Election Campaign Act of 1971 before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter in the RECORD on H.R. 3032.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I fully support H.R. 3032, a bill to amend the Federal Election Campaign Act of 1971.

This bill will allow Federal election candidates to designate someone to disburse their campaign funds in the event of their deaths. The Federal candidate would be able to designate this person by filing the appropriate form with the FEC and could also revoke or change the designee at that time.

H.R. 3032 will assure candidates for Federal office that the funds raised by their campaign committees will be distributed only in accordance with their express wishes after they are deceased.

H.R. 3032 is a commonsense fix to the Federal Election Campaign Act. It would provide clear direction to campaign treasurers who may be faced with a wide range of conflicting and confusing State laws.

I urge all Members to support this legislation.

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

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 3032.

This has an interesting history and it attracted my attention as soon as Mr. JONES spoke to me about it because I had worried myself about what might happen to my campaign funds if something should happen to me. And as a matter of fact, as I was getting wills prepared, I had an attorney draw up a letter that I might sign so I could designate who would be the person to make a decision about my remaining campaign funds.

As you know, by law we are limited to certain dispositions of campaign funds, but the law does not specify how they must be disposed of and in what quantities. And when Mr. JONES approached me, I said, well, that's good because I solved it for myself, but we really should solve it for everyone.

The bill, I think, is an excellent bill, which simply provides that each Federal candidate would be allowed to designate an individual who, in the event of the death of the candidate, would be authorized to make arrangements for the disbursement of campaign funds. He speaks from personal experience in his family, where his father passed away and there was some difficulty deciding how the funds should be disposed of, but also, all of us could face that possibility.

Under current campaign laws, it is understood today that the treasurer can decide what to do with the money and hand it out willy-nilly, whichever way he or she wishes, without any consultation with the family. We think it's very important that the candidate, him or herself, specify very clearly precisely how they want their campaign funds disbursed.

Also, we have made an additional provision in this bill because it is very well possible that a candidate's position may change, or the person he has designated may have passed away, and therefore, a candidate may propose at any time or file with the FEC a statement at any time changing the designation that he or she as a candidate may have made earlier.

We have given a lot of flexibility in this bill. Individuals, candidates, or Members are not required to file such a statement if they don't wish to, but we're simply giving them the option of doing so and of changing it at any time they wish in the future.

At this point, Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I would like to recognize the author and sponsor of this bill, Representative WALTER JONES, for as much time as he might consume.

Mr. JONES of North Carolina. Mr. Speaker, I will be fairly brief.

I want to thank Chairman BRADY, Ranking Member EHLERS, Ms. ZOE LOFGREN, and you, yourself, Mr. Chairman, for working on this legislation. It certainly is something that we don't think about, life and death, as much as maybe we should and be prepared. But it has been explained by Ms. LOFGREN and Mr. EHLERS exactly what it does. So I want to quickly say that when my father, who served in the Congress 26 years, passed away and we were trying to settle his estate, the treasurer of his account, an attorney, who didn't really want anything, but he said by law I'm responsible for the distribution of these monies. And so it came to me at that time that it should be made as easy for the family as possible when a loved one, if he or she is serving, or maybe a candidate should pass away in office, and it does happen, sadly, from time to time.

So, again, in closing, I want to thank Mr. EHLERS and Mr. BRADY and Ms. LOFGREN for moving this bill to the floor of the House. And I hope one day that the President can sign this because it's what should be done for the family.

Mr. EHLERS. Mr. Speaker, I simply want to commend Mr. JONES for writing this bill and submitting it. I'm very pleased that it has reached this point. I believe it is going to be very helpful to every Member of Congress, both in the House and the Senate, and I commend him for his work on this and I urge its passage.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, as I have no additional speakers, I would just urge passage of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 3032, 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.

□ 1700

FEDERAL ELECTION COMMISSION FINES AUTHORIZATION EXTENSION

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6296) to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6296

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

SECTION 1. EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION THROUGH 2013.

(a) EXTENSION OF AUTHORITY.—Section 309(a)(4)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)) is amended by adding at the end the following new clause:

''(iv) This subparagraph shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2013.''.

(b) CONFORMING AMENDMENT.—Section 640 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 2 U.S.C. 437g note) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Treasury and General Government Appropriations Act, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous matter in the RECORD on H.R. 6296.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I fully support H.R. 6296, which will extend the Federal Election Commission's administrative fines programs through 2013.

The administrative fines program permits the FEC to impose civil fines on political committees that file late or not at all. The fines program allows the FEC to quickly resolve minor violations of the act and concentrate its resources on more complex enforcement matters. The fines program also assures political and candidate committees that they can resolve minor errors by paying a fixed monetary penalty, avoiding a long and potentially complicated enforcement process.

There has been a significant decrease in the number of late and nonfiled reports since the start of this program. At the FEC the fines program also enjoys the unanimous bipartisan support of all of the commissioners. The fines program is due to expire at the end of this year without congressional intervention. The program should be extended to allow the agency to concentrate on more complex issues once it has a full slate of members.

H.R. 6296 will amend the Federal Election Campaign Act to extend the fines program until December 13, 2013. I urge all Members to support this legislation.

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

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

I rise today to support H.R. 6296, which would amend the Federal Election Campaign Act of 1971 to extend through 2013 the authority of the Federal Election Commission to impose civil monetary penalties on political committees that file reports late or not at all rather than going through the traditional enforcement process. This bill is necessary because that authority, which they currently have, expires at the end of this year.

This bill is not a glamorous one. It will not capture the attention of voters who look to Congress to lower the price at the pump, even though we would all like to do that. Nonetheless, it is an important program designed to protect our Nation's campaign process from being thwarted by insisting upon the utmost transparency if an individual chooses to seek public office.

The administrative fine program, which was established in 2000, permits the FEC to assess fines if a candidate is found to be in violation of mandatory Federal campaign finance reporting requirements. Since its inception, the administrative fine program has proven successful in its two objectives:

First, the program frees up commission resources for more complex and higher profile enforcement matters. This is especially important now that the commission has formed and its important work can continue in a bipartisan fashion. Second, it reduces the number of financial reports filed late or not at all, which furthers the goals of the commission as a whole.

As of March 2008, the FEC had collected over $2.1 million in civil penalties for over 1,600 cases processed under the program. The fines collected are turned over to the U.S. Treasury, ensuring that there is no monetary gain to the FEC for applying such penalties. By implementing such a structure, there can be no calls of falsely using the fine program as a way for the agency to line its own coffers, thereby increasing confidence in the FEC's enforcement actions.

Without this bill, as I mentioned earlier, this successful program is scheduled to end on December 31, 2008. I am pleased to be able to join with my colleague in the House Administration Committee, Chairman BRADY, as a cosponsor of this bipartisan measure. I

urge my colleagues to join us in supporting H.R. 6296 so that we may continue to monitor the success of this important program for the next 5 years.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I just will simply say it's a good bill. Let's support it. Let's vote for it.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I concur this bill is a sensible one. It's bipartisan. It focuses the commission on the things that are important and complicated, and I urge all Members to support its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6296.

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.

ESTABLISHING PROGRAM TO MAKE GRANTS REGARDING BACKUP PAPER BALLOTS

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5803) to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5803

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

SECTION 1. GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT FOR MAKING BACKUP PAPER BALLOTS AVAILABLE IN CASE OF VOTING SYSTEM OR EQUIPMENT FAILURE OR OTHER EMERGENCY SITUATION.

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—The Election Assistance Commission (hereafter referred to as the ''Commission'') shall establish a program under which the Commission shall make a grant to each participating State and each participating unit of local government for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation in the administration of the regularly scheduled general election for Federal office held in November 2008.

(b) REQUIREMENTS FOR ELIGIBILITY.—

(1) APPLICATION.—A State or unit of local government is eligible to participate in the program established by the Commission under this Act if the State or unit of local government submits an application to the Commission at such time and in such manner as the Commission shall require, and includes in the application—

(A) a certification that the State or unit of local government has established a program that meets the requirements of paragraph (2) to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation;

(B) a statement of the reasonable costs the State or unit of local government expects to incur in carrying out its program;

(C) a certification that, not later than 60 days after the date of the election, the State or unit of local government will provide the Commission with a statement of the actual costs incurred in carrying out its program;

(D) a certification that the State or unit of local government will repay the Commission any amount by which the payment made under this Act exceeds the actual costs incurred in carrying out its program; and

(E) such other information and certifications as the Commission may require.

(2) PROGRAM REQUIREMENTS.—The requirements of this paragraph for a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation are as follows:

(A) In the event that the voting equipment at a polling place malfunctions and cannot be used to cast ballots on the date of the election or some other emergency situation exists which prevents the use of such equipment to cast ballots on that date, any individual who is waiting at the polling place on that date to cast a ballot in the election and who would be delayed due to such malfunction or other emergency situation shall be notified by the appropriate election official of the individual's right to use a backup paper ballot, and shall be provided with a backup paper ballot for the election, the supplies necessary to mark the ballot, and instructions on how to mark the ballot to prevent overvotes.

(B) Any backup paper ballot which is cast by an individual pursuant to the program of a State or unit of local government shall be counted as a regular ballot cast in the election and tabulated on the date of the election, and shall not be treated (for eligibility purposes) as a provisional ballot under section 302(a) of the Help America Vote Act of 2002, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot if the voting equipment at the polling place had not malfunctioned or an emergency situation had not existed which prevented the use of such equipment to cast ballots.

(C) The program of a State or unit of local government is carried out in accordance with standards established by the State or unit of local government which include protocols for delivering and supplying backup paper ballots to polling places and for notifying individuals of the right to use the backup paper ballots.

(c) AMOUNT OF GRANT.—The amount of a grant made to a State or unit of local government under the program established by the Commission under this Act shall be equal to the amount of the reasonable costs the State or unit of local government expects to incur in carrying out its program, as provided in the application under subsection (b)(1)(B).

SEC. 2. STATE DEFINED.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under the program established by the Commission under this Act $75,000,000. Any amount appropriated pursuant to the authority of this section shall remain available without fiscal year limitation until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter in the RECORD on H.R. 5803.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I introduced H.R. 5803 at the request of election advocates and elected officials as a simple solution to deal with some of the problems jurisdictions may face this election day.

The bill provides reimbursements through grants to jurisdictions that choose to provide backup paper ballots in the event of voting machine failure or some other emergency situation for this November's election. The language in the legislation has been crafted, at the request of State and local governments, to allow them to decide what constitutes an emergency situation. That could mean anything from machine failure to long lines to problems with polling place staffing. It is fully up to the jurisdiction to determine what justifies the use of backup paper ballots and how to distribute them.

As mentioned, this is 100 percent optional. If States already use paper, including electronic machines with a voter verifiable paper audit trail, it's unlikely they would apply for a grant.

Of the 14 States that use electronic voting machines without paper trails, only 5 have no paper requirements at all and 9 States and the District of Columbia only use these machines in some jurisdictions. All this legislation provides is an additional method of instilling voter confidence. The grants provided in this bill allow jurisdictions to have a contingency plan, backup paper ballots, in case there are mistakes by poll workers or another cause and to determine when and how to implement that plan. Another provision included in the legislation allows the jurisdiction to determine when and how the backup paper ballots are distributed to voters.

The bill has been drafted in full cooperation with and is supported by the National Council of State Legislators, the National Association of County Officials, and the National Association of

Secretaries of State. All those organizations have submitted letters of support, as has Ohio Secretary of State Brunner, who calls it ''meaningful and respectful of State authority in election administration matters.''

In addition to the support of State and local governments, the bill is supported by election integrity groups, including People for the American Way, the Brennan Center, the Lawyers Committee For Civil Rights Under the Law, Common Cause, Verified Vote, Counted as Cast, and just today the NAACP Legal Defense Education Fund. Additional input was provided by disability rights groups who have told us that the bill has no adverse impact on their community and that they approve the language.

As we have seen, broad support for election-related legislation is not easy to accomplish. Backup paper ballots are a unifying factor between election officials and election advocates. It's 100 percent optional, and the responsibility and mechanisms for implementation is left to the State and local officials. The bill is a measured and proactive step towards improving the system of election administration for this November.

Voter turnout in the 2008 presidential primaries was at 28 percent of the country's estimated eligible voters. That's a record one in four eligible voters, actually slightly more. The turnout rate has not been that high since 1972, when the voting age was lowered to 18. Given this record primary turnout, providing State and local jurisdictions the option to have backup paper ballots could mitigate any challenges they may face on Election Day in November. This bill helps ensure election integrity and national electoral confidence and respects State and local jurisdictions' responsibility to administer elections.

I would also note that given the fiscal situation of most States and most counties, providing some assistance in this paper ballot measure is extremely important. I know, for example, in my own State of California there is a tremendous multibillion-dollar budget deficit that is mimicked in counties throughout the State. We have received a report from CRS that outlines various things that could concern us, including long lines in jurisdictions that have DREs. The paper ballot backup measure could help mitigate against that problem.

And, finally, I would note that the cost of this measure, this authorization, is really the price we pay every day for an afternoon in Iraq. Surely we can spend the equivalent of an afternoon in Iraq to preserve, protect, and defend our own electoral system in one of the most important elections our Nation will see this November.

With that, I would urge the passage of the bill.

BRENNAN CENTER FOR JUSTICE,
New York, NY, April 30, 2008.

Re Support for H.R. 5803, the ''Back Up Paper Ballot Bill''.

Representative ZOE LOFGREN,
Chair, Subcommittee on Elections, Committee on House Administration, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LOFGREN: Thank you for your leadership and commitment to improving the security, reliability, and accessibility of our voting systems. In an election year that has garnered unprecedented voter interest, it is particularly important to have good policies and procedures in place in advance of the November elections.

For this reason, we strongly support H.R. 5803, the Back Up Paper Ballot Bill. News reports of machine problems during states' recent presidential primary elections provide a preview of potentially widespread machine failure and disenfranchisement in November. H.R. 5803 would reimburse jurisdictions for costs associated with providing voters emergency paper ballots in the event of machine breakdowns.

In elections past, machine failures have caused long lines at the polls and disenfranchised untold numbers of voters. Encouraging the use of emergency paper ballots will help ensure that every voter may have her vote counted and make it much less likely that voters will be forced to wait on long lines or turned away from the polls because of machine malfunction—these are particularly important considerations for November's elections, when turnout is expected to be high.

Sincerely,

LAWRENCE NORDEN,
Counsel.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, May 6, 2008.

Re H.R. 5803.

Hon. ZOE LOFGREN,
Chairwoman, House Subcommittee on Elections, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE LOFGREN: On behalf of the National Association of Counties I write in support of H.R. 5803. We understand the legislation does not mandate but instead provides a voluntary opt-in grant program for states and counties that wish to provide for emergency paper ballots in the November, 2008 presidential election.

NACo appreciates the voluntary nature of this legislation. It is important that states and counties have the flexibility of a voluntary program to determine if what has been proposed federally will actually work at the state and local level. The Help America Vote Act created a relationship between states and localities which needs to be maintained and fully funded.

We understand that the bill provides that states certify to the Election Assistance Commission (EAC) any reasonable costs they expect to incur by participating in the emergency ballot grant program. We ask that report language clarify that the EAC may not unilaterally reject a state/county-certified reasonable cost.

NACo thanks you for your leadership in introducing this legislation and appreciates the opportunity to work with you and your staff to craft a reasonable bill. Please direct any questions or comments to our Legislative Director, Edwin Rosado (202) 942–4271, *erosado@naco.org*. Thank you for your support of America's counties.

Sincerely,

ERIC COLEMAN,
President.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Denver, CO, April 28, 2008.

Re H.R. 5803.

Hon. ZOE LOFGREN,
Chairwoman, House Subcommittee on Elections, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE LOFGREN: On behalf of the National Conference of State Legislatures (NCSL) I write in support of H.R. 5803, legislation that would provide a voluntary opt-in grant program for states that wish to provide for emergency paper ballots in the November, 2008 presidential election. NCSL greatly appreciates your and the Subcommittee's willingness to work with state officials on this legislation that is meaningful and respectful of state authority in election administration matters.

NCSL further appreciates the voluntary nature of this legislation. It is important to states that they have the flexibility of a voluntary program to determine if what has been proposed federally will actually work at the state level. That being said, NCSL has two questions that I hope will be answered during the markup of this bill. First, because the bill provides for participation by both localities and states, is there a mechanism in the bill to provide that localities that decide to apply for funding notify their state of their intentions? The Help America Vote Act created a relationship between states and localities which needs to be maintained. NCSL asks that report language or an amendment be made that requires localities to notify their state if they are going to apply. Second, the bill provides that states certify to the Election Assistance Commission (EAC) any reasonable costs they expect to incur by participating in the emergency ballot grant program. Are these costs in any way reviewable by the EAC? NCSL would ask that report language clarify that the EAC may not unilaterally reject a state-certified reasonable cost.

Again, NCSL thanks you for your leadership in introducing this legislation and appreciates the opportunity to work with you and your staff to craft a reasonable bill. Please direct any questions or comments to NCSL staff Susan Parnas Frederick (202) 624–3566, *susan.frederick@ncsl.org*. Thank you.

Sincerely,

DONNA STONE,
State Representative, Delaware, President, NCSL.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
Washington, DC, April 29, 2008.

Hon. ZOE LOFGREN,
Chair, Subcommittee on Elections,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LOFGREN: As the legal leader of Election Protection, the nation's largest non-partisan voter protection coalition, I write to thank you for introducing critical legislation to provide voters with backup paper ballots in the event that election machines fail. The bill is a measured, proactive step towards improving the system of election administration before this year's critical federal election.

Election Protection is a year round, comprehensive voter protection effort providing support to coalition partners and voters alike in their efforts to cast a meaningful ballot. In addition to preparing for Election Day activities, the Lawyers' Committee works with local and state election officials, as well as in the halls of Congress, to facilitate election reform. In its role as the legal leader of the coalition, the Lawyers' Committee will recruit, train and deploy over

10,000 attorneys and law students to participate in Election Protection efforts. Law firms host command centers on Election Day, and attorneys and other trained volunteers answer hotline calls from voters. The Lawyers' Committee creates, revises, and distributes legal manuals with current election law in all target states and coordinates comprehensive election administration activities conducted by Election Protection Legal Committees (EPLC), the coalition of local volunteers working with us throughout the country. When necessary, litigation may occur.

In addition to helping our coalition partners and voters, since 2004, Election Protection has developed the most comprehensive picture of election administration from the perspective of the American voter. That experience has shown first hand scores of voters turned away because election machinery broke down without an adequate safeguard. Likewise, in places where there are procedures to administer emergency paper ballots in the wake of a machine failure or other emergency situation, poll workers had not been adequately trained to distribute the ballots to people waiting to cast a vote.

As detailed in our report ''Election Protection 2008: Looking Ahead to November,'' we have seen these problems in Maryland, New York & Texas. The Potomac Primaries, held on February 12, 2008, provided examples of why this is much needed. In Maryland near record turnout swamped poll workers and precincts throughout the state. The Election Protection hotline, 1–866–OURVOTE, which is administered by the Lawyers' Committee, received numerous reports of voting machines breaking down. Making the problem worse, many poll workers were not properly trained to hand-out emergency ballots, causing voters to leave without casting a ballot.

The Lawyers' Committee strongly supports Rep. Lofgren's initiative to direct the Election Assistance Commission to make grants available to states and local governments that implement a program to make backup paper ballots available in the case of the failure of a machine voting system or other emergency situation.

The bill calls for poll workers to provide paper ballots to any individual who is waiting at the polling place on that date to cast a ballot in the election and who would be delayed due to a machine malfunction or other emergency situation.

These ballots will be treated as regular ballots in lieu of the provisional status afforded to some paper ballots cast in accordance with federal law via the Help America Vote Act.

Machine breakdowns, long lines and a shortage of poll workers have hampered effective election administration throughout the country. Rep. Lofgren's bill provides a proactive solution to an anticipated problem at the polls on November 4, 2008.

The Lawyers' Committee for Civil Rights Under Law strongly encourages the passage of this bill. It is a proactive step in improving the administration of elections across the country.

Sincerely,

JONAH H GOLDMAN,
Director, National Campaign for Fair Elections, A Project of the Voting Rights Section of the Lawyers' Committee for Civil Rights Under Law.

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

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I reluctantly rise in opposition to H.R. 5803, which unfortunately creates a system of IOUs for States with no guarantee of being paid back with Federal money.

Notwithstanding my concerns about even the necessity of this bill and the majority's desire to federalize traditionally local responsibility of administering elections, as outlined in the Constitution, it's difficult to understand how we are going to pay States back this year for promises we are making in this bill when Democrat congressional leaders have indicated that they will not complete work on appropriation bills this year. A leader on the House Appropriations Committee was quoted as describing the appropriations process as ''dead'' and later clarified the chances of appropriations this year are ''slight.''

Additionally, the majority leader in the other body was recently described in an article called ''No Lame Duck Session'' as wanting ''to punt most of the 12 annual appropriation bills to the 111th Congress.'' He said, ''I would hope that before we would leave here this year, we would do a continuing resolution . . . ''

So the question I have is where are we going to get this money to pay back the States for a grant program in this bill? Are we just demonstrating once again that Washington is broken by wasting more time when we could focus on finding solutions to our Nation's pressing problems, like the energy crisis?

Prioritizing concerns continues to be a problem that plagues Congress. Today we are debating a bill asking State and local election jurisdictions to do something that many already do and to pay for something that many already pay for. According to a recent survey of elected officials, if we are trying to improve election administration for the November, 2008, election, why not focus on a problem that strikes at the heart of our democracy, making sure that the votes of our brave men and women protecting our country abroad are counted? I encourage my colleagues to focus on efforts that will provide the greatest impact, including the Military Voting Protection Act, also called the MVP Act, which has 42 cosponsors. The MVP Act helps ensure that military personnel are not left out of the election process while serving our country overseas by improving delivery methods so the votes are counted. I look forward to working with my colleagues in the House Administration Committee towards addressing these and other issues internal to the strength of our Nation's elections.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just note before recognizing Representative GONZALEZ that this is an authorization measure but there is money that has already been appropriated and allocated to States under HAVA that if we pass this would then become available for the backup paper ballots.

Mr. Speaker, I would now recognize a member of the committee, a former judge and valued colleague, Congressman CHARLES GONZALEZ, for 2 minutes.

Mr. GONZALEZ. I thank my colleague for yielding and giving me this time and commend her for her efforts.

Mr. Speaker, I rise in strong support of H.R. 5803.

I think we saw the greatest participation ever seen in our primaries. I know that in Texas we had over 4 million voters in the March 4 primary.

□ 1715

On November 4 it's predicted that we will have record turnouts. And the people who will be coming on November 4 will be voting not only for President but in dozens of races for Senator, Representative and State positions. We should rejoice in the civic involvement, and we should ensure that things run as smoothly as possible. With H.R. 5803 the Federal Government would fulfill our role by supporting the States, the counties and the municipalities who run our elections, the hardworking men and women who volunteer to ensure that democracy not only survives but can continue to flourish in this country.

We created the Election Assistance Commission in 2002 for this very purpose. By providing grants to the election officials who require this assistance, H.R. 5803 will ensure that no citizen is turned away because his voting machine has broken down. By supporting these backup paper ballots, we are supporting the right of every citizen to vote and to have his or her vote counted. We can help to ensure that no citizen is asked to choose between voting and getting to work on time. With H.R. 5803, we can say we accomplished that goal, that no citizen should be forced to choose between voting or feeding their children.

It is right and proper, too, that H.R. 5803 empowers the State and local officials rather than impeding them. No State is required to participate, but every State can do so if they so choose. We cannot predict every problem that may arise, but we can be sure that problems there will be. By putting money into the hands of the officials on the scene, we give the State and local governments the ability to react to problems as they arise. We empower them to provide the dependable low-tech paper ballots that are needed, that we know will work and that everyone can trust. That is why H.R. 5803 has the support of State officials and voting rights groups alike throughout this country. And it is why I support it and why I hope that we will have the support of every Member of this House.

Mr. MCCARTHY of California. Mr. Speaker, I yield 5 minutes to the dean of the Ohio delegation, Mr. REGULA.

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

Mr. REGULA. Mr. Speaker, and my colleagues, I rise in opposition to H.R. 5803.

Historically, the administration of elections is a State and local responsibility. This includes providing for a backup method of voting if a piece of equipment fails or in the case of an emergency. This bill proposes to use Federal taxpayer dollars to fund an activity that State and local election officials are already performing. As stated in the minority views on this bill, ''H.R. 5803 is an unnecessary and costly solution to a problem that doesn't exist.''

The elections are only a few months away, and encouraging jurisdictions to change their election procedures now, after the primaries, could lead to confusion on Election Day.

In addition, the administration strongly opposes this bill since this is over $1 billion of funding that has already been appropriated that is currently available to the States to prepare for and conduct the 2008 elections.

Finally, even if this authorizing bill were enacted into law, no appropriations will be provided to fund it. We're approaching the August recess, and no fiscal year 2009 appropriation bills have cleared either body. According to media reports, only the Defense and Military Construction bills have even a chance of being enacted before the transition to the new administration. This means that there will be no financial services and general government appropriations bills to fund this program.

Why are we debating a bill to authorize new spending for the November election if the appropriations bill that would fund this activity won't be enacted until after the election? New legislation and additional Federal election funding are not warranted at this time.

I urge my colleagues to vote ''no'' on this piece of legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, before yielding to Mr. ELLISON, I would like to include in the RECORD a letter from the Secretary of State of Ohio urging support of the bill.

COLUMBUS, OHIO,
April 29, 2008.

Re Letter of support for H.R. 5803.

Hon. ZOE LOFGREN,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN LOFGREN: I write to extend my support for H.R. 5803, which would create a grant program for states to print and utilize backup paper ballots for the November 2008 federal elections. In Ohio, we thoroughly tested the reliability and security of direct recording electronic (DRE) voting machines and found them susceptible to performance problems and security lapses. Until we can obtain funding to replace DRE voting systems in the 53 counties in Ohio that utilize DREs as their primary voting system., we have found that backup paper ballots: Ensure that voters have the option to vote a paper ballot, Alleviate congestion due to long lines, and Serve as emergency ballots in the case of machine or power failure.

Ohio utilized backup paper ballots during the March 4, 2008 primary election. In at least two specific instances, they proved to be vital when machines could not be used because they were programmed incorrectly and when sustained power outages exhausted the life of batteries in DRE voting machines. We plan to utilize backup paper ballots again in November with even greater specifics in their implementation and use. In short, we believe that in Ohio, backup paper ballots offer a transitional solution to a wholesale change of voting systems and provide a means to better ensure election integrity this November.

Recently, I worked with Congressman Rush Holt on H.R. 5036, which included backup paper ballot provisions similar to those found in H.R. 5803. I supported his efforts concerning reimbursements to the states for backup paper ballots. Likewise, I support your advancement of H.R. 5803's grant program for backup paper ballots and offer any assistance I can provide toward passage of this worthwhile measure.

In December 2007, my office released what is known as the ''EVEREST Report,'' a massive voting machine study of the three voting systems used in Ohio: Premiere (formerly Diebold), ES&S, and Hart Intercivic. The EVEREST Report contained scientific and industrial findings that Ohio's voting systems (also used throughout the country), specifically DRE voting systems, lack basic security safeguards required and provided in other applications throughout the computer industry, are prone to deterioration in performance and software operation, and need reengineering and improved procedures for operation. In response, I issued a directive (Directive 2008–01) to all boards of elections on January 2, 2008, requiring all counties utilizing DRE voting machines as their primary system of voting to print backup paper ballots in the amount of at least 10% of the number of voters who voted in a similar, previous election.

The directive permitted any voter who preferred a paper ballot to vote by paper ballot and for such paper ballots to be counted on election night as part of the unofficial count. Until Ohio has secured funding to move its counties utilizing DRE voting technology to optical scan paper ballot technology, backup paper ballots provide needed security and reliability to ensure that disenfranchisement does not occur and to provide for greater integrity in post-election audit procedures.

My office has ordered our 53 county boards of elections that utilize DREs as their primary voting system to provide the Ohio Secretary of State's office with the costs of impLementing the backup paper ballot directive, and once we have obtained these numbers, I will be happy to share them with you. I can tell you, initially, the costs for even the largest counties were in the low 5 figures, and for. most, they were in the low 4 figures. From initial figures provided, it appears that your proposal would be a cost effective means to ensure election confidence, especially since the November 2008 election will be the first presidential election where DRE use will be widespread.

I appreciate the opportunity to communicate my support for H.R 5803. Restoring and ensuring confidence in Ohio elections is an essential goal of my administration. Our state has made great strides in this respect, and we will continue to work toward this end, especially for November's election, when Ohio again is likely to be a pivotal state in the presidential contest. H.R 5803 would provide Ohio, along with many other states, a simple but important tool to ensure election integrity and increase national electoral confidence. Please feel free to contact me if I can provide you with additional information or support.

Sincerely,

JENNIFER BRUNNER,
Ohio Secretary of State.

Ms. ZOE LOFGREN of California. I now would yield to the gentleman from Minnesota (Mr. ELLISON) whose Secretary of State has been a witness in our committee and who has been a leader in election law reforms, 2 minutes.

Mr. ELLISON. Mr. Speaker, let me thank the chairlady for this excellent piece of legislation which I urge all of our colleagues to support.

Imagine, Mr. Speaker, a young person voting for the first time, freshly 18 years old getting a chance to vote, waiting in line and finding out that there are no more ballots because of one reason or another. Or imagine the person is a senior citizen who has plowed so much into our country, forged a way for us in this society, but yet they stand in line, no backup ballots, they can't vote because the machine broke down. Or what about a veteran, Mr. Speaker, a veteran who has served in Iraq or Afghanistan who stands in line trying to cast a ballot to select a leader of their choice in their community and the machine breaks down, no ballots, and they're not able to cast a vote.

This is a very commonsense, reasonable and responsible piece of legislation that goes to the very heart of what we are here to do in this Capitol today as the United States Congress which is to make sure that democracy marches forward. This is prudent. This is wise. This is smart. This is a dollar very, very well spent because it ensures that our country continue to reflect the rich diversity in this body so people can vote and pick their leaders.

Mr. Speaker, I can't imagine why anyone wouldn't want to support this excellent legislation.

I urge a ''yes'' vote.

Mr. MCCARTHY of California. Mr. Speaker, I yield 5 minutes to the former Secretary of State of Michigan and my good friend, Mrs. CANDICE MILLER.

Mrs. MILLER of Michigan. I appreciate the gentleman yielding the time.

Mr. Speaker, as was mentioned, actually for 8 years I had the distinct honor and privilege really to serve as Michigan's Secretary of State. And in that role, a principal responsibility of mine was to serve as the State's chief elections officer. And I was blessed with an absolutely outstanding professional staff that helped to ensure that not only were our elections open, free and fair, but also that everyone in Michigan who was eligible and properly registered to vote had an opportunity to vote and that every one of those votes was counted.

After the 2000 election, naturally, the Ford-Carter Commission on National Election Reform cited Michigan's Qualified Voter File, a file that we built in Michigan, as a national model,

a attribute to Michigan's well-run elections. That report also cited the need for each State to establish a uniform voting system, a process that we had already been studying in Michigan. We were prepared with a uniform voting plan as soon as this Congress passed the HAVA Act, the Help America Vote Act.

And as a result, today Michigan has an optical scan uniform voting system, and we have experienced little or no problems with that system. And this was due to careful, long-term planning and professional work by our State elections bureau working in partnership with local election clerks.

And, Mr. Speaker, the bill that we are considering today will provide Federal grants for States to do contingency planning for this year's election. Well, here is our Michigan contingency plan, a plan that I believe is also in place right now by the huge overwhelming majority of the States in our Nation. We require that optical scan ballots be printed for 100 percent of all registered voters. If an optical scan precinct tabulator malfunctions on Election Day, the clerks allow voters to continue, and then they have voters deposit their ballots in the auxiliary bin of the ballot box which they can count later. Plan complete, at no cost to the Federal taxpayers. And as I understand it, this bill actually has a cost associated with it of I believe $75 million.

The proponents of this bill note that they have had some support of the National Council of State Legislatures as well as the National Association of County Officials. And they cite that as good reasons to support this legislation. Well, I would respectfully point out that these officials have no responsibility in the actual administering of elections. And I would note that the National Association of Secretaries of State, of which I was proud to be a member, and now I'm an honorary member, and also the NASS–ED, which is the association of State elections directors, neither of those two national election associations are up here on Capitol Hill advocating for this legislation.

And these are the two groups, as I say, which are totally made up of those who are responsible for the administration of elections in our Nation, and those who also do the contingency planning. If those responsible, Mr. Speaker, for planning and administering elections are not asking for this bill, I would ask why is it being offered?

I would urge my colleagues to defeat this needless bill and allow our elections officials across our Nation to continue their diligent work in preparing for this fall's election.

Ms. ZOE LOFGREN of California. Mr. Speaker, before recognizing Mr. LANGEVIN, I would note that the Secretary of State Associations helped us draft this bill, but they were not going to have a meeting to actually take a vote on support in time for today. But they did assist in the drafting.

I would now recognize our colleague from Rhode Island, Congressman LANGEVIN, who is a former Secretary of State himself, for 2 minutes on the bill.

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

Mr. LANGEVIN. I thank the gentlelady for yielding.

Mr. Speaker, I rise in strong support of H.R. 5803, legislation that would establish a voluntary program so election officials can offer voters a backup paper ballot in the event of an emergency. Now when I served as the Secretary of State for the State of Rhode Island, I reformed our State's voting machines and election processes to make them more accurate and accountable. From that experience, I know that ensuring confidence in our voting system is the cornerstone of our democracy.

As the 2008 election promises to bring out record numbers of voters to the polls, H.R. 5803 will boost confidence among the electorate by ensuring that voters are not turned away from the polling places, do not wait in long lines and do not incorrectly receive provisional ballots because of malfunctioning voting systems. H.R. 5803 authorizes $75 million to establish a voluntary, and I repeat voluntary, opt-in grant programs for State and local governments that wish to provide backup paper ballots in the coming November elections.

Although many States already require emergency paper ballots, the 2008 Presidential primaries revealed that many jurisdictions do not have the resources to provide backup ballots. For example, during Pennsylvania's 2008 Presidential primary, a Philadelphia precinct experienced failures with both of its electronic voting machines causing voters to wait in long lines or even leave without voting at all because of a lack of emergency paper ballots. Now we can't allow that to happen. H.R. 5803 provides the necessary resources for States to prepare for potential problems so that voters are not turned away from the polls because the voting system malfunctions.

The National Conference of State Legislatures and the National Association of Counties support H.R. 5803 because it is meaningful and respectful of State authority in election administration matters. H.R. 5803 has been crafted to allow jurisdictions to determine when and how the backup ballots are distributed. The legislation is not a mandate, and it's purely a voluntary option for jurisdictions to consider.

In closing, I would like to thank the Elections Subcommittee Chairwoman LOFGREN for her leadership in bringing this bill to the floor today in the first place. And I would also like to thank my friend from New Jersey (Mr. HOLT) who has raised awareness about the importance of voting machine accuracy and accountability. I have been proud to work with him on a number of efforts, and I look forward to our continued cooperation.

I urge all of my colleagues to support H.R. 5803 to ensure that we maintain public confidence in our voting procedures as we approach this coming election season.

Mr. MCCARTHY of California. Mr. Speaker, if I may inquire about how many more speakers are on the other side.

Ms. ZOE LOFGREN of California. Several.

Mr. MCCARTHY of California. I will continue to reserve my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, may I inquire how much time remains on either side.

The SPEAKER pro tempore. The gentlewoman from California has 9 minutes. The gentleman from California has 12 minutes.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point, I would like to recognize a valued member of our committee, Congresswoman SUSAN DAVIS, for 2 minutes.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of Ms. ZOE LOFGREN's bill, H.R. 5803. In our State of California, voting machines were decertified after a careful scientific review showed them to be prone to problems. Now we use paper. We don't need backup ballots. But many jurisdictions still use the voting machines that they purchased. And it becomes obvious that even under the management of the most diligent election officials, glitches with voting systems are rare, but they are inevitable.

The question is not whether there will be some technical problems on Election Day, but how will we respond? How bad will they be? Asking voters to come back is not a solution. We must have a plan B, a plan B ready on the spot.

That is what this bill gives us. Most of the time, as we know, emergency ballots will go unused. But we cannot afford to be without them. Opponents would argue that it's wasteful to invest in something we hope never to use. Well would we ever think of not investing in life rafts on ships, air bags on cars, or fire escapes on buildings? Emergency paper ballots are the air bag of our democracy. We can't afford not to have them in place when the vitality of election is on the line. And we know, Mr. Speaker, that in November, that will be the case. The election could be very close. And the country needs to come together in the end.

If people believe that somehow they didn't have the opportunity to vote, then they will perceive that this was not a fair election. After a spirited election, people will come together, but only if the American faith in our democracy has been borne out. This is one way to help. And I believe that we must go forward and look at this. Only the States that need it will apply. And I would expect that they would be very prudent in the way they request that

kind of funding through the grant program.

□ 1730

Mr. MCCARTHY of California. Mr. Speaker, I continue to reserve.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point I would like to recognize for 2 minutes the gentleman from New Jersey (Mr. HOLT) who has worked so diligently on election matters in this Congress.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 5803, a bill that would reimburse States and localities to make paper backup ballots available for this November 2008 election.

I compliment Representative LOFGREN for introducing this measure which would allow more Americans to vote than might otherwise be able if their only option was failed electronic voting. The bill would also allow more Americans to vote when facing long lines, something that has been documented widely.

Passing comprehensive election reform to help ensure the accuracy, integrity, and security of our electronic voting systems and other voting systems has long been a priority for me. At the beginning of the 110th Congress, I introduced legislation to establish national standards of verifiable elections. That bill has not received a floor vote despite support from a bipartisan majority of Members.

So in January of this year, many of us introduced simplified, optional legislation that would reimburse States that convert to paper ballot voting systems, offer backup paper ballots, and/or conduct random audits in this fall's election. Unfortunately, following opposition from the White House, the vote broke mostly on party lines and the bill was not passed.

After our opt-in legislation was not passed, I urged Congress to reconsider this issue, and so I am pleased that the House Committee on Administration has incorporated part of our legislation into the bill on the floor today. This is a useful step.

The ability to vote is the most important right as it is the right through which citizens secure all of our other rights. Yet public cynicism is rampant, and could cripple our democracy.

Increasing the availability of paper ballots, however, is only one of the steps that we must take to address the documented problems faced by voters and election officials.

I will continue to work with Ms. LOFGREN and others to ensure that Congress does all it can to protect the integrity and accuracy of our elections, and to give voters confidence in their system. Each election each year in recent years, cynicism has grown among voters. I hope my colleagues will join in the continuing effort to provide verifiable, reliable, confident voting.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, usually I am not on the floor speaking twice in one day, but two issues have come to the floor today that are of great importance to me. First was the Medicare veto override; and, secondly, voting.

Yesterday I had an opportunity to attend the NAACP national convention. Next year that organization will be 100 years old, and in the course of all of the work that the NAACP has done over the past 100 years, voting has clearly been at the forefront of all that they have done, and I am aware that the NAACP voter fund is supporting this legislation.

I come from the great State of Ohio, but voting in Ohio has not been great in many years. In fact, in 2004, I objected to the counting of the Ohio electoral votes because of some of the problems we faced in Ohio in 2004, and one of those was running out of ballots, a lack of sufficient machines available for people to vote, and young people in Kenyon College standing in line for 10 and 11 hours.

Our new Secretary of State, Jennifer Brunner, supports this legislation. And in fact in our primary in March of this year, we used paper ballots as backup. It is so very important that we don't disappoint any voter when they come to the ballot box because a machine is down or paper ballots are not available.

I want to applaud my colleague and applaud the work she is doing. The people of the United States of America are pleased and proud that we are standing up to ensure that everybody has the right to vote, that their vote is counted, and that vote is secure. I thank you very much for your leadership.

Mr. MCCARTHY of California. Mr. Speaker, I continue to reserve my time.

Ms. ZOE LOFGREN of California. The last speaker that we were expecting has not shown, so if the gentleman is prepared to close and yield back, I will do the same.

Mr. MCCARTHY of California. Mr. Speaker, I rise in opposition for a number of reasons. First and foremost, we are putting forward legislation that we will not even be able to fund. Appropriations said they will not meet, they will not pass, so we are telling States that this is an IOU.

Secondly, Mr. Speaker, over $3 billion in Federal grants have been made available to States in 2008 in previous years to assist with election systems and administration which can include the purchase of authorized backup paper ballots. Of this amount, over $1 billion remains unspent, but we are asking the Federal Government to spend more.

Mr. Speaker, we are talking about paper ballots. Survey after survey of Secretaries of States have shown that they have backup operations prepared for their States and their ballots. Even in our own committee, Mr. Speaker, you have pointed out time and time again that paper ballots are where mistakes are made when they are hand counted. Paper ballots are where things become manipulated. So, Mr. Speaker, I ask for a ''no'' vote.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would urge that we approve this very modest measure. As has been noted by the White House in their statement today, there is $1 billion that has been appropriated and remains unspent by States to prepare and conduct the 2008 elections. Most of those funds are allocated to the purchase of DREs that have been so troublesome, and this authorization would allow for a very modest portion of a maximum of $75 million of that appropriated funds to be used for backup paper ballots.

In my own county of Santa Clara, we ran out of ballots this election year, and people were scrambling. That was before the massive budget cuts that the county is facing. And I will just say this. Having been on the board of supervisors for longer than I have been in the United States House of Representatives, I understand how tough it is to balance those budgets. At local government, there is no deficit spending. What you have got is what you can spend. So county boards of supervisors all over the country are trying to figure out how to run an election with local funds and also keep the county hospital open and also fund the sheriff's department and also keep the parks open and keep the streets paved.

I fear that backup paper ballots in November are not going to compete with some of the more pressing needs and so this bill is enormously important. We can pass it today and have a more orderly election so that no American is denied their right to vote. I urge Members to put partisanship aside, to support this very modest measure that is supported by election officials all over the United States.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5803.

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. MCCARTHY of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROCEDURE FOR CONSIDERATION OF RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE IF OFFERED TODAY

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that if the gentleman from Ohio (Mr.

KUCINICH) offers a resolution as a question of the privileges of the House at any time on the legislative day of July 15, 2008—

(1) the previous question shall be considered as ordered thereon without intervening motion except one motion to refer and one motion to table (which shall have precedence in the order stated); and

(2) the Speaker may postpone further proceedings on such a vote on any such motion as though under clause 8(a)(1)(A) of rule XX.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5959, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–759) on the resolution (H. Res. 1343) providing for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3999, NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–760) on the resolution (H. Res. 1344) providing for consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution noticed on July 10.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1345

AN ARTICLE OF IMPEACHMENT OF PRESIDENT GEORGE W. BUSH

Resolved, That President George W. Bush be impeached for high crimes and misdemeanors, and that the following Article of Impeachment be exhibited to the United States Senate:

An Article of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

ARTICLE ONE—DECEIVING CONGRESS WITH FABRICATED THREATS OF IRAQ WMDS TO FRAUDULENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION OF THE USE OF MILITARY FORCE AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the Office of President of the United States, and to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under article II, section 3 of the Constitution ''to take care that the laws be faithfully executed,'' deceived Congress with fabricated threats of Iraq Weapons of Mass Destruction to fraudulently obtain support for an authorization for the use of force against Iraq and used that fraudulently obtained authorization, then acting in his capacity under article II, section 2 of the Constitution as Commander in Chief, to commit U.S. troops to combat in Iraq.

To gain congressional support for the passage of the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, the President made the following material representations to the Congress in S.J. Res. 45:

1. That Iraq was ''continuing to possess and develop a significant chemical and biological weapons capability. . . .''

2. That Iraq was ''actively seeking a nuclear weapons capability. . . .''

3. That Iraq was ''continuing to threaten the national security interests of the United States and international peace and security.''

4. That Iraq has demonstrated a ''willingness to attack, the United States. . . .''

5. That ''members of al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq. . . .''

6. The ''attacks on the United States of September 11, 2001, underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations. . . .''

7. That Iraq ''will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so. . . .''

8. That an ''extreme magnitude of harm that would result to the United States and its citizens from such an attack. . . .''

9. That the aforementioned threats ''justify action by the United States to defend itself. . . .''

10. The enactment clause of section 2 of S.J. Res. 45, the Authorization of the Use of the United States Armed Forces authorizes the President to ''defend the national security interests of the United States against the threat posed by Iraq. . . .''

Each consequential representation made by the President to the Congress in S.J. Res. 45 in subsequent iterations and the final version was unsupported by evidence which was in the control of the White House.

To wit:

1. Iraq was not ''continuing to possess and develop a significant chemical and biological weapons capability . . . ''

''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities.''

The source of this information is the Defense Intelligence Agency, a report called, ''Iraq—Key WMD Facilities—An Operational Support Study,'' September 2002.

''Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.''

The source of this information is the Senate Select Committee on Intelligence, a report entitled ''Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information.'' June 5, 2008.

''In April and early May 2003, military forces found mobile trailers in Iraq. Although intelligence experts disputed the purpose of the trailers, administration officials repeatedly asserted that they were mobile biological weapons laboratories. In total, President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Powell, and National Security Advisor Rice made 34 misleading statements about the trailers in 27 separate public appearances. Shortly after the mobile trailers were found, the Central Intelligence Agency and the Defense Intelligence Agency issued an unclassified white paper evaluating the trailers. The white paper was released without coordination with other members of the intelligence community, however. It was later disclosed that engineers from the Defense Intelligence Agency who examined the trailers concluded that they were most likely used to produce hydrogen for artillery weather balloons. A former senior intelligence official reported that 'only one of 15 intelligence analysts assembled from three agencies to discuss the issue in June endorsed the white paper conclusion.'''

The source of this information is the House Committee on Government Reform, minority staff, ''Iraq on the Record: Bush Administration's Public Statements about Chemical and Biological Weapons.'' March 16, 2004.

Former chief of CIA covert operations in Europe, Tyler Drumheller, has said that the CIA had credible sources discounting weapons of mass destruction claims, including the primary source of biological weapons claims, an informant who the Germans code-named ''Curveball'' whom the Germans had informed the Bush administration was a likely fabricator of information including that concerning the Niger yellowcake forgery. Two other former CIA officers confirmed Drumheller's account to Sidney Blumenthal who reported the story at Salon.com on September 6, 2007, which in fact is the media source of this information.

''In practical terms, with the destruction of the al Hakam facility, Iraq abandoned its ambition to obtain advanced biological weapons quickly. The Iraq Survey Group (ISG) found no direct evidence that Iraq, after 1996, had plans for a new biological weapons program or was conducting biological weapons-specific work for military purposes. Indeed, from the mid-1990s, despite evidence of continuing interest in nuclear and chemical weapons, there appears to be a complete absence of discussion or even interest in biological weapons at the Presidential level. In spite of exhaustive investigation,

the Iraq Survey Group found no evidence that Iraq possessed, or was developing, biological weapon agent production systems mounted on road vehicles or railway wagons. The Iraq Survey Group harbors severe doubts about the source's credibility in regards to the breakout program.'' That's a direct quote from the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' commonly known as the Duelfer report by Charles Duelfer.

''While a small number of old, abandoned chemical munitions have been discovered, the Iraq Survey Group judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991. There are no credible indications that Baghdad resumed production of chemical munitions thereafter, a policy the Iraq Survey Group attributes to Baghdad's desire to see sanctions lifted, or rendered ineffectual, or its fear of force against it should WMD be discovered.''

The source of this information, the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' Charles Duelfer.

2. Iraq was not ''actively seeking a nuclear weapons capability.''

The key finding of the Iraq Survey Group's report to the Director of Central Intelligence found that ''Iraq's ability to reconstitute a nuclear weapons program progressively decayed after that date. Saddam Husayn (sic) ended the nuclear program in 1991 following the Gulf War. Iraq Survey Group found no evidence to suggest concerted efforts to restart the program.''

The source of this information, the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' Charles Duelfer.

Claims that Iraq was purchasing uranium from Niger were not supported by the State Department's Bureau of Intelligence and Research in the National Intelligence Estimate of October 2002.

The CIA had warned the British Government not to claim Iraq was purchasing uranium from Niger prior to the British statement that was later cited by President Bush, this according to George Tenet of the Central Intelligence Agency on July 11, 2003.

Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, in a ''Statement to the United Nations Security Council on The Status of Nuclear Inspections in Iraq: An Update'' on March 7, 2003, said as follows:

''One, there is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites. Second, there is no indication that Iraq has attempted to import uranium since 1990. Three, there is no indication that Iraq has attempted to import aluminum tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have been—it would have encountered practical difficulties in manufacturing centrifuges out of the aluminum tubes in question. Fourthly, although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment program. As I stated above, the IAEA (International Atomic Energy Agency) will naturally continue to further scrutinize and investigate all of the above issues.''

3. Iraq was not ''continuing to threaten the national security interests of the United States.''

''Let me be clear: analysts differed on several important aspects of [Iraq's biological, chemical, and nuclear] programs and those debates were spelled out in the Estimate. They never said there was an 'imminent' threat.''

George Tenet, who was Director of the CIA, said this in Prepared Remarks for Delivery at Georgetown University on February 5, 2004.

''We have been able to keep weapons from going into Iraq. We have been able to keep the sanctions in place to the extent that items that might support weapons of mass destruction have had some controls on them. It's been quite a success for 10 years.'' The source of this statement, Colin Powell, Secretary of State, in an interview with Face the Nation, February 11, 2001.

On July 23, 2002, a communication from the Private Secretary to Prime Minister Tony Blair, ''Memo to British Ambassador David Manning'' reads as follows:

''British Secret Intelligence Service Chief Sir Richard Billing Dearlove reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the U.N. route and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action. The Foreign Secretary said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam Hussein was not threatening his neighbors, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the U.N. weapons inspectors. This would also help with the legal justification for the use of force.''

4. Iraq did not have the ''willingness to attack, the United States.''

''The fact of the matter is that both baskets, the U.N. basket and what we and other allies have been doing in the region, have succeeded in containing Saddam Hussein and his ambitions. His forces are about one-third their original size. They really don't possess the capability to attack their neighbors the way they did 10 years ago.'' The source of this quote, Colin Powell, Secretary of State, in a transcript of remarks made to German Foreign Minister Joschka Fischer in February 2001.

The October 2002 National Intelligence Estimate concluded that ''Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger case for making war.''

5. Iraq had no connection with the attacks of 9/11 or with al Qaeda's role in 9/11.

''The report of the Senate Select Committee on Intelligence documents significant instances in which the administration went beyond what the intelligence community knew or believed in making public claims, most notably on the false assertion that Iraq and al Qaeda had an operational partnership and joint involvement in carrying out the attacks of September 11.'' This is a quote from Senator John D. Rockefeller, IV, the chairman of the Senate Select Committee on Intelligence entitled ''Additional Views of Chairman John D. Rockefeller, IV'' on page 90.

Continuing from Senator Rockefeller:

''The President and his advisors undertook a relentless public campaign in the aftermath of the attacks to use the war against al Qaeda as a justification for overthrowing Saddam Hussein. Representing to the American people that the two had an operational partnership and posed a single, indistinguishable threat was fundamentally misleading and led the Nation to war on false premises.'' Senator Rockefeller.

Richard Clarke, a National Security Advisor, in a memo of September 18, 2001 titled ''Survey of Intelligence Information on Any Iraq Involvement in the September 11 Attacks'' found no ''compelling case'' that Iraq had either planned or perpetrated the attacks, and that there was no confirmed reporting on Saddam cooperating with bin Laden on unconventional weapons.

On September 17, 2003, President Bush said: ''No, we've got no evidence that Saddam Hussein was involved with September 11. What the Vice President said was is that he (Saddam) has been involved with al Qaeda.''

On June 16, 2004, a staff report from the 9/11 Commission stated: ''There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan in 1996, but they do not appear to have resulted in a collaborative relationship. Two senior bin Laden associates have adamantly denied that any ties existed between al Qaeda and Iraq. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.''

''Intelligence provided by former Undersecretary of Defense Douglas J. Feith to buttress the White House case for invading Iraq included 'reporting of dubious quality or reliability' that supported the political views of senior administration officials rather than the conclusions of the intelligence community, this according to a report by the Pentagon Inspector General.

''Feith's office 'was predisposed to finding a significant relationship between Iraq and al Qaeda,' according to portions of the report released by Senator Carl Levin. The Inspector General described Feith's activities as 'an alternative intelligence assessment process.''' The source of this information is a report in the Washington Post dated February 9, 2007, page A–1, an article by Walter Pincus and Jeffrey Smith entitled ''Official's Key Report on Iraq is Faulted, 'Dubious' Intelligence Fueled Push for War.''

6. Iraq possessed no weapons of mass destruction to transfer to anyone.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate (NIE) on Iraq that was available to the administration at the time that they were seeking congressional support for the authorization of use of force against Iraq, the Iraq regime would probably only transfer weapons to a terrorist organization if ''sufficiently desperate'' because it feared that ''an attack that threatened the survival of the regime were imminent or unavoidable.''

''The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against the United States and Allied interests in the Middle East in the event the United States takes action against Iraq. The IIS probably would be the primary means by which Iraq would attempt to conduct any chemical and biological weapon attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory.''

7. Iraq had no weapons of mass destruction and therefore had no capability of launching

a surprise attack against the United States or its Armed Forces and no capability to provide them to international terrorists who would do so.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under severe threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate on Iraq that was available to the administration at the time they were seeking congressional support for the authorization of the use of force against Iraq, the Iraqi regime would probably only transfer weapons to a terrorist organization if ''sufficiently desperate'' because it feared that ''an attack that threatened the survival of the regime were imminent or unavoidable.'' That, again, from the October 2002 National Intelligence Estimate on Iraq.

''The Iraqi Intelligence Service probably has been directed to conduct clandestine attacks against U.S. and Allied interests in the Middle East in the event the United States takes action against Iraq. The Iraq Intelligence Service probably would be the primary means by which Iraq would attempt to conduct any chemical or biological weapons attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory.''

As reported in the Washington Post on March 1, 2003, in 1995, Saddam Hussein's son-in-law, Hussein Kamel, had informed U.S. and British intelligence officers that ''all weapons—biological, chemical, missile, nuclear—were destroyed.'' That from the Washington Post, March 1, 2003, page A15, an article entitled ''Iraqi Defector Claimed Arms Were Destroyed By 1995,'' by Colum Lynch.

The Defense Intelligence Agency, in a report called ''Iraq—Key WMD Facilities—An Operational Report Study'' in September 2002, said this:

''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities.''

8. There was not a real risk of an ''extreme magnitude of harm that would result to the United States and its citizens from such an attack'' because Iraq had no capability of attacking the United States.

Here's what Colin Powell said at the time: ''Containment has been a successful policy, and I think we should make sure that we continue it until such time as Saddam Hussein comes into compliance with the agreements he made at the end of the Gulf War.'' Speaking of Iraq, Secretary of State Powell said, ''Iraq is not threatening America.''

9. The aforementioned evidence did not ''justify the use of force by the United States to defend itself'' because Iraq did not have weapons of mass destruction, or have the intention or capability of using nonexistent WMDs against the United States.

10. Since there was no threat posed by Iraq to the United States, the enactment clause of the Senate Joint Resolution 45 was predicated on misstatements to Congress.

Congress relied on the information provided to it by the President of the United States. Congress provided the President with the authorization to use military force that he requested. As a consequence of the fraudulent representations made to Congress, the United States Armed Forces, under the direction of George Bush as Commander in Chief, pursuant to section 3 of the Authorization for the Use of Force which President Bush requested, invaded Iraq and occupies it to this day, at the cost of 4,116 lives of servicemen and -women, injuries to over 30,000 of our troops, the deaths of over 1 million innocent Iraqi civilians, the destruction of Iraq, and a long-term cost of over $3 trillion.

President Bush's misrepresentations to Congress to induce passage of a use of force resolution is subversive of the constitutional system of checks and balances, destructive of Congress' sole prerogative to declare war under article I, section 8 of the Constitution, and is therefore a High Crime. An even greater offense by the President of the United States occurs in his capacity as Commander in Chief, because he knowingly placed the men and women of the United States Armed Forces in harm's way, jeopardizing their lives and their families' future, for reasons that to this date have not been established in fact.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States and of those members of the Armed Forces who put their lives on the line pursuant to the falsehoods of the President. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

The SPEAKER pro tempore (Mrs. DAVIS of California). The resolution qualifies.

Under the previous order of the House of today, the previous question is ordered without intervening motion except to refer or to lay on the table, which have precedence in the order stated.

MOTION TO REFER

Mr. KUCINICH. Madam Speaker, I move that the House refer the resolution to the Committee on the Judiciary.

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

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

Mr. CONAWAY. 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, this 15-minute vote on the motion to refer will be followed 5-minute votes on motions to suspend the rules on H.R. 5803 and House Resolution 1090.

The vote was taken by electronic device, and there were—yeas 238, nays 180, not voting 16, as follows:

[Roll No. 492]

YEAS—238

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

NAYS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan

Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrow
Bonner
Boswell
Broun (GA)
Burgess
Conyers
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Engel
Lewis (GA)
Lucas
Pearce
Pitts
Rush

□ 1839

Messrs. MCINTYRE and LAMPSON changed their vote from ''nay'' to ''yea.''

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING PROGRAM TO MAKE GRANTS REGARDING BACKUP PAPER BALLOTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5803, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5803.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 170, not voting 16, as follows:

[Roll No. 493]

YEAS—248

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

NAYS—170

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

NOT VOTING—16

Barrow
Bonner
Boswell
Broun (GA)
Burgess
Conyers
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Engel
Lewis (GA)
Lucas
Murtha
Pearce
Pitts
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1848

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

HONORING NELSON MANDELA ON HIS 90TH BIRTHDAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1090, 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 New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1090, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 494]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)

Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Andrews
Barrow
Bonner
Boswell
Broun (GA)
Burgess
Cannon
Conyers
Cubin
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Engel
Frank (MA)
LaTourette
Lewis (GA)
Lucas
Murtha
Pearce
Peterson (MN)
Pitts
Rush
Towns

□ 1855

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.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on July 15, 2008, I was called away on personal business. I regret that I was not present to vote on H.R. 5803, H. Res. 1090, and the Motion to Refer Mr. KUCINICH's Privileged Resolution Regarding an Article of Impeachment against the President to the Committee of Jurisdiction. Had I been present, I would have voted "yea" on all votes.

AMERICANS NEED PRAGMATIC POLICIES

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

Mr. SARBANES. Mr. Speaker, I rise today to give voice to one of my constituents, Shalonda Fredderick, whose recent correspondence with my office reflects the struggle that's facing many Americans across my district and throughout the country.

Shalonda writes, ''I'm sorry to disturb you. I don't know where else to turn. I'm 32 years old. I live with MS. I just started to receive SSDI of $1,251 a month. I have applied for housing assistance. As of August 8, my rent will be $860, plus we'll be paying $30 for water, $15 a month for BGE, plus I'm paying $185 for school loans. That's my entire check.

I've tried to find help, but all I hear is that I'm too young or not disabled enough. I don't think I deserve anything more than the average person, but I know unless I find help in six weeks when my lease ends, me and my dog will be homeless.''

Mr. Speaker, we've been working with Shalonda to try to help her address these immediate problems, but what she needs are pragmatic policies to ensure that people like her never reach such a perilous point.

CELEBRATING THE LIFE OF ROBBIE ''GRAN'' JUANITA SEPOLEN

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

Mr. CONAWAY. Mr. Speaker, I come to the floor today to celebrate the wonderful and full life of Robbie ''Gran'' Juanita Sepolen.

In her 105 years on this Earth, Gran was a daughter, a wife, a mother, a foster parent, a student, a teacher, an activist, grandmother, great-grandmother, great-great-grandmother, and even a great-great-great-grandmother, and most importantly, she was a devoted Christian. Her accomplishments are innumerable and the lives that she touched along the way are countless.

Growing up in Brownwood, Texas, Gran was part of the first graduating class from Brownwood Colored High School in 1918, later named the Rufus F. Hardin High School. After college, during a time of great bigotry against the African American race, Gran overcame those boundaries and shared her love of learning with others as a teacher and librarian in the Brownwood School District.

A true public servant, Gran used her rights as a voting citizen to help others find their voice by helping them register to vote. She was active in the senior citizen ministry as well, sharing her love of the arts in senior citizen centers throughout the county.

Gran never tired of meeting new people or learning new things, participating in numerous cultural events, and was even crowned the 2001 Cowboy of Color Rodeo Queen in Houston, Texas.

While we mourn the loss of such a unique and wonderful woman, we must also celebrate a life well lived and move forward knowing that Gran left footprints on the hearts of all that crossed her path.

A TRIBUTE TO DR. MICHAEL E. DEBAKEY

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute to Dr. Michael E. DeBakey on the eve of his funeral in Houston tomorrow.

We lost Dr. DeBakey just a few days ago. Many of us have come to know him as a major force in medical science for almost 100 years. He died at 99 years old, still, however, before his illness, going to his office, going to the medical center, and being a counsel

and a resource for any number of doctors, thousands upon thousands of doctors of which he had the privilege of training.

Dr. DeBakey was a great researcher, a great scientist, a great physician, a great surgeon. He was a great teacher, and he founded the MASH unit that has helped us save so many lives. He loved veterans. He served in World War II. He was the father of the Veterans Administration Veterans Affairs Department. He created the concept of medicine for the veterans of this Nation.

We are so grateful that, among other things that he was named after, the Veterans Hospital in Houston, which I carried the legislation, his name was given to the Michael E. DeBakey High School that has helped train so many young people who have a desire for a medical profession.

Tomorrow he will be paid tribute to by so many in Houston. Mr. Speaker, today we honor him as we have been given a great gift—his life, his service, his ability to cure, his love of saving lives. May he rest in peace, Dr. Michael E. DeBakey, an icon, a giant, an American hero, and we will never forget him.

□ 1900

CHINA

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

Mr. WOLF. Mr. Speaker, when Congressman CHRIS SMITH and I were in China 1½ weeks ago, all of the dissidents that we were to meet with were arrested, many before they even got to the meeting. And some of the dissidents were ones who had met with President Bush, and at the very time the Secretary of State was there in town, they arrested them.

I call on the President of the United States, if he is going to go to the Olympics, to give a major address the same way that Ronald Reagan gave a major address in the Soviet Union in the Danilov Monastery where he spoke out on behalf of religious freedom and human rights.

Thirty-five Catholic bishops in jail, hundreds of house church leaders in jail. They have plundered Tibet. They are persecuting the WEAGers. They are spying on this country.

I urge the President to give a major address the same way that Ronald Reagan did in the Danilov Monastery, and he should do it in a large church in China to speak out on behalf of those who are being persecuted for their faith, on human rights and religious freedom.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 6331) ''An Act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes'', returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

(Mr. SKELTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HALL MONITORS

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 Capitol Hill hall monitors have issued warning citations to Members of Congress. That's right; Republicans and Democrats all over the hill are getting busted. The dastardly offense was paying tribute to American warriors by placing a poster outside the office with photos of our troops killed in Iraq or Afghanistan. That's right. We're getting written up for honoring the memory of fallen soldiers from our home States and districts.

Here is my citation. I got busted for having a sign-in table and easel with a poster in the hallway. And this is the poster that I got written up for, Mr. Speaker. This letter says I have 30 days to comply with the new hallway policy or I will be in violation of this new edict.

You see, Mr. Speaker, many of my colleagues and I choose to honor the men and women who have fought so bravely and given their lives in the current wars in Iraq and Afghanistan. So we display a poster like this one.

This poster represents the 26 men and women of the Second Congressional District area of Texas that have been killed in Iraq and Afghanistan. We post these displays outside our offices so that we, our staff, and visitors will be constantly reminded of the sacrifice of our troops.

Our type of government exists because real Americans go to war and some of them don't come back. And these photos are of some, 26, of those Americans. Now the hall monitors want us to take them down. They say they are an ''obstacle.''

I will now read from the edict from the sign police that stealthily roam our hallways looking for violators of this hall monitoring proclamation. It says:

''In an emergency evacuation, the many items placed in the hallways of House office buildings interfere with the safe exit of Members, staff, and visitors . . . This policy was developed in response to a complaint regarding the proliferation of items placed in the hallways and responsive recommendation by the Office of Compliance. Its adoption was further recommended by the Committee on House Administration and supported by the Office of the Architect of the Capitol; the Office of Emergency Planning, Preparedness, and Operations; the House Sergeant at Arms; the Inspector General; the Chief Administrative Officer; and the Office of Compliance.'' And, Mr. Speaker, I will introduce this edict and this warning letter into the RECORD.

NOTICE

JULY 3, 2008.

Room No. 1605.

The attached letter, dated May 2, 2008, announced the issuance of a Hallway Policy intended to reduce hallway obstacles. The Hallway Policy can be viewed at *http://housenet.house.gov* (search on ''hallway policy'') or *http://house.aoc.gov*. We are now entering the final 30 days of the transition period established by the Committee on House Administration. In accordance with our responsibility to administer and enforce this Policy we note the following violations of the Policy:

(1) sign in table;

(2) easel.

While we are still in the transition period we are bringing this issue to your attention in order to provide you with the opportunity to bring your office into compliance. The policy will be in full force and effect on August 2, 2008, and after that date all items that violate the Hallway Policy will be removed.

If you require assistance or have any questions, please contact First Call+ at 202–225–8000 or the House Superintendent's Service Center at 202–225–4141. We sincerely appreciate your cooperation in this matter.

CONGRESS OF THE UNITED STATES,

Washington, DC, May 2, 2008.

DEAR MEMBERS OF CONGRESS, COMMITTEE CHAIRS, HOUSE OFFICERS, SUPPORT OFFICES, AND STAFF: In an emergency evacuation, the many items placed in the hallways of House Office Buildings can interfere with the safe exit of Members, staff, and visitors, as well as pose tripping hazards for disabled persons on a daily basis. In order to improve House compliance with the requirements of the Congressional Accountability Act, the Life Safety Code, and the Americans with Disabilities Act, the House Office Building Commission has adopted the attached policy relating to hallway obstacles.

This policy was developed in response to a complaint regarding the proliferation of items placed in the hallways and responsive recommendations by the Office of Compliance. Its adoption was further recommended

by the Committee on House Administration and supported by the Office of the Architect of the Capitol, the Office of Emergency Planning, Preparedness and Operations, the House Sergeant at Arms, the Inspector General, the Chief Administrative Officer, and the Office of Compliance.

The policy specifies only limited circumstances in which items may be placed or stored in a hallway or exit access area of a House Office Building. The policy also governs the removal of easels and similar signage, electronic kiosks, flag stands, and sign-up tables.

As the attached document indicates, the Chief Administrative Officer and the Superintendent of the House Office Buildings will share responsibility for implementation and enforcement of policy. The Committee on House Administration has directed us to provide a transition period over the next three months, which begins as of the date of this letter. During that period the House Superintendent also will ensure that appropriate wall-mounted flag holders are installed for Committee offices.

It is our hope the new policy will result in unobstructed hallways to ensure the protection of all Members, staff, and visitors in the case of emergencies.

Should you have any questions, please contact First Call Plus or the House Superintendents Service Center. We sincerely appreciate your cooperation in this matter.

Sinerely,

DANIEL BEARD,
Chief Administrative Officer, House of Representatives.
FRANK TISCIONE,
House Superintendent, Office of the Architect of the Capitol.

Mr. Speaker, it seems like a lot of bureaucrats are involved in patrolling the hallways of Congress, and I wonder what all this nonsense costs the taxpayer. As you will notice, Mr. Speaker, the letter refers to a single complaint, and then all of these bureaucrats went into action.

The visitors to my office call this poster a fitting tribute and thank me for honoring our troops. Apparently, the congressional hall monitors have nothing better to do with their time and taxpayer money than to regulate hall traffic and posters. One would think that in the big scheme of things, American citizens, especially the families of the fallen, would want Members of Congress to display these tributes rather than not display them. But the hall police say that if I don't take it down by the end of the month that they will remove it and trash it because it's an ''obstacle'' in their steely bureaucratic eyes.

I hope the Architect of the Capitol changes this improper edict. Is Congress going to have to pass a law to keep these tributes on display? Well, maybe. By the way, Mr. Speaker, this arbitrary rule, in my opinion, violates the first amendment of free speech and freedom of expression.

In the meantime, I am going to have to respectfully refuse to comply. Our poster isn't going anywhere. To coin a phrase used in the Texas War of Independence, ''Come and take it'' if you dare.

And that's just the way it is.

HONORING TERRY DEVINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, it's with a great sense of sorrow that I rise to remember a prominent North Dakota journalist and friend, Terry DeVine, whose funeral was held today in Fargo.

If North Dakota had a hall of fame for journalists, Terry DeVine would go in by acclamation. He was tough, smart, hard working, and fair. Fortunately for us, he spent most of his career at the Fargo Forum, where over the years we came to know that he had a mighty big heart as well.

My indelible memories of Terry include his early years at the Forum, which coincided with my early years in politics. As if my first trip to the Fargo Forum, our State's largest newspaper, wasn't unnerving enough, there was hard-charging Terry DeVine, former collegiate football player, Marine Corps combat veteran. He presented a gruff demeanor that clearly conveyed ''Don't even think of trying to B.S. the Fargo Forum.''

In fact, his journalist skepticism was a point of pride for Terry. After a politician sparked his ire by complaining about what he saw as the unnecessary intrusions of reporters in pursuit of a story, Terry wrote about the role of the press in holding officials accountable. ''The relationship between a reporter and a politician should be like the relationship between a barking dog and a chicken thief,'' he proudly quoted from his former colleague Jules Loh.

True to his writing, Terry relished the watchdog role of the press. I consider it a true privilege to have known and worked with Terry DeVine for nearly three decades. I came to admire not just his prowess at writing and running a newspaper but his unflagging intellectual curiosity, his deeply anchored sense of right and wrong, and his compassion for the ''average Joe.''

The Terry we knew ran the gamut, from hard-charging city editor like a character out of ''Front Page'' in the early days to a quieter but steady leader through years of personal health adversity. His quick humor and core values never changed, and in his determined perseverance, he gave us the very best lessons of a remarkably dedicated and talented journalist.

I called him a week ago to say goodbye. I wanted to tell Terry of my respect for his career, my enjoyment of our visits over the years, and that in our dealings I felt he had always been fair. Whether I got all that across or not, I don't know. I'm not good at saying good-bye. But Terry, without a hint of self pity, thanked me for the call and he thanked me for our friendship. That was so like Terry: strong, direct, on point.

Terry DeVine's career has set a high bar for journalists in North Dakota. Come to think of it, he set a high bar for all of us. He had a life well lived, a career of distinction, and an impact that we will never forget.

God speed, Terry.

THE UNJUST PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, 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, in solitary confinement, for 545 days.

On June 18, 2008, I sent a letter, signed by Congressman TED POE, Congressman DANA ROHRABACHER, Congressman VIRGIL GOODE, Congressmen 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.

□ 1915

At this point, we have not received the response from the Justice Department. And I only hope they are thoroughly examining the details of this prosecution. One of the main reasons for our request for this investigation stems from the firearm charges used by his office in prosecuting the agents. The 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.

When you look at the history of why Congress enacted this statute, one reason stands out, to warn criminals to think twice before they put a gun in their pocket on the way to the scene of a crime. The reason for this statute clearly does not apply to law enforcement Officers 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.

The real criminal in this case, the Mexican drug smuggler, has since pled guilty to smuggling additional loads of drugs. He is scheduled to face sentencing in Federal Court tomorrow. This is the same drug smuggler who the prosecution portrayed as a one-time offender and gave him free medical care, border-crossing cards and immunity to testify against our border agents.

While the American people won't wait for the Fifth United States Circuit Court of Appeals in New Orleans

to render its decision on the agents' appeal, I am hopeful that the House Judiciary Committee will soon hold a hearing to investigate this injustice. I thank Chairman JOHN CONYERS and his staff for their interest in investigating this case.

This case deserves a hearing because Ramos and Compean were doing their job to protect our borders. They should never have been prosecuted. During oral arguments for their appeal on December 3, 2007, one of the judges considering the case, Judge E. Grady Jolly said, and I quote the judge, ''It does seem to me that the government overreacted here. For some reason this one got out of hand.''

I want the families of Agents Ramos and Compean to know that my colleagues on both sides of the aisle and I will continue to do all we can to see that this miscarriage of justice corrected.

NATIONAL BOULE CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to express my enthusiastic congratulations and support for the Alpha Kappa Alpha sorority during its National Boule Conference, celebrating 100 years of its organization and existence. The sorority, founded at Howard University on January 15, 1908, is the first Greek-lettered sorority established and incorporated by a group of nine African American college women. The AKA sorority broke barriers for African American women in areas where little power or authority existed due to a lack of opportunities for minorities and women in the early 20th century.

Headquartered in Chicago, Illinois, the sorority consists of college-educated women of African, Caucasian, Asian and Hispanic descent. The sorority serves through a membership of more than 200,000 women in over 900 chapters in the United States and several other countries. Since its inception, Alpha Kappa Alpha has helped to improve social and economic conditions through community service programs. Members have improved education through independent initiatives, contributed to community building by creating programs, and influenced Federal legislation by advocacy through the National Non-Partisan Lobby on Civil and Democratic Rights.

My wife, Vera, is a proud member of Tau Gamma Omega, the graduate chapter of the Alpha Kappa Alpha sorority. Two of my sisters, Ceola and Floretta, are also AKAs. They often meet in our home. And I have always been very proud of the leadership and mentoring relationship my wife has established and continues to display with younger women who join. Tau Gamma Omega is a strong voice and positive presence in the community where they serve.

Mr. Speaker, it is my understanding that there are 26,000 AKAs in the District of Columbia this week. And today I was very pleased to receive, along with my wife, State representative Connie Howard, and the immediate past president of the Cook County Board of Commissioners, the Honorable Bobby Steele and a large contingent of AKAs from my hometown of Chicago, Illinois.

And so, Mr. Speaker, as a member of the Alpha Phi Alpha fraternity and the United States House of Representatives, I commend the Alpha Kappa Alpha sorority on all their continuing endeavors to help the community. And I welcome the 26,000 attending members of the 2008 Centennial Boule to their founding place of Washington, D.C.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NIGERIAN SWEET CRUDE OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I think everybody in America knows that we import an exorbitant amount of the oil that we use in this country. We are dependent on oil from the Middle East. We are dependent on oil from South America, from Venezuela and elsewhere. And as a result, we are at the mercy of these countries if they decide to cut back on the amount of oil that they are selling to this country or if OPEC decides to raise the price per barrel of oil.

As a result of our dependency on foreign oil, we now see gasoline at the pump of between $4 and $5 per gallon. And everybody in this country, in fact, almost everybody, about 70 percent of people in recent polls, have said they want America to move towards energy independence. They want us to drill here in the United States. They want us to drill offshore on the continental shelf. They want us to drill in ANWR up in Alaska. They want us to use coal share converted into oil for energy. And they want us to drill for natural gas. But unfortunately, we are not going to do it because we can't get the votes in the House or the Senate to get this job done.

Now today we had a meeting. And we found out that in addition to our dependency on foreign oil from sources like Saudi Arabia or Venezuela or elsewhere in the world, we find out that from Nigeria we import almost 37 percent of our sweet crude oil, which is the preferable kind of oil you want for many of the refineries on the east coast because they can convert that in an easier way into gasoline to be sold at the pump. Now if they have to rely on heavier crude oil, as I understand it, they won't be able to convert that because they are not geared up for that. They are used to using, and the refineries are geared to using the sweet crude oil.

So as a result, we see 37 percent of the sweet crude oil coming from Nigeria and almost 1 million barrels of oil a day coming from that country. And they have problems over there right now we found out today, Mr. Speaker. They have rebel groups that are stealing as much as 500,000 barrels of oil a day and selling it on the world market to put into their own pockets. And if they decide to go further into the pockets of Nigeria, they can dig into the 1 million barrels of oil that we receive from Nigeria a day. And that is about 9 percent of the oil that we get from around the world.

The reason I'm bringing all this up is that we are dependent on Saudi Arabia. We are dependent on Venezuela. We are dependent on Canada. And we are dependent on Mexico. And now I find that we are dependent on Nigeria for about 9 percent of the oil we have, which is about 37 percent of the sweet crude oil we get, which is the preferable kind of oil that we need for refining on the east coast of this country.

We are dependent on the rest of the world. And the price of gasoline at the pump is between $4 and $4.50 a gallon. And if there is a disruption because of OPEC or what goes on in Nigeria, we could see the cost of gasoline per gallon go to $5, $6 or $7 a gallon. And the American people and our economy cannot stand that kind of a price for gasoline. People are spending $70, $80 or $90 for one tank of gasoline. And seniors and people that live in rural areas and business people trying to get to and from work cannot afford that. We can't afford the cost of getting food to the marketplace and for us to buy it without raising the price of these products. Everything is going up because of the price of oil.

And we find that we can be energy independent in this country. We can move rapidly toward energy independence if we drill off the continental shelf and Alaska, and drill for natural gas and convert coal shale into oil. We can be energy independent, and we don't have to depend on the rest of the world.

And the American people, Mr. Speaker, need to contact their Congressmen and their Senators and tell them that we need to move toward energy independence. We need to drill here in America. We can get the job done. We're a can-do country. And we need to get with it right away.

IT IS TIME TO BAIL OUT MAIN STREET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we've bailed out Wall Street once already this year. We may be doing it again soon. But it's time to bail out Main Street by doing what we should have done 50 years ago, and that is provide Americans with universal health care. It's the fastest and most effective way Congress can shore up the American family. Because we all know that Americans are either paying too much for health care, can't afford to buy enough coverage, or can't afford any coverage at all. And the cost in dollars and in human terms is staggering.

A generation ago, the head of General Motors famously said, ''as GM goes, so goes the Nation.'' It's no secret that GM and America are struggling with an economic crisis. We can make the difference by addressing the single largest expense facing an American family and American business today, health care. Every day in America, the American people are forced to dig deeper and deeper into their own pockets to pay for health care. And every day American business is forced to transfer more of the burden to employees or drop coverage altogether.

America's health care system today looks like an ambulance riding on one wheel. And even that wheel will soon fall off if we continue to support a failed system that is not made in America, not worthy of America and nothing more than an accident of history.

In the early 20th century, there was a movement to provide universal health care. But ironically it was fiercely opposed by the insurance industry at a time when it made most of its money selling death benefits to those who feared a pauper's grave. Emerging from the Great Depression in 1930, Franklin Delano Roosevelt wanted to institute universal health care. But his advisers feared the American Medical Association would kill FDR's proposal for Social Security in their opposition to health care.

In the 1950s, the legendary labor leader, Walter Reuther, first won a health care benefit and a pension too for automobile workers in a labor agreement with General Motors. Then Reuther tried to enlist GM and others to join forces and lobby the Federal Government to institute universal health care. But business couldn't see coming the economic storm from global competition and didn't trust government. Organized labor, flush from a victory in Detroit, saw health care as a perpetual win at the bargaining table, and organized medicine was relentless at lobbying until they drove the universal health care program into the ditch again.

In the second half of the 20th century, there were other attempts by the American leaders, but all of them were killed by seemingly unlimited lobbying resources. Today we have 50 million Americans with no health care coverage at all, another 25 million Americans without adequate protection, and every American can't find pants with pockets deep enough to keep paying costs that are already out of sight.

The only universal truth about health care in America today is that every single American knows someone with a health care crisis or is facing one themselves. American business has to compete today in a global economy, but American business has a major health care benefit expense on its books that the international competitors do not have. Even great companies in my congressional district, which are national models to providing employee benefits like health care, are being stretched to the limit, and their balance sheets, like a rubber band, can only flex so much before they break.

We cannot stand idly by and watch when we know that developing and instituting an American single payer health care system can dramatically improve the health of American business and American families literally and financially. And for the first time in decades, we have a chance if we're willing to seize the opportunity. There are cracks in the dams of opposition. A new survey of U.S. doctors published recently in the Annals of Health Research finds that 59 percent of American doctors now support single payer health care plans, which is a dramatic double-digit increase in support in the last 7 years.

The U.S. Conference of Mayors passed a resolution a few weeks ago. Organized labor recognizes a changing global economy that means they can best represent workers not at one bargaining table, but on a national level where everyone benefits equally.

Even business is beginning to rethink its trust of government. In 2002, Detroit's auto subsidiaries in Canada strongly supported continuation of a single payer health care program because of its positive economic impact on them and their workers.

A few years ago, I asked businesses' executives if they would be willing to pay 6 percent of their revenue to offload health care and no one raised their hand. Now the average cost is 13 percent for business, and a business leader recently asked me if that deal was still on the table. I'm here to say single payer is on the table. It's time to breach the dam of opposition and create a single payer health care system for the health and well-being of the American people and American business.

We have tried the alternatives. The free enterprise system has had 50 years. But they can't do it. They have failed again and again, and the costs go up all the time. It's time to do what works in every industrialized country in the world.

□ 1930

HONORING SENATOR JESSE HELMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, this evening, I rise with a heavy heart to honor the life of former Senator Jesse Alexander Helms, Jr., of North Carolina. Senator Helms served from 1972 to 2002, 30 years in the United States Senate, tying the longest-serving Senator from North Carolina in that record.

Senator Helms was known to most Americans as a rock-rib conservative, both committed to a smaller, more efficient government that taxes less and spends less, and also a social conservative who would stand up to the common society of the day that was allowing for many permissive activities.

Senator Helms was much more than that, though. He was an ardent anticommunist, and supported freedom around the world against the tyranny of communism. Senator Helms has a very distinguished record in the United States Senate spanning three decades.

He was known as the strongest conservative in the United States Senate in his time, one of the best known American conservatives of his time. But what many people don't realize is that in 1976, just 4 years into his first term in the United States Senate, Senator Helms did a very bold thing, he endorsed Governor Ronald Reagan in his primary for President against Gerald Ford. Senator Helms was the only Senator to endorse Reagan in 1976.

Although then-Governor Reagan had not won any primaries coming into the North Carolina primary, Senator Helms put his full campaign organization behind Governor Reagan. And in an upset victory, Governor Reagan beat sitting President Gerald Ford in that Republican primary, the first primary that Reagan won in 1976.

Historians note that without winning the North Carolina primary, Ronald Reagan may not have had the opportunity to be President in 1980. He may not have had the ability to continue his campaign going into the convention in 1976. So for Americans who know Reagan, they should thank Senator Helms and his bold move in endorsing Governor Reagan.

Beyond that, in his final term in office, the world came to him. He didn't change his principles, he didn't change the things that he was focused on, but he took the opportunity to reform the U.N., working with Senator JOE BIDEN of Delaware. The Helms-Biden agreement called on the U.N. to reduce its budget and define its mission. It also forced a much-needed review of all U.N. policies. It was a large reform, and Senator BIDEN said at the time, ''Just as only Nixon could go to China, only Helms could fix the U.N.''

Just after that in 2000, Helms was the first U.S. lawmaker to address the U.N. Security Council. That is an amazing tribute to his leadership. He was not simply ''Senator No,'' he was voted as the ''Nicest Lawmaker in Congress.''

What people know about him was the personal touch he had with people. My

first political memory was in 1984 as a 9-year-old going to a Helms-Reagan rally. That is my first political memory. Beyond that when I was a high school student, I stopped into Jesse Helms' office and he took a few minutes to sit and talk with me, take a picture with me at his desk, and showed me around his office. And I realized once I became a lawmaker how very short time is here on Capitol Hill, and for him to give me that moment is a special memory that I will always cherish.

Our thoughts and prayers are with the Helms family, and his wife, Dot.

At this time I yield to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I had the privilege of attending Senator Helms' funeral along with Congressman MCHENRY, Congressman JONES, Senator BIDEN, Senator DODD, Senator BYRD, Senator DOLE, and others. And there were two takeaways from that funeral that I particularly remember. One was directly from Senator Helms. He said, ''You can always change your priorities, but never change your principle.'' That was a hallmark.

The other thing that the pastor said, ''The Lord always examines the heart of the giver before he examines the gift.'' Senator Helms' heart was with his constituents. His constituent service, regardless of party, was absolutely remarkable, and it was a tribute to him, his relationship with his wife, Dot, his family and his children.

Mr. Speaker, I want to thank Senator MCCONNELL and Jimmy Broughton and the Helms family for the wonderful testimonial of his service to his country.

EDUCATING IRAQ'S FUTURE LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, most of our Nation's students are on summer vacation right now. They are enjoying camp, swimming, playing, or just hanging out and relaxing. Some are even earning a few dollars at a summer job.

For their counterparts in Iraq, the school break is just now beginning. Iraqi students have just wrapped up their final exams. This year we learned was very different from last year's exam period. According to reports from relief organizations and a recent article in the Christian Science Monitor, last year's tests were marred by unprecedented incidents of mass cheating, bribe-taking, and sheer lawlessness. In many places, Mr. Speaker, last year we heard that militiamen and insurgents strolled casually into exam centers and forced officials, often at gun point, to allow cheating.

Parents feared sending their children to exams. The challenges of just getting to school, making it past militia roadblocks and suicide attackers was one thing; making it through a day full of cheating, intimidation and violence was quite another. One test proctor overseeing a geography high school exam at Baghdad University told the Christian Science Monitor, ''Last year the outlaws took advantage of the brittle security situation and caused unprecedented chaos during the final exams. It was truly a mark of utter shame on our education system as a whole.''

Another Iraqi reported that militiamen stormed into an exam hall to force proctors to let students cheat. When one headmaster objected, he was briefly kidnapped and threatened by the militiamen until he relented.

Students were woefully underprepared for their exams, Mr. Speaker. One observer told the media that anguished-looking girls came out of the exam room complaining not only about how difficult the questions were, but also about their preparation. They said it is not fair, we didn't even have a chemistry teacher all year, and we are being tested on chemistry.

This year, thankfully, it appears that the neighborhoods are much more secure. An overwhelming presence of military and law enforcement appears to have kept interfering forces at bay during the testing. The situation is still not ideal, however, because many students have to travel great distances daily. But generally, the situation is somewhat, if not a great deal, better.

Iraq has a rich educational history, Mr. Speaker. Until the years of the first Gulf War, Iraq led the region in academics and produced internationally recognized leaders in the fields of law, medicine and theology. But the challenges are still great.

The Ministry of Human Rights reported at the end of June that 340 academics were killed in and around Iraq from 2005 to 2007. And according to the Ministry of Education, 28 percent of Iraq's 17 year olds in the center and southern part of the country took their final exams in the year 2007, but only 40 percent passed. That was a decrease from 2006 when the figure was 60 percent passing.

We already know that this administration gets a failing grade on its Iraq policy. However, we don't need to condemn a generation of Iraq's future leaders. We should be investing in schools, not in tanks and guns. We must redeploy our troops and military contractors from Iraq, and we must work peacefully to help with their reconciliation. Mr. Speaker, let's send the children to school, not to war.

EARMARK LIMITATION AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, every year now we hear a lot of high-minded rhetoric about earmarks and how earmarks represent Congress' Article I authority, that we earmark in Congress because we have the power of the purse and we are simply exercising that power.

But the reality belies that claim. Let me talk about one earmark tonight that will give just an example of how this high-minded rhetoric that we often hear is so wrong.

We may not even get appropriation bills on the floor this year. We may not have any. It may be that we simply do a continuing resolution to fund appropriations for the next fiscal year; and then in January have a big omnibus bill and all of the earmarks, the thousands that have been put as part of the bill that we haven't even seen on the House floor, will be dumped into the bill.

So all we can do, I guess, is come to the floor in a forum like this when we are not even officially challenging the earmarks, but to highlight what a waste some of these earmarks are.

This earmark that I want to talk about tonight is $200,000 in funding for the Advantage West Economic Development Group's Certified Entrepreneurial Community Program in North Carolina. There are a number of earmarks similar to this in the Labor-HHS bill which we won't see later this year. These are funds set aside for economic development, business incubators and workforce programs.

I would never argue, nor would any of us in our campaign literature, that this is a proper role and function of government. Yet we see time and again earmark after earmark to fund these kinds of programs.

This is not the first time I have challenged an earmark for this specific group. In fact, last year I came to the floor and argued that this group need not have Federal funds to carry out its objective. I say this because Advantage West Economic Development Group's Website has a long list of corporate sponsors, including BB&T, BellSouth, Qualcomm, Sprint, UBS, Verizon and Wachovia. In addition to more than 80 corporate sponsors listed, the group also counts the National Park Service, National Endowment for the Arts and the U.S. Department of Commerce as ''funding partners.''

On top of that, the group received a $282,000 earmark in last year's appropriation bill.

So why in the world, Mr. Speaker, with so much financial support coming here should this group receive an additional subsidy? It simply makes no sense at all.

I think that we ought to mention here, as was mentioned in the July 9 issue of Roll Call, that we often hear that earmarks are given out because Members know their districts much better than faceless bureaucrats in some department.

□ 1945

But why is it, then, if there is such a noble purpose for earmarks, and the Members are simply knowing their district and getting these districts, why is

there such a disproportionate allocation of earmarks? Why are so many going to leadership or so-called vulnerable Members on one side.

Why are earmarks given out to Members who are at risk of losing their election? According to a Roll Call article just a few days ago, it said that ''Sixteen Democrats in the 'Frontline' program, aimed at protecting the 29 most vulnerable House Democrats, secured $810,000 worth of earmarks each'' in the Labor-HHS bill. This is not a one-sided effort. It's not just the Democrats, it's my party as well.

The article went on to say, ''Among the 23 Republican incumbents participating in the 'Regain Our Majority Program' this cycle, 14 secured $900,000 or more in the Labor-HHS bill.

''Twelve of those—the Republicans pulled down $1 million or more in the CJS bill, with 8 of them securing $1.5 million each.''

Again, why is it, after we hear all this lofty rhetoric about earmarks, because we know our constituents best, why is it that the only ones that really know their constituents best are those who are at risk of not being re-elected back to this body? It simply doesn't make sense. It cheapens this institution. We are a better institution than that, and we should, we should respect this institution more than that and respect taxpayers' money more than that.

Also, another reason that's often given for earmarks is that we need to provide oversight. Earmarking is a way to provide oversight, because, after all, we know better than those bureaucrats on how to spend money.

I asked the Congressional Research Service to do a little research to see where the actual oversight in Congress has gone since the contemporary practice of earmarking has really started in the mid-1990s. If you look at the 104th Congress, we just had—not very many earmarks. By the time we got to the 109th Congress, we were up around, I think, the final numbers were about 15,000 earmarks. Yet the oversight hearings actually go down. That's not a legitimate reason for earmarking.

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 Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING HOWARD COBLE FOR BEING THE LONGEST-SERVING NORTH CAROLINA REPUBLICAN IN U.S. HOUSE HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, today is a special day in the history of North Carolina, this Congress, and especially in the life of public service led by Congressman HOWARD COBLE from North Carolina's Sixth Congressional District.

Today, Congressman COBLE becomes the longest-serving Republican from North Carolina in the history of the House of Representatives. His nearly 24 years of congressional service eclipses the record of service previously held by Jim Broyhill, who served from 1963 to 1986.

HOWARD has a sterling reputation as a man of integrity and principle, a representative who stands for what is right and who fights on behalf of what makes America a great Nation. He is a truly independent voice for North Carolina and Washington. I consider it a profound honor to call HOWARD a dear friend, and I always look forward to working with him in Congress on behalf of the people of North Carolina.

In addition to his unimpeachable character, HOWARD COBLE is a champion for his constituents, whether he is working in Washington or back in North Carolina. He is passionate about constituent service, and he never backs down from a challenge to do what makes sense for those he represents in North Carolina's Sixth District.

His North Carolina values of hard work, common sense and sacrifice, on behalf of those he serves, have made HOWARD not just the longest-serving Republican from North Carolina but also a tremendously effective legislator.

The dean of the North Carolina delegation is also in possession of one of the sharpest wits in Congress. He is renowned for his deadpan humor and loves a good joke, even if it's at his own expense. As I am sure his constituents are aware, HOWARD is always ready with a cheerful greeting and a welcoming smile for whoever crosses his path.

In fact, many of those who meet HOWARD for the first time will quickly realize his affection for his constituents in his district. He can hardly meet a constituent without inquiring about their high school alma mater and then rattling off their high school's mascot.

It's not just that HOWARD knows the high school mascot of every high school in his district, it's that he cares about the little details that mean so much to average North Carolinians. Perhaps the most fitting summary of HOWARD's personality is that he is the essence of what it means to be a southern gentleman, someone who simply exudes kindness, charm and compassion.

Of course, HOWARD's sharp wit can be a two-edged sword. Last month his sense of humor almost killed someone. At the North Carolina GOP convention, he cracked a joke to Senator Robert Pittenger, who is campaigning to become North Carolina's lieutenant governor. Pittenger nearly expired after choking on his meal in mid-chuckle. Reliable sources have hinted that the joke might have been a variation of HOWARD's feisty mountain woman one-liner that he routinely uses to describe me. Fortunately, former presidential candidate Mike Huckabee was there to rescue Pittenger from HOWARD's humor with a well-placed Heimlich maneuver.

All kidding aside, one thing I admire most about Congressman COBLE is the fact he has served so long and so admirably while still retaining the North Carolina values that helped bring him to Congress 24 years ago. He has no doubt seen much during his tenure from the last days of the Soviet Union and the fall of the Berlin Wall, to the heady days of the implementation of the GOP's Contract with America in 1995, and then the dark days after September 11. Throughout it all, Congressman COBLE has been a consistent, caring legislator who represents the very best of our great State of North Carolina.

Today, I salute HOWARD COBLE, my friend, for his many years of service. On this historic day, I wish him many more years of faithfully serving his constituents and his country.

HOWARD is truly one of a kind.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

(Mr. CAMPBELL of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

(Mr. CONAWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

(Mr. GILCHREST 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 Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MORTGAGE FORECLOSURE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the majority leader.

Ms. KAPTUR. Mr. Speaker, I wonder if the American taxpayers know that they are now the insurance company for Wall Street and for Wall Street's high-risk investors.

I am very pleased to begin this evening joined by our dear and respected colleague from the great City of Cleveland, Congressman DENNIS KUCINICH, and would yield the first portion of the hour and such time as he may consume on the very important subject of the mortgage foreclosure crisis and the financial crisis facing our Nation.

Mr. KUCINICH. I want to thank the gentlelady from Ohio, my long-time friend and colleague, Representative MARCY KAPTUR, for organizing this special order and for her continued commitment to addressing the foreclosure crisis, which is ravaging communities like Toledo and Cleveland and cities across this country.

I would also like to thank Chairwoman MAXINE WATERS for her persistence in addressing the foreclosure crisis and the subprime crisis. It has been an honor for me to work with Congresswoman KAPTUR and Congresswoman WATERS on this very important matter.

My subcommittee, the Subcommittee on Domestic Policy of the Committee on Oversight and Government Reform, a subcommittee of which I am chair, has held five hearings over the past 2 years regarding the foreclosure crisis, predatory lending, lasting effects.

What we have found is that neighborhoods are totally blameless victims of the foreclosure crisis. When homes are lost to foreclosure, property values of the surrounding homes plummet, and owners lose equity in their homes.

When you go into a neighborhood like Slavic Village in Cleveland where I am from, and you look how certain people built a community there, an older ethnic community, where people would take pride in their property, in keeping it immaculate, and then you see foreclosures in the community. Suddenly, someone who has had a property that they have kept up for 40 or 50 years, sees their property values decline because of the foreclosures around them and sees their property actually at risk, the fire hazards and safety hazards because of the foreclosures around them.

We are seeing people who, for their family, their home is their biggest investment in their life. That's the way it is for most Americans, seeing their investments threatened because of the sharp practices in subprime lending, and in the foreclosure scandal that has hit this country that Congresswoman KAPTUR has been one of the primary spokespersons on in terms of exposing.

We see these demands for services, municipal services. They increase as the foreclosures run wild, more police and firemen needed where there are a lot of foreclosed homes, increased social services and code enforcement. When you think of a foreclosed home, the cost of the foreclosed house goes far beyond the cost of the house itself.

Unfortunately, the State of Ohio and the City of Cleveland have been at the center of this crisis for some time now. According to RealtyTrac, which is an independent group that gathers information on foreclosure, four Ohio cities are in the top 20 metropolitan areas affected by foreclosures. Moreover, the Cleveland metropolitan area ranks sixth in the Nation for percentage of houses in foreclosure, which is a staggering statistic, considering our city's modest property values and the cost of living, which in Cleveland is relatively inexpensive.

Ms. KAPTUR. If the gentleman would yield just for a moment.

Mr. KUCINICH. I would certainly yield to my friend.

Ms. KAPTUR. Perhaps I could point out on the map, of course, Cleveland the most affected region of Ohio, Cuyahoga County, if we look back to 1997, here, and you just look at the colors alone, you have a sense of how many people are actually losing their homes in that region versus Columbus, Ohio; Cincinnati, Ohio; my own region, the greater Toledo area. The change between 2007 and 1997 in the last decade, it's just, it's profound.

Mr. KUCINICH. If I may, what the gentlelady points out, you can look at the research that uses foreclosure and lending data. In Cleveland, the parts of the city where the depository banks made very few prime loans, they also saw the highest percentage of subprime loans and subsequently, or consequently, the highest number of foreclosures.

So it should not be the least bit surprising to anyone, then, that the pattern of foreclosures mirrors almost exactly the established patterns of low-prime loans and high numbers of subprime loans.

Ms. KAPTUR. Absolutely, and each red dot on this map of Ohio represents 10 foreclosures. If we look at the same period of time and how many new filings are fueling this foreclosure growth, we can go back to 1997 and look at 21,000 filings every single year. The number increases to where last year there were over 83,230 filings. Many of those, the gentleman states, so-called subprime, concentrated in communities that were working class and poor. There was a targeting going on around this country.

Mr. KUCINICH. No question about it, to my good friend MARCY KAPTUR.

If we dug a little bit deeper, and we saw some patterns that reflected exactly what you have said, the patterns coincide with some cases with African-American neighborhoods because look what happened, for years, people in African-American neighborhoods couldn't get any loans at all. Then what happened, the Community Reinvestment Act passed, and we were supposed to have access to, finally, to credit.

But banks found a way to go around that. Instead of offering prime loans to people of color, they came up with these subprime packages, no document, low-document loans, didn't tell people exactly what was going on. As a result, people got in over their heads, and they ended up losing their homes.

Now, some people will say well, they should have known. But let me tell you something. One of the most significant challenges in this country is a issue of financial literacy. It's not a color issue, because the fact of the matter is that working-class people are and people who are poor people, often have a problem with the issues of the financial literacy. It's called reading the fine print, looking at the bottom line.

So you rely, and you trust people, you think that the banks are going to be fair to you. You think they are going to tell you the whole story. You think that you are going to be given an opportunity to have an even break. Not so, you look at the filings.

Ms. KAPTUR. If the gentleman, my dear friend Congressman KUCINICH would agree with this, in many of those neighborhoods there literally were no regular banks. In other words, they red lined the community providing no decent financial institutions, leaving them with those payday cash checking or check cashing operations in those communities.

Then all of the money that would flow into those communities, whether it was Social Security for senior citizens who had worked, veterans disability benefits for people who had served our country, where would they take that check to cash it?

□ 2000

There was no place. It was redlined. So those dollars were systematically

removed. That's what redlining was about—their money systematically removed from those communities and put somewhere else—and then the very people in those communities couldn't get mortgage insurance for their homes, so they were sucked dry. That's why we had the Home Mortgage Disclosure Act. It was to say, hey, people in these neighborhoods have savings; they have income; they shouldn't have to pay all this money to cash a check. Then when we made them abide by the law and treat every citizen with the respect they're due, they came up with the subprime gimmick.

Mr. KUCINICH. Exactly.

So what they did is they started in African American neighborhoods, but when the subprime financial machine started to churn and Wall Street looked at it as a tremendous opportunity for growth and the hedge funds looked at it as an even greater opportunity for the unregulated massing of capital, then what you had is the reach from the African American communities, which are primarily located in cities, into the suburbs. So you have this foreclosure pattern spreading.

We're also seeing increases in high-cost loans and vacant properties in the outer suburbs and, guess what, in the outlying counties where the more recent data is analyzed further. Where previously the phenomenon was in the African American census tracts in eastern Cuyahoga County, we see the problem spreading west of the census tracts where there are larger Hispanic and Arab populations as well as our seeing the problem spreading into every direction it can spread in Cleveland—east, south and now west.

Ms. KAPTUR. You know, it used to be that most people in this country, when they would get home loans, would go to financial institutions in their communities or in their neighborhoods if there were a financial institution. You had a person who would make a judgment about you. What was your character? What was the ability of that institution to collect the loan? What was your collateral? Character. Collateral. Collectibility.

Then back in the 1980s, we had this big savings and loan crisis, and the cost of keeping our financial system whole was dumped on the taxpayers of the United States. We have now paid a quarter of $1 trillion, $250 billion, going back to the 1980s.

What has happened in this crisis after the savings and loans were demolished—really, gotten rid of—is that in the 1990s, I can remember their saying, well, you know, we won't have that problem anymore because now we're going to create something new. It's called a mortgage-backed security, and Wall Street will solve our problem. We will never have a banking crisis again in the United States of America. We're going to create this cute, little paper instrument, and we're going to let Wall Street break up your mortgage into parts, and all these mortgage banks will have it, and then there won't be any one bank that will get in trouble, right?

So, during the 1990s, there was complete financial deregulation. We got rid of something called the Glass-Steagall Act, that goes back to President Roosevelt, where we separated banking from commerce, and they got rid of the appraisal standards of HUD in 1993 and 1994, and Freddie Mac, Fannie Mae and the Office of Thrift Supervision at the Treasury Department didn't do their jobs.

What happened was these new securities moved from the local communities. Our local thrifts were gotten rid of—the agencies that created the mortgage instrument and helped people have savings accounts with real passbooks that earned interest. Then we started working with Wall Street, and your loan would go from your local communities—this is Countrywide right here. If we look at Angelo Mozilo, he didn't live in Cleveland or in Toledo. He made over $2.8 million.

Mr. KUCINICH. That's in a year.

Ms. KAPTUR. You know, the bankers who worked in our communities years ago, they didn't make that kind of money, and that doesn't count all of his stocks and everything else. Countrywide is one of the worst abusers, the worst abuser, in this scandal.

So, during the 1990s, the mortgage process became hooked to Wall Street. Then for the first time in American history, those mortgages, rather than being held by your local banks where you had to go in where they knew you and where they knew whether your father had a job or whatever else, were traded up to these anonymous institutions, to people who didn't even live in your community. Then they did something they'd never done before in American history. They sold them into the international market.

One of the real problems in places like Toledo and, I'm sure, in Cleveland, Congressman KUCINICH, is that the workouts are very difficult to do because you're not sure who is the ultimate holder of your loan. How many of the millions of people being hurt by this go to the telephone and try to work out a deal with one of these companies? As for IndyMac, the company that just went belly-up last week, their CEO made a salary of $1 million, a bonus of $1 million, whatever. Now that institution from California is in trouble. Try to work out your loan. Who holds your paper? How do you get that person on the phone?

It's a totally anonymous, faceless system for millions of Americans, and it was meant to happen, and now the American people are being asked to become the insurance company for Wall Street—for investment banks and for Freddie Mac and Fannie Mae, which are not insured institutions of the Government of the United States of America—to the tune of who knows how much—$1 trillion? $2 trillion? $3 trillion?

Mr. KUCINICH. Would the gentlelady yield.

Ms. KAPTUR. I would be pleased to yield to the gentleman.

Mr. KUCINICH. There has been no accountability here. The Federal Reserve was supposed to be monitoring the practices of the banks. They didn't do that. The Securities and Exchange Commission was supposed to be watching the movement on Wall Street as this juggernaut of subprime loans moved along, and it was supposed to be providing a measure of discipline or regulation. They didn't do that.

The Justice Department was supposed to be watching these mergers that were occurring that were really driven by the desire of not just capital formation but by the desire to get their hands on these newly packaged instruments that were beyond the reach of regulators, and the Justice Department didn't do anything.

When the hedge funds began to accelerate with the help of the subprime loan packages, no one was thinking that there was a bubble that was growing. All the danger signs were there. The regulators looked the other way.

Now, what does this mean? What it means is that somewhere in America there is a family who had a dream for a home, and that dream was the most important dream in their lives, just to have a place they could call their own, and they weren't able to get credit up front for a while.

Finally, they went to an institution that said, ''Okay, We'll give you a subprime loan. Here are the terms.'' They accepted those terms. Then they found themselves unable to meet the terms and found they really didn't understand what they were getting into. Then, suddenly, people who had worked their whole lives to have just a little bit of the American dream found it gone in a flash.

This is not right. This cannot be what America is about. America can't be a place where it's all about the government's being an engine for accelerating the wealth of America upwards, because that's what it has been about. It has been about that in the financial markets to the detriment of the small investors. It has been about that in the banking industry as we've seen a lot of the smaller banks just destroyed. In the insurance industry, the wealth accelerates to the top and in the utilities industry.

You can take every single industry in this country, and the wealth has been accelerated to the top. Essentially, you take what you have without the regulation, and you have the destruction of the American dream.

I want to thank my colleague MARCY KAPTUR for giving me this brief moment to have this colloquy with her.

We're very fortunate to be joined by a woman who has equally been a champion for the people from Los Angeles. Before I leave, I want to once again acknowledge what an honor it has been to work with my dear friend MAXINE

WATERS, who, with Congresswoman KAPTUR, came to Cleveland, Ohio, and you heard the testimony of the people from Cleveland.

I come from one of America's great cities, and it is getting overrun, not only by the subprime lenders, but by the secondary market that has come up as continuing the predatory conduct. It is going after people who have lost their properties, and it is seeking to drive the properties down further, selling homes for a few hundred dollars even or for under $10,000 if you can imagine that in this day and age.

So thank you, MARCY KAPTUR. Thank you, MAXINE WATERS. Let's stay on this because we need to make sure there is justice on behalf of those who aspire to own homes, and we need to help fulfill the American dream for people who work hard and who pay their bills to have the chance to be able to have a piece of that dream without getting cheated by these so-called lending institutions that are all about grabbing whatever money they can, whether they have any scruples or not.

So thank you, MARCY KAPTUR and MAXINE WATERS.

Ms. KAPTUR. Thank you also, Congressman KUCINICH, for being a champion for Democratic capitalism. As to your point about the whole financial system's becoming unreachable and so concentrated, whatever happens here, the ordinary American family and the ordinary American community will benefit by whatever Congress does.

As I listen to what is being talked about in this Chamber and over in the Senate, one of my biggest worries is that very big institutions on Wall Street are going to be bailed out or are going to be propped up by the American taxpayer.

My question is: What does the American taxpayer get for that? Our Federal Housing Administration is literally going to become the insurance company for Wall Street. When these big Wall Street firms get all of these homes, how does the average American get in on this equation?

I'm putting in the RECORD tonight an article that was in The Observer. It talks about an effort to allow homeowners who are losing their homes at the local level to work with their local governments and local housing authorities to transfer those homes, perhaps, to them. Then in a lease-back provision, they would be able to pay that locality back for that home.

[From the Observer, July 13, 2008]

CREDIT CRUNCH: EMERGENCY SCHEME TO HELP CASH-STRAPPED HOMEOWNERS

(By Gaby Hinsliff and Jamie Elliott)

Homeowners struggling to meet their mortgage payments would be able to sell their homes to the local authority and rent them back as tenants under radical proposals being considered by the government to prevent the misery of repossession.

Emergency measures to allow families to keep a roof over their heads are being drawn up as the scale of repossessions proceedings becomes increasingly apparent. In Newcastle upon Tyne alone, the newly nationalised Northern Rock is monopolising at least one day a week in the county court to pursue defaulting borrowers.

The latest rescue package reflects growing fears about the seriousness of the crisis, with some analysts predicting that house prices could fall by 35 per cent. Ministers are worried about the 13 per cent of fixed-rate borrowers whose cheap deals expire this year, some of whom may by then be in negative equity and therefore unable to switch to a new fixed rate with another lender.

Caroline Flint, the Housing Minister, told The Observer yesterday: 'I am looking at what more we can do with our colleagues in local authorities—what they can do as well as actually building [homes], and what support they could give to people who might be feeling under pressure on mortgages.'

Asked to confirm that she was considering rent-back schemes, enabling homeowners to become council tenants in their original houses rather than be repossessed, she said: 'We are looking at that. I have to be certain that the choices I make do actually help to limit the damage; and, importantly, is it a short-term fix or a long-term impact?'

The scheme be expensive. Councils would need central government funds to buy the houses. But it could save on the long-term costs of rehousing homeless families and allow councils to increase their housing stock at relatively low prices.

Flint also suggested the Bank of England could increase the size of its £50bn fund designed to stimulate mortgage lending, admitting she was 'disappointed' that the cash that has been pumped in so far had not led to cheaper home loans. 'No doubt our colleagues in the Bank and the Monetary Policy Committee will also be looking at the issue in terms of whether any extra has to be provided,' she added.

She has suggested that country landowners could be freed to build cheap houses for their workers on their own land, in a return to the system of 'tied cottages'.

'It's recognising that sense of community and how everybody has a part to play,' she said.

Debt advice experts warned yesterday that, despite the Chancellor's calls for leniency from lenders, Northern Rock was now aggressively pursuing defaulting borrowers as part of its efforts to repay the £25bn rescue package it received from the government. Chris Jary, director of Action for Debt in Durham, said: 'There used to be a small group of sub-prime lenders who you knew would always go straight to court. But recently it's Northern Rock who have become more aggressive, taking legal action as soon as they can.'

House repossessions at Northern Rock are running at twice the rate they were before the bank was nationalised in February.

Rather than Wall Street's making all the money in their bond houses, why don't we use the bonding power of our cities and of our housing authorities to help move some of that money back down rather than move the money out, back up again to Wall Street?

Mr. KUCINICH. Would the gentlelady yield.

Ms. KAPTUR. Yes, I would be happy to yield to the gentleman.

Mr. KUCINICH. Before I leave here, I just want to make one other point, and this could be the basis of further discussion. Congresswoman KAPTUR earlier today mentioned it in a meeting among the Democrats in our meeting.

We are looking at a debt-based financial system, at a debt-based monetary system where money equals debt, and we are at the beginning of the end of a democracy when we see this system causing the wealth to go upwards.

So I want to thank you for mentioning that. I just wanted to mention that because we really need to look at how money is created. How does it end up that we have so many people in debt and that we have a few who are rolling in dough?

This debt-based financial system is something that needs to be explored more thoroughly. The fractional reserve needs to be explored more thoroughly, and the role of the Federal Reserve in facilitating these heists has to be made known.

So I thank you, and I appreciate the opportunity to spend some time with you.

Ms. KAPTUR. I thank the gentleman for raising these points and also to say that, when you have a system of debt, certain people get very, very wealthy. These are some of the people who got very, very wealthy.

Whether it was Mr. Mozilo of Countrywide or, of course, Michael Perry from IndyMac, which went broke, or Richard Carrion from Popular, these men were making millions and millions of dollars. This doesn't even include the big bond houses on Wall Street. Bear Stearns was the first one to go belly up.

Now we're asking our government to prop up the risky investment practices of Wall Street and to reward the very bondsmen who have placed the American people in the position of servant hood. They make out in terms of selling their bonds and by indebting the people of the United States. They get their fees.

What is amazing to me is that, if you look at the list of the bonding houses that got us in this fix—if you look at Countrywide—would you believe, even though our government knew what it was doing, it kept them on the list of primary securities dealers at the U.S. Treasury Department? HSBC, one of the primary violators, is on the list of primary dealers of the Federal Reserve.

You start looking down that list and start saying to yourself, hey, wait a minute. What is this, a circle? They all just circle the wagons. They are the same people who cause the trouble. Then they come to the American taxpayer to bail them out.

Congressman KUCINICH talked about the Roosevelt administration and the creation of the Reconstruction Finance Corporation. The Reconstruction Finance Corporation was not just about bailing out Wall Street. What was interesting about what President Roosevelt did was that he created a special jobs program. If you look at what that Reconstruction Finance Corporation really did, people around America got work. There was a homeowners' loan association for cities and then a farm credit administration for homeownership in the countryside.

The Works Progress Administration, the WPA, built infrastructure across

this country—zoos and libraries and highways. Yes, they did prop up Wall Street, but they created new types of savings institutions, not to create debt but to create equity, to say to the American family, ''Look, you can own a home. Here is a passbook.'' These are savings and loan institutions. You would get a passbook. You could put money in there. You would actually get an interest rate worth something—4 or 5 percent a year. People learned a savings habit.

□ 2015

Tell me the last time you got a letter from a financial institution in this country asking you to save. All you get are credit cards. ''Get this loan, zero percent down.'' I keep a stack. I've got it in my office. It's about this high. If I signed up for all of those credit cards, I couldn't even manage to keep in touch with all of them. The debt posture that these institutions have pushed have helped push America to the precipice. And every American who's listening knows what I'm talking about.

It is not an accident that we are in this situation. The entire financial system was turned inside-out during the 1990s. We got rid of something called the Glassed Eagle Act which had been in existence from the time of Roosevelt that said you can't mix banking with commerce. You can't mix banking and commerce with real estate. They have to be separate because there are too many bad things that can happen because you know what? Some people are very greedy. They are very, very greedy. And some people don't have information to make informed financial decisions.

So we are now inheriting a situation here which is very, very serious. And today in the Financial Times—and I will place this in the RECORD this evening as well, and then my colleague would like to assume her role here; when she is comfortable, we will move to that—but the Financial Times had an article called ''Goodbye capitalism'' by Joshua Rosner. And what he said is, ''We have nationalized the losses from Bear Stearns,'' which is an investment bank, not a regular savings bank, ''through a transfer of risk onto the Federal Government's balance sheet and have now nationalized the losses generated by Fannie's and Freddie's poor management and functionally taken $5 million in obligations on to the government's balance sheet.''

That means not just us, our children and grandchildren are going to pay for generations. And that makes the bond houses on Wall Street so happy because they make money while the American people suffer.

The article says, ''we will see the continued nationalization of bad assets, placing the burden on the shoulders of the already overburdened American taxpayer.

''We have done this without forcing the disgorgement of undeserved gains by the management and without replacing managements who are now controlling government-owned businesses. Instead of protecting those who made bad bets, we should use our rule of law to address the situation.'' We need a special investigatory panel with subpoena authority to look at every single person back through the 1990s who helped place America and her families in this situation.

The article says, ''Rather than making the taxpayer liable for debts and debts of the government-sponsored enterprises, it would be more sensible to effect a smooth, prepackaged reorganization plan.'' But you know what? That's not in the bill that is likely to be considered here soon. They just want the money, but they don't want to reorganize the system in order to prevent further damage in the future.

We're being pushed by the Bush administration: Do this now because the markets are really nervous, but we won't get the reform that we need in order to avoid these crises in the future. We're merely going to reward bad behavior and put the American people at risk.

''As part of a prepackaged reorganization,'' the article goes on to say, ''the government could explicitly assure investors they will receive all of their guaranteed interest payments. Instead of giving ineffective management a line of credit,'' which is what the bill proposes to do, ''Treasury could provide the GSE's regulator with a line of credit used to assure timely payments for these obligations. This is the tool that Treasury provides the Federal Deposit Insurance Corporation with to sort out failed banks.'' That's what Roosevelt used.

''Over time that line will be repaid by the running-off of the portfolios, active servicing of mortgages and through payment of claims by private mortgage insurers who guaranteed first losses on GSE mortgages.

''The next step would create $150 billion in new equity capital and enable the GSEs, without governmental support, to achieve more fully their chartered mission. Over the past decade'' Fannie Mae, Freddie Mac ''have increasingly used their portfolios to speculate,'' and this is the first time I have read this, ''in aircraft leasing, manufactured housing, interest-only mortgages, and other securities they are specifically prohibited from buying as part of their financial mission.

''In recent years, through these portfolios they funded nearly 50 percent of the riskier private label alternate Alt-A mortgage market, invested in aircraft, lease securities, manufactured housing and other assets that leveraged them into trouble. To achieve the speculative, hedge fund-like growth they issued almost $1.500 billion of senior corporate debt. By their investments, debt buyers supported speculation in non-mission-related activities and did so with a clear understanding they with funding non-mission-related activities.

''They also knew GSE debt was explicitly not an obligation of the U.S. taxpayer and that was repeated constantly by the government and the companies.

''In exchange for their current debt, these holders should receive 90 cents on the dollar of new, long-dated senior debt in the companies and 10 cents of new subordinated debt.''

''This approach would send a very strong signal, from the government, that investors fully consider the risks of bad asset allocation.'' And ''though it would cause pain for equity and subordinated debt investors, those investors received the majority of returns over the past several years and, in our great system, they are supposed to be subordinated.''

I want to put this article in the RECORD. I think it is very, very well written.

And I go back to my initial question for this evening. I wonder if the American taxpayer knows they are now the insurance company for Wall Street and Wall Street's high-risk investors. We have to figure out a way, as we work our way out of this serious situation, for some of the dollars that are being directed to Wall Street, rewarding them, in a sense, for their behavior, go the other way back to community and that mayors and that local housing authorities be provided with the kind of wherewithal it's going to take to rescue our local housing markets and to create the kind of mortgage activity at the local level that will help lift our real estate industry, that will help prevent further foreclosures of our families and that will help people, face-to-face at the local level again, assure that that housing market is more secure than we have had with this very indirect, anonymous kind of relationship that has resulted from this mortgage-backed security industry that we moved into in the 1990s.

I would like to ask the extraordinarily qualified and engaged chairwoman of the Housing and Community Development Subcommittee of Financial Institutions who's worked so hard on this issue, Congresswoman MAXINE WATERS of California, to assume her time this evening and perhaps to give us further insight on what the committee is about and what we, as a Congress and the American people, might do to help us help ourselves as a country right the ship of our economic state.

Congresswoman WATERS, thank you so much for joining us this evening. Thank you for your extraordinary efforts as a Chairwoman and for bringing your committee to Ohio to witness what we are dealing with there is emblematic of what is happening across this country. Thank you for joining.

[From the Financial Times, July 15, 2008]

GOODBYE CAPITALISM

(By Joshua Rosner)

In a capitalist economy, losers are expected to take losses and winners to gain. Private enterprise is best able to allocate

capital efficiently and, where it fails to do so, markets make adjustments and capital is reallocated to efficient users. This basic tenet supports good and productive assets moving from the hands of weak players to stronger. Where this is not possible, the U.S. system gives the government a hand in fostering that move through an efficient process called bankruptcy or reorganisation. This rule of markets and of law has always been the basis of our national supremacy in innovation and the reason ours was the world's clear choice of a reserve currency. That was the world we lived in previously.

Our elected officials have repeatedly demonstrated that even equity holders, who are supposed to have the most subordinated claims on assets, cannot be allowed to take losses and instead believe we should all communally share in losses that result from poor allocation and risk management decisions. We have nationalised the losses from Bear Stearns through a transfer of risk on to the federal government's balance sheet and have now nationalised the losses generated by Fannie's and Freddie's poor management and functionally taken $5 trillion in obligations on to the government's balance sheet. This has been done even though every equity or debt offering of Fannie and Freddie explicitly states that these ''are not guaranteed by the U.S. and do not constitute an obligation of the U.S. or any agency or instrumentality thereof other than'' of Fannie or Freddie.

By the time we are finished with this tragic period in U.S. economic history, the government is likely to have to choose whether to do the same for at least one more large bank, investment bank, bond insurer, mortgage insurer, multiple large regional bank, airline or car manufacturer. Given the choices we have seen from officials, who obviously have little faith in the ability of capital markets or our system of law, we will see the continued nationalisation of bad assets, placing the burden on the shoulders of the already overburdened American taxpayer.

This commitment by misguided officials to print more money, to stoke the embers of inflation and to debase further our already hobbled currency invites foreign investors to pick through our assets and buy our remaining strong businesses (Anheuser Busch) on the cheap. As the strength of our remaining industries is further weakened, along with taxpayers' buying power, it will become increasingly necessary, as a matter of survival, for American workers to demand increases in their wages.

While some might applaud the government's policy action, it will prevent the rational and orderly repricing of over inflated assets, ensure they remain overvalued, uneconomic and unaffordable to a populous that will see an increasing percentage of their wages allocated for the support of our national debt. We have done this without forcing the disgorgement of undeserved gains by managements and without replacing managements who are now controlling government ''owned'' businesses.

The same economists who have repeatedly argued efficient market theory have chosen this path. Instead of protecting those who made bad bets, we should use our rule of law to address the situation. That would mean we allow weak players either to fail or to reorganise through an orderly transfer of good assets from weak hands to strong hands. This would protect the once-mighty U.S. dollar and affect the necessary and repricing of assets to sustainable equilibrium. Doing so would also decrease moral hazard and send a strong message of faith in our great system as the model for global financial advancement.

There is another option in relation to Freddie Mac and Fannie Mae. Rather than making the taxpayer liable for debts the debts of the government-sponsored enterprises, it would be more sensible to effect a smooth, prepackaged reorganisation plan. This could be done quite simply and would strengthen the GSEs' ability to meet their congressionally mandated purpose of supporting liquidity in the secondary mortgage market.

The core of the GSEs' mission is to purchase mortgages from mortgage originators, charge a guarantee fee to issuers to protect their ability to stand behind these loans, and securitise these mortgage-backed securities with assurances to MBS holders they would receive 100 per cent of their anticipated returns. To this end the GSEs have guaranteed $3.5 trillion in mortgage-backed securities. These securities are backed by real housing assets and there is little question that, assuming they are well serviced, there will be relatively little loss over a longer period.

As part of a prepackaged reorganisation the government could explicitly assure MBS investors they will receive all of their guaranteed interest payments. Instead of giving ineffective management a line of credit, Treasury could provide the GSEs, regulator with a line of credit used to assure timely payments on these obligations. This is the tool that Treasury provides the Federal Deposit Insurance Corporation with to sort out failed banks. Over time that line will be repaid by the running-off of the portfolios, active servicing of mortgages and through payment of claims by private mortgage insurers who guaranteed first losses on GSE mortgages. Because these debts are core to the GSEs' social mission and real assets back these debts, this would be an appropriate resolution.

The next step would create approximately $150bn in new equity capital and enable to GSEs, without governmental support, to achieve more fully their chartered mission.

Over the past decade the GSEs have increasingly used their portfolios to speculate in aircraft leasing, manufactured housing, interest-only mortgages and other securities they are specifically prohibited from buying as part of their mission. In recent years, through these portfolios they funded nearly 50 per cent of the riskier private label Alt-A mortgage market, invested in aircraft lease securities, manufactured housing and other assets that leveraged them into trouble. To achieve this speculative, hedge fund-like growth they issued almost $1,500bn of senior corporate debt. By their investments, debt buyers supported speculation in non-mission-related activities and did so with a clear understanding they were funding non-mission-related activities. They also knew GSE debt was explicitly not an obligation of the U.S. taxpayer and that was repeated constantly by the government and the companies.

In exchange for their current debt, these holders should receive 90 cents on the dollar of new, long-dated, senior debt in the companies and 10 cents of new subordinated debt. The companies would then have enough capital to support their core, chartered mission and could increase the social returns and financial returns of investors in their core mission. This approach would send a very strong signal, from the government, that investors fully consider the risks of bad asset allocation. It would almost certainly strengthen the dollar. Though it would cause pain for equity and subordinated debt investors, those investors received the majority of returns over the past several years and, in our great system, they are supposed to be subordinated.

Ms. WATERS. You're certainly welcome, and I thank you for taking this time out this evening, Congresswoman KAPTUR, to talk about what is happening in this country with this foreclosure mess that we're in, this sub prime meltdown that we are experiencing.

I really came to the floor to commend you and congratulate you for all of the time that you have put in on this issue unraveling some of the history of what has taken place with the banking community with what is going on in our economy today and trying to identify how we got into this situation and what we could do to get out of it.

Many of our Members—two are distressed about what is happening in their districts and in their communities, but they don't know nearly the information that you have discovered about this entire unfortunate situation that we are in.

Let me just say that I did come to Ohio at your invitation and your delegation's invitation, and I know that you were the leader in helping to pull that delegation together and getting me there to talk about what is going on in Ohio. I was joined, and we were joined, by several members of the Ohio Congressional Delegation each trying to bring attention to the foreclosure devastation that's spread across that State.

Again, you have been a persistent voice in our Democratic Caucus for taking bold action on the foreclosure crisis, generally.

Let me mention that Representative TUBBS JONES, Representative KUCINICH, who was here on the floor, Representative SUTTON, Representative WILSON was in attendance, and I think we all learned an awful lot that day. We had great witnesses who came and talked about what is going on in the State, and we discovered since 2005, Cuyahoga County has had the highest number of foreclosures in the State, with Montgomery, Summit, Lucas, and Preble counties rounding out the top five. The 10 largest counties in Ohio accounted for 64 percent of the foreclosure filings in Ohio last year.

And according to data from the Mortgage Banking Association, in the fourth quarter of 2007, 7.67 percent of Ohio home loans were past due with 2.01 percent 90 days or more overdue. And during the same period last year, 7.25 percent of Ohio loans were past due with 1.74 percent 90 or more days overdue.

Because of the challenges it has faced economically over the past few years with the loss of manufacturing jobs and population from certain parts of the State, Ohio was truly the ''canary in the coal mine'' of the foreclosure crisis—vulnerable to sub prime lending and its aftereffects much earlier than the rest of the Nation.

And the foreclosures have taken a toll on Ohio's neighborhoods and communities. Data that was provided by HUD showed that there is a direct correlation between the number of high-risk loans in a neighborhood and increase in the neighborhood's vacancy

rates. Cleveland has been especially hit hard. There are an estimated 10,000 vacant homes in the City of Cleveland. On one of Cleveland streets, 37 out of 123 homes are in the same stage of the foreclosure process, so they are in some stage of the foreclosure process.

The testimony we heard in Ohio only made me more certain in my belief that State, cities, and counties need help from the Federal Government to deal with the problems caused by abandoning foreclosed properties. And I could go on and on and on, but I was extremely moved; and on my way out there were some people there from east Cleveland who said that 40 percent of all of the homes in east Cleveland were in foreclosure.

And then I heard the story of Campbell where people owned their homes free and clear. They were not expensive homes, but they had been handed down. They were in the family. They were paid for, $40,000 homes, and the guys came in there, the best suede-shoed boys I call them, and increased the appraisals on those homes, ran those appraisals up to $150,000 or more and lent money. And people found themselves in a situation where they couldn't pay it back. People who thought, well, I could refinance this house, I can put on another room, I can put on a new roof. I can do these things. And they were told, ''Just sign on the dotted line. Don't worry about it. We can get you into this refinance. Even if it resets, we can take care of that.''

But MARCY KAPTUR, let me just say, people all over America are wondering what happened. Families have lost their homes, communities are being devastated, cities are using their precious general fund money and CDBG money trying to maintain these boarded-up and foreclosed properties. They have problems with the vacant properties being occupied sometimes by the homeless or gang members in some communities.

□ 2030

They have the thieves that are going in stripping out the copper. Weeds are growing up. There are dogs on the property, and so the neighborhoods are being driven down by the foreclosed properties, and the people who remain in the neighborhoods, who keep their properties up, are losing value, and that value is fast being lost on homes. And people are finding that their mortgages that they are paying far outweigh the real cost of that home now that the values have been driven down.

And so here we are in the Congress of the United States; what do we do? As you know, a number of ideas have come to the surface. BARNEY FRANK, who is the Chair of the Financial Services Committee, came up with another comprehensive bill, and in that bill they worked out an arrangement where the lenders, the bankers, would write down the property to 85 percent of value.

We've been working for months to strengthen the FHA, who found itself toothless when all these banks came into our cities with these fancy products that they had. They had what we call exotic products, the products with the teaser loan that says you need nothing or a little bit down, sign on the dotted line, 6 months from now, a year from now, it will reset, but don't worry, we'll refinance it. And people only find that they cannot refinance it and they're losing the homes.

And so we were supposed to come up with these bills and legislation to deal with it, and we find that the Senate side worked on this for quite some time. They agreed on some things. One of the things they agreed on was that they would indeed work with the lenders to write down the properties and have them refinanced by FHA which would now be strengthened, and this would keep people in their homes.

We don't know how all of that is going to work. We do know that if people get refinancing and they're able to stay in their homes, we hope that they're able to keep up on those payments because, if they don't, that debt will fall back on to the American taxpayer. And unless the FHA by way of its collection of certain kinds of rates are able to offset that, then that's another burden that we're going to have to be faced with. But it is a way by which we can begin to look at how we can perhaps give some help to the homeowner.

You know, I had a piece of legislation that was quite controversial because there was some people who did want to bail out the big boys, but they did not want to do anything for the little people and for the cities that are suffering. And my bill, as you know, is designed so that we have money that would go straight into those cities, working with nonprofits and others to grab those properties, rehabilitate those properties, put them back on the market for low- and moderate-income people to be able to afford.

Well, it got stuck for a while. I had $15 billion for the cities and the counties in that bill. It was scored at half that amount because 7.5 of that $15 billion was going to be in loans and 7.5 was going to be in grants.

Ms. KAPTUR. I congratulate you for that proposal. It is the only one I know that would stick to the wall locally. I know how hard Chairwoman WATERS has fought to even get this embedded in this legislation, and I have to say to the people here tonight, when you think about $1 trillion or more, a $15 billion proposal is very, very modest. Our community development dollars for the whole country I think total about $8 billion a year. It's very, very modest.

Frankly, I wish you well and hope that you can expand that significantly because Wall Street will be rewarded with a $1 trillion bailout, and yet we're going to give our mayors and local housing authorities pennies to deal with the level of foreclosure that is being experienced across this country. I would think they would roll out the red carpet for you in that committee and do everything they could to help you make this bill not just efficient but equitable, particularly to the American taxpayers who are going to bear the brunt of this cost.

Ms. WATERS. Well, you're absolutely correct, and certainly, we had our supporters. But I want to thank the Ohio delegation for weighing in on this bill and giving support to it. We had all of our community groups and organizations all over the country working hard, making calls, talking to Senators, talking to Members, putting stuff in the newspapers about this bill because they see this bill, too, as hope for the neighborhoods and the communities. And it would stop the cities from having to spend their precious general fund moneys and CDBG moneys to try and maintain and keep up of these properties for God knows how long.

And so you are right. This will bring some measure of help, and we've got to keep working at this to find out how we can do more.

One of the things that we know, the regulators dropped the ball. The regulators should have seen these exotic products. They should have known about these ARMs. They should have known about these no-documentation loans. They should have known about these loans resetting with margins of 2 to 3 and 4 percent above the interest rate once the reset takes place.

Someone gets into a loan for 5, 6 percent, when it resets now they're 10, 11 percent, and people who are paying mortgages of $950, maybe even $1,000 a month, now they're told their mortgage is $3,000, $3,500. It is unconscionable.

And I see you have a picture up there of some of the giants of the banking industry. You know, Countrywide is a real poster child for what went wrong in this mortgage market. Mr. Mozilo really does have to take credit for having done extraordinary business with these mortgages. Mr. Mozilo is one of those bankers and one of those companies where he got the license as the broker, and then he hired people who didn't have a license, who didn't have any training, and put them out on the street, and they were all over the place.

Everywhere you look, every town hall you go into, where people are coming, begging us for help, and we ask them about where they got their loans, invariably Countrywide is going to show up all over this country. And so, you know, we have criticized him, and we have said how is it Mr. Mozilo can create this kind of devastation, walk away with millions of dollars that he's taken out of this company, and how is it that Bank of America could end up buying this company for pennies on the dollar and not be afraid that with somehow all of this portfolio of bad debt that they are going to make it?

Well, I think that they know more than we know. I think that they know

more than we know, and we've got to get smarter. We've got to have regulators who are prepared to do the job that they are supposed to do in protecting the American consumer from these rip-off artists and from these people who would steal their futures and steal the futures of their children with these rip-off products and the way that they design for everybody to make money along the way and leave that American homeowner not only holding the bag but with nothing at the end of this terrible situation.

So I want to thank you. We've got to put a lot of time in on this. We're going to get some legislation out. Of course, we're going to get some legislation, and as you know, with the GSEs now in trouble, Fannie and Freddie, and the move to help them and to bail them out, to keep the whole economy from crashing on us, you better believe that we get a chance to get our little $4 billion in because it was put in on the Senate side.

But that's a drop in the bucket from what we're asking for and for what we need, but we must take this as a time when we never allow the American economy to be placed at risk because of a sub-prime crisis in the way that we are witnessing it now because we're going to be smarter. We're going to not only know what our regulators are supposed to be doing, we're going to provide the oversight for those regulators. We're going to unveil not only the schemes and the fancy products, but we want to know more about servicers, who they are and what they do.

Did you know that we have these banks with loss mitigation departments? Supposedly, if you're in trouble, you can call the bank and say I can't make my mortgage payment, I had a terrible illness and I had to pay out too much health money, and they're supposed to do kind of a workout with you to make sure they keep you in that home. Did you know that the people that they're talking to are offshore in India, in other countries, who are supposed to be responsible for loss mitigation activities for the banks? They have exported the loss mitigation departments offshore to foreigners who are talking to Americans about whether or not they can find a way for them to stay in their home.

Ms. KAPTUR. Frankly, thank you, Chairwoman WATERS, for coming to Ohio. You were an oasis in a desert. You gave us hope by coming there and listening to us and allowing our people to put their stories of our communities, of what's going on in this mortgage market on the record.

And what is really disheartening about all of this is it seems that the financial system is getting so far away from community, from neighborhood, from our people, our people feel powerless to make a difference, and now you say these services are even over in India. Frankly, I had trouble with all this stuff moving to Wall Street and not being able to get a phone call returned when we're trying to do a workout at the local level.

We need to turn this financial system upside down, and I'm hoping that the chairman of the full committee is listening in this House and that whatever we do to bail out Fannie Mae, Freddie Mac, these investment banks on Wall Street—and I have some problems with doing that. I'm not a happy traveler in this party here—that power devolves back to the local level, that however this financial system is rearranged, that we go back to character, collateral, and collectibility, the old principles when we had a system that functioned well at the local level, and reempower communities to handle their housing systems.

This system we have now has given us a multi-trillion dollar disaster. How can anybody say when you move away from home, so far away, how can that be good, when our people feel powerless to make a difference? Our mayors feel powerless. Our communities, our credit unions, the Realtors, how can this system be good when it so disempowers?

Ms. WATERS. If the gentlelady will yield for just a moment, wouldn't it be great to have community bankers in the community that you can talk to, people who hold your mortgage, that you can go and talk about what is happening, if you get in trouble, and they can work with you, but no, you know, they package all of these loans and securitize them. Wall Street invested in them, and the people can't get in touch with anybody. Now it's with a dispassionate servicer who has the ability to foreclose on your house, who could do a workout, but they make money. They make money by servicing and collecting the fees, the fees, the fees and more fees that's placed on top of these mortgages.

So I, too, yearn for the community banker.

Ms. KAPTUR. I would say to the chairwoman, you mentioned about what happened to regulation, and one of the first institutions to embark on sub-prime lending was Superior Bank of Hinsdale, Illinois, ultimately bought by Charter Bank from Ohio. And Superior was created by the Resolution Trust Corporation when the savings and loans collapsed in the 1980s, but by the late 1990s, Superior's return on assets—now, think about this—was 7½ times the industry average and held a very risky portfolio. It had a CAMEL rating of two, and yet its executives were financially rewarded for presiding over ruin.

How could America let that happen? No Federal regulator stepped in to properly examine the industry institution. What happened to the Office of Thrift Supervision over at Treasury and its Chicago office?

Ms. WATERS. They turned a blind eye.

Ms. KAPTUR. They closed their eyes, and it wasn't until 2001, because this was one of the leading institutions to invent the sub-prime instrument when they collapsed, and they couldn't meet the calls of people coming in for their money, that FDIC started investigating and placed the largest fine in American history, $450 million, a half a billion dollars, on one institution. Where is the investigation now?

□ 2045

You read a little bit about what the FBI is doing; you read a little bit about what FDIC is doing. We need a massive investigation of which institutions led us into this subprime crisis that the country is facing. Who was the first one? I've asked everybody, who was the first one? Give me the first three or four. And through which institutions did they broker those loans and how did they get to Wall Street? Nobody knows. Nobody knows; or else they're not saying.

Where was the Office of Thrift Supervision? What happened to HUD's appraisal and underwriting standards? Assuming many of these loans were moved to market through Freddie Mac and Fannie Mae, why did their regulatory standards and HUD's oversight fall short? Why did HUD change its appraisal and underwriting practices in 1993 and 1994?

How were the boards and executives in these entities compensated during those years when the risky practices proliferated? Because it isn't just these fellows, it's the people in the regulatory agencies and the government secondary market enterprises that were involved. Which board members at which financial institutions and brokerages, regulators and secondary market bodies voted to allow these risky and predatory policies that escalated this equity drawdown? Do we have evidence that any of those board members personally benefited from their board decisions?

Through which domestic and international institutions were the original securitizations first moved? Which persons did it? Which regulatory agencies sanctioned the process? What role did the U.S. Secretary of the Treasury and the Office of Thrift Supervision play—the Securities and Exchange Commission, how about the Federal Reserve—in allowing these practices to flourish?

I say to the chairwoman, I know the great work that you have done. There should be many committees in this institution involved in unraveling what has happened before we're asked to do a trillion dollar bailout here in the Congress of the United States.

You know, it's sort of interesting to me that even the New York Times editorialized that we've got to do this right now; you Congress, you pass a trillion dollars more—or who knows how much—because these institutions are too big to fail. And therefore, we can't do due diligence; we can't make good decisions for the American people. I can't even tell my constituents today—I hope I can find out by Thursday or Friday or Saturday this week—what exactly is in the bill that is being

written somewhere here so that I can see exactly how much money has to be appropriated and how big the drawdown will be from the Federal Reserve. Right now we don't know. There isn't a final bill that is available to the Members. I know it's being worked on somewhere in this place. I hope that there is a regular markup session by the respective committees that have to be involved here and an open rules process.

Ms. WATERS. Will the gentlelady yield for a moment?

Ms. KAPTUR. I would be pleased to yield to the chairwoman.

Ms. WATERS. We have not seen the final version of the bill, but today, in a discussion, one of the things that did interest me that I'm looking forward to seeing is that we are strengthening the oversight on the GSEs with OFHEO, the regulatory agency that has now been designed just to take care of these government enterprises.

But also what has been represented to us is that the investors will not be able to make any money off of this bailout; that GSEs, as you know, get input, they get money from investors and they go out to the market to get money. And so if we are going to allow them to go to the discount wonder at the Fed and to be invested in by Treasury Department, that we will be number one in line for the repayment. And the CEOs cannot get the big salaries that they have gotten in the past, that there will be a limit to what they will be able to do.

And so I'm looking to see the language in the bill that's going to make sure that we're first in line to get paid back, that the investors don't get paid dividends off of our money that we're putting in there, and that the CEOs and the top management of the GSEs don't get the fancy bonuses and the high salaries that they've been getting.

Ms. KAPTUR. Well, Madam Chair, that is really good news. And I know that you have been the strongest voice in the committee to try to strengthen the bill. We from Ohio are doing everything possible to even make it stronger, and to make sure that the communities that have been ravaged by this subprime crisis—and I include my own among them—that somehow that those who are in the lead in these various committees in the House here think about democratic capitalism, and not just empowering Wall Street, but thinking of ways to move the billions, hundreds of billions of dollars of insurance that will benefit the bond houses that helped get us in this mess in the first place, think about the bonding power of cities, think about the bonding power of our housing authorities at the local level, think about how to move some of that money to re-empower communities across this country, not just a pittance, but at least have a scale of justice. If you're going to reward Wall Street, the wrongdoers who helped get us in this mess, what are you going to do for Main Street that's paying the bill? Are you going to give them a pittance?

I come from a tradition in a party with Franklin Roosevelt who believed you empower at the grass roots level and that you build wealth from the bottom up, not reward the top. And I would hope that there would be balance in the bill that is brought before us as we move into this debate. And I would hope there would be a chance at least to offer amendments, at least to be welcomed into the committee. We don't want to delay the process, but that if we have ideas, we have the respect that should be given to Members who come from affected communities and States.

And I want to thank Chairwoman WATERS for her gracious acceptance of the invitation of the bipartisan delegation from Ohio. We feel, as so many people do, very frustrated by how slow the wheels of government sometimes turn and what is happening out there in community after community, where people are not able to do their workouts. I would hope that the chairman of the full committee here in the House, Mr. FRANK, who has been meeting with some of the Members and been very involved in the committee, I hope that he would share his draft bill ahead of time because I think it would be disastrous—and I speak only for myself when I say this—if a bill is rushed to the floor and we don't have a chance to review it. This is too important.

When we're talking $100 million, that's a lot of money. A billion dollars is a lot of money. When you get into the trillions, it's overwhelming. And we are here to do due diligence for our people, so please afford us the respect and the consideration that you would want for yourself, and that we actually have a responsibility for that due diligence for the American people, the people that sent us here.

Madam Chairman, I want to submit for the RECORD a story from the Wall Street Journal about the influence of outside giving from Wall Street to Federal elections and the important role, unfortunately, that it plays sometimes in influencing opinion. I think it's very important that it be placed on the RECORD as well. And I thank the gentlewoman from California for joining us this evening.

Ms. WATERS. Thank you.

[From the Wall Street Journal, Jan. 23, 2008]

WALLETS OPEN UP ON WALL STREET

(By Brody Mullins)

Despite Wall Street's recent woes, people who work in the financial industry continue to dig deep for political donations to Republican and Democratic candidates for president.

Employees of Wall Street firms are the single largest source of campaign cash, accounting for a total of $50.4 million in financial contributions to the candidates so far this election cycle. That is more than any other industry sector, according to a Wall Street Journal analysis of campaign-finance data compiled by the nonpartisan Center for Responsive Politics.

As candidates load up for advertising blitzes before ''Super Tuesday'' primaries on Feb. 5, candidates from both parties are again coming to New York seeking campaign donations. Sen. John McCain, the Arizona Republican, had a fund-raiser at the St. Regis Hotel last night that was hosted by Merrill Lynch & Co. Chief Executive John Thain, private-equity giant Henry Kravis of Kohlberg Kravis Roberts & Co. and former Goldman Sachs Group Inc. Chairman John Whitehead.

Mr. McCain recently spent $1 million on advertising ahead of the Florida primary next Tuesday. Voters in more than 20 states, including California and New York, go to the polls Feb. 5.

New York Sen. Hillary Clinton heads to her home state tomorrow for two fund-raisers. The Clinton campaign hopes to raise $15 million through these and other means to fund her campaign through Feb. 5.

Contributions from Wall Street have favored Republicans, who have collected 54% of donations from financial companies. Wall Street is the No. 1 source of donations to every major presidential candidate in both parties, except former North Carolina Democratic Sen. John Edwards, who is favored by the legal industry, according to the data.

Lawyers and lobbyists are the second-largest source of contributions to the candidates, with $34.8 million in donations. Together, the finance and legal industries are responsible for nearly a quarter of the $354 million donated to the presidential candidates as of Sept. 30. The next round of campaign-finance information, covering the three-month period ending Dec. 31, will be released at the end of the month.

Employees of financial firms, lawyers and lobbyists make up 46% of all large donations—contributions of $200 or more—to the presidential candidates. Each of the other industry sectors is responsible for just a fraction of the donations to the candidates.

According to the data, people who work in Hollywood, communications or electronics rank a distant third with $13.3 million in donations to the candidates. Other top sources of donations were employees of the healthcare industry with $9.5 million, construction with $6.1 million and energy with $3.1 million. People who work in the defense industry gave $502,000, according to the data.

Not surprisingly, the two candidates from New York are winning the race for donations on Wall Street. Mrs. Clinton and former New York City Republican Mayor Rudy Giuliani lead with $12.3 million and $10.6 million, respectively, in campaign donations from employees of Wall Street firms.

Employees of Goldman Sachs, Lehman Brothers Holdings Inc. and Morgan Stanley rank as the top individual sources of donations to the presidential candidates, according to the data.

Goldman employees were the largest contributor to Mr. Obama, the second-largest giver to Mrs. Clinton and the fifth-largest to Mr. Edwards. Goldman employees donated $369,000 to Mr. Obama and $350,000 to Mrs. Clinton.

Other top Wall Street givers to Mr. Obama include employees of Lehman Brothers ($229,000), J.P. Morgan Chase & Co. ($217,000) and Citigroup Inc. ($181,000).

The top seven companies that have produced the most money for Mr. Giuliani are all financial firms, including Ernst & Young LLP, hedge fund Elliott Management and Credit Suisse Group.

Former Massachusetts Gov. Mitt Romney also has fared well on Wall Street. A founder of Bain Capital, Mr. Romney has scored with employees of Goldman Sachs, Merrill Lynch and Morgan Stanley. Employees of his former company have donated $112,000 to his campaign, according to the data.

Unlike Wall Street, lawyers heavily favor Democrats with their political donations.

Lawyers have donated $9.6 million to Mrs. Clinton, $8.2 million to Mr. Edwards and $7.9 million to Mr. Obama.

Mr. Giuliani, a former prosecutor and partner with Bracewell & Giuliani LLP, raised $3.2 million from others in his profession. That was more than any other Republican but less than half as much as the leading Democratic candidates.

Pennsylvania-based law firm Blank Rome LLP was the top source of donations to Mr. McCain, who collected $141,000 from employees of the firm. Mr. McCain fared well with employees of Greenberg Traurig LLP, a Miami firm that ranks as his third-largest contributor. As the chairman of the Senate Indian Affairs Committee, Mr. McCain took the lead in investigating convicted lobbyist Jack Abramoff, who was a lobbyist with Greenberg Traurig.

Mr. McCain and Mrs. Clinton led all others with donations from lobbyists. Mrs. Clinton collected $568,000 from lobbyists, while Mr. McCain has $340,000.

ENERGY

The SPEAKER pro tempore (Mr. DONNELLY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, it's good to be here tonight. And we're going to talk a little bit about what is on most people in this country's mind, and that's the price of gas, and the price of energy in general.

We're going to be talking about gas tonight and the expense that it takes for American families to go on vacation, just go to work, even go to the store, Mr. Speaker. And so I know that's at the forefront of most Americans' minds today.

Let me just start out by saying that what we want to do tonight, Mr. Speaker, is just point out a few things that may be not consistent with what's coming out of the majority's side about what we're doing about gas prices and what can be done about the price of gasoline now. And we've heard everything from, well, it will take 22 years to get any oil that's in the ground now, that's in our Outer Continental Shelf or in our national lands to the market. And that's not true. And so we're going to talk a little bit about that tonight. And I'm joined by friends of mine, the gentleman from New Jersey and the gentleman from Illinois, and we're going to share some of those things.

But first of all, Mr. Speaker, let me explain that about, I guess, a month ago I was approached by constituents in my district, and they were talking to me about petitions, and petitions that were on the Internet, calling and asking me if I had signed petitions. Some of them were ''increase domestic oil drilling,'' which American Solutions had, some are ''gas tax holiday'' that presidential candidate Senator MCCAIN had, ''develop alternative energy sources,'' which is Energypetition.com.

And then there were petitions against drilling in ANWR. Democratic Senator BARBARA BOXER from California had one, and Mr. Speaker, the Sierra Club, Green Peace. There were different petitions. There was actually a ''cap oil company profits by new government regulations.'' There are some people in the majority that believe that we can actually regulate our way out of this energy crisis, so one of those was Moveon.org.

After talking to my constituents about all these different petitions—and they were calling me and asking me if I had signed, they were going to these web pages and either signing or voicing their protest—I was at a service station at home and there was another petition there and it said, ''sign this petition if you want to lower gas prices.'' And I'm assuming that the proprietor of that station was doing that to give people something to do when they were paying for their gas rather than fuss at him. But what it brought to mind is we, in this body, Mr. Speaker, are beginning to see how our constituents feel about this.

I know today we were at a press conference where American Solutions presented the minority leader in the House and in the Senate with a petition. And I think later on—I don't know whether it's this week or next week—they're going to present this same petition to the majority leader in both the House and the Senate, it may be even Mr. REID in the Senate and Speaker PELOSI here in the House.

But what I decided to do was to come up with a petition so our constituents would know how the Members in this body—the 435 Members that are elected to be voting Members, the seven delegates from the American territories here—I decided that, you know, it would be good for those constituents to be able to see how their representative felt about increasing our oil production to lower the gas prices because that's one of the things that is going to help us. And it's more of an ''all of the above,'' but one of the key ingredients is just voting or having a vote that we could increase our oil productions, whether that's shale oil, oil coming from biomass—which is a new technology that's coming out today—whether it's drilling in the Outer Continental Shelf, drilling on Federal lands, drilling in ANWR, whatever the case may be. So I came up with a simple petition, and it says, ''American energy solutions for lower gas prices: Bring onshore oil online, bring deepwater oil online, and bring new refineries online.''

And, Mr. Speaker, a lot of people may not realize that we have not built a refinery in about 30 years in this country. And even some of the refineries that are online today produce diesel that has to be exported because it does not meet the new sulfur limits that we have put on some of the diesel fuel that's used in this country. And so I came up with this, and then I made a simple petition, Mr. Speaker.

And I think this petition is probably just too simple for some of the people in this body because it's not a piece of legislation, it is simply a statement, Mr. Speaker, to the people that they represent to let those people know how they feel about increasing U.S. oil production. And it simply says, ''I will vote to increase U.S. oil production to lower gas prices for Americans.'' And that's about as simple as you can get because I think that's what the American people, Mr. Speaker, want to see is that we're doing something, that we're taking some action.

You know, we have voted on several bills in probably the last 2 weeks, ''use it or lose it,'' which a lot of my colleagues from the majority side went home and told their constituents that this was a pro-drilling bill. Well, I disagree with that, it was not a pro-drilling bill; and it was actually very misleading in the fact of use it or lose it, and we'll go into that in just a minute.

But so far, Mr. Speaker, we've had 191 Members sign this. We've had eight Democrats, 183 Republicans that have signed it. Of course it takes 218 to do anything in this body.

□ 2100

But this is not a discharge petition. This is just a simple pledge, or not really a pledge. It's just a petition that people can sign to let their constituents know.

And what we have done to make it easy, Mr. Speaker, for people to realize or to understand if their representative has signed this is we set up a little Web page. It's www.house.gov/westmoreland. And on there we have people that have signed it, we have people that have refused to sign it, and then those that we have not talked to yet that have not signed. So, Mr. Speaker, I would encourage you, if you wanted to know how different Members in your delegation either signed or not signed and just for people would know that they could go to this Web site, www.house.gov/westmoreland, to find out.

And it's interesting because of some of the articles and press releases that I have been reading, I guess, for the last week or so, what we have got is we have got people going home saying one thing and then coming back to Washington and doing something else or not doing what they said they were going to do for the people that vote them into office. So I would hope that we could finally make people match their walk to their talk. So I think this is just an interesting tool that people can use to find out if their Congress person is matching the talk.

I yield to my friend from Illinois.

Mr. SHIMKUS. I want to thank my colleague for yielding, and I appreciate all the work he's doing to raise these issues.

I'm going to take a different tact tonight and respond to an e-mail that I got from a constituent in my district. And most of the e-mails we are getting are pretty angry about the high costs of fuel and energy. This one is asking

for answers and debating some of our points; so if I might, and it's an e-mail that I usually don't get very much because he claims he's a tree-hugging constituent of mine. So I want to take this time.

He says: ''There has to be a better way to go than this. I would rather pay more at the pump than risk poisoning the oceans and nature preserves up north any further with additional drilling.'' I want to address two of those points.

There are people who are willing to pay more. But there are people in this country, the poor, the middle class, the lower middle class, who can't afford to pay more, and that's what is frustrating in part about this debate. We know that there are people who, because they are very wealthy, live in splendid homes, can afford to pay whatever the price to bear. But we know in our congressional districts those people who are making tough decisions or families who used to be able to travel away to their kids' sporting events and now have decided not to do that. So it's affecting everyday family life. So I get the point that some people can. I will tell you that the vast majority of Americans can't afford to pay more.

And the other issue I would like to address on this is when energy costs go up, costs for everything go up. This whole food/fuel debate is really a food/energy debate. When a kernel of corn gets planted and then gets harvested and goes through the process and then goes all the way to the grocery store, it's going to travel about 1,500 to 2,000 miles. Now double the cost of diesel fuel, and you could see the escalation of food prices. So although someone may be able to pay more at the pump, they are also paying more at the grocery store. They are actually paying more in taxes as we have to heat and electrify government buildings and all those processes. So I get the point that some people can pay more. The vast majority of Americans can't.

And I will tell you the ones in my district in rural America, I have got some very proud, independent, tough people who can get through anything, but they live in small counties away from major cities, and to get to work, to get the food, to get the health care, they have to drive long distances.

He also says: ''Wouldn't more funding for alternative fuels and infrastructure go a long way?'' And our response would be all of the above. We want that. But when people say let's just put more funding into these things, what that means is that if you're not finding a way to recover that revenue through oil and gas exploration, where does that new revenue come from? The new revenue to advance alternative fuels, the new revenue to increase infrastructure all will come on the backs of individual taxpayers. So now you're laying more energy costs on them; then you're laying more taxes on them; then you're getting to a point where, you know, this country was founded on tax revolt, taxation without representation, and these energy costs are a new tax burden on the middle class that they are revolting from, and they are looking to us for help.

I wanted to talk to him about the alternative fuel standard. Most of us know about the renewable fuel standard, talking about biofuels, ethanol. But we have numerous times come to this floor on the alternative fuel standard, and alternative brings in other types of fuels. You have a chart up there of the Outer Continental Shelf. If we were to bring on more supplies of natural gas, we could take that natural gas, turn it into liquid fuels, and that could be part of a new alternative fuel supply which is cleaner than conventional gasoline.

Many people know that I'm from Southern Illinois and I deal with coal. Taking coal and turning it into liquid fuel should qualify as an alternative fuel, not relying on imported crude oil, not exploration in the Outer Continental Shelf, not up in Alaska. It is right in the middle of our country, safe and sound from hurricanes, and if they would close the sea traffic, our own coal reserves would not be affected by that.

He ends up by saying that we should be working harder and smarter. And I think our position has been we do because what we want to do is we are not saying no. Our problem is this: This trend line from $23 to $58, when the Democrats came in, to $145 is not sustainable. I think that's accepted throughout this country, and I think it's public opinion.

So the question is what do you do about it? And you have offered a lot of options. And I like this. I have got the same chart here, the Outer Continental Shelf. We heard today that there is more pollution in the ocean and on the beaches based upon boaters and the normal seepage of oil and gas undersea than there is through oil and gas exploration. So, in fact, oil and gas exploration could take the pressure off the crude oil that's trying to seep to the top of the surface; so it could be at least helpful.

Then you get the revenue. This is working smarter. We get the revenue from the folks who are in the Outer Continental Shelf, and you take those dollars, and you move that into wind and solar and alternative fuel technologies, efficiency standards, plug-in hybrids. We're for all of the above, and when you go through all of the above, you're talking about American jobs.

GM announced a major layoff today, thousands of jobs. Why? High energy prices. Airlines are laying off thousands of jobs. Why? High energy prices.

Here is the coal-to-liquid provision, where we're talking about taking U.S. coal, building a coal-to-liquid refinery, refining that into a liquid fuel, putting it in a pipeline in the United States, taking it to our airports. We can produce jet fuel from coal. South Africa has done it for 50 years.

Finally, another option is the renewable fuels under attack. Biodiesel by soy or reformulated cooking oil, ethanol. Hopefully, we move to the cellulosic arena where we're out of the corn kernel and we move to really the trash of the trash. We can get there, and I say to my constituent who wrote, and I will probably reply with an e-mail, that we can get there by working harder and smarter using the great resources.

We are the only industrialized nation in the world where we see a natural resource and we say, ''Ah, an environmental hazard,'' instead of saying, wow, now we are placed in a strategic national advantage to compete against the world in manufacturing goods and services. We can take the royalties from that and we can help to decrease our reliance on imported crude oil.

That's the future we are working for. It's a future of job creation for all America. It keeps us competitive around the world. And the first start is to allow us to start recovering the oil and gas reserves in this great country.

I appreciate your leadership. I signed your petition. We're having a lot of fun helping to educate ourselves and to educate the American people, and I appreciate the time.

Mr. WESTMORELAND. I want to thank my friend from Illinois, and I want to just comment on a couple of things he said.

Those things that you proposed would create American jobs, good-paying jobs. Most of those refineries are union jobs, and these are jobs that are going out of the country right now because there's not enough work here. And building these pipelines, building the refineries, the oil rigs, the things to convert the coal to liquid, I mean these are American jobs and American money that are going overseas and out of this country. And we hear the majority complain all the time about our sending jobs out of the country. This is what we are doing. And not only that, for people who talk about our trade deficit, and I know my friend from Texas can talk about that, but these are all things that we need to take into account. And like my friend from Illinois said, this is an all of the above.

The other thing that that brings up is we know that the three energy bills that were brought to the floor were under suspension. Now, Mr. Speaker, you know what ''under suspension'' means. And just to explain a little bit, ''under suspension'' means that you have about 20 minutes of debate on each side, a total of 40 minutes, no amendments, and typically there hasn't been a hearing, a committee hearing. So while we are passing these bills, and, in my opinion, it's been putting lipstick on a pig because some of these things that we have passed are already the law, just not being enforced, and other things I don't really believe are helping, they are just political correctness that we are trying to do, but there has been no input from

the minority. A side that represents about 50 percent of the people in this country have no input into the process. So I know you would have some great input into the process if we could just be allowed to have an amendment on the floor. But for some reason, the majority is afraid to allow us to have a vote.

I want to read one thing that Speaker PELOSI said yesterday about using suspensions. She said, ''We are trying to get our job done around here, and we work very hard to build consensus. And when we get it, we like to just move forward with it, as we did on the Medicare bill,'' which is one of the largest expenditures we have had probably this year in this Congress that was done under suspension, ''as we did with the SPR bill, and the list goes on and on. But it is not about a tool. It's about the legislative process and how we get a job done.''

That legislative process that's being done in this House today is broken. And when the legislative process is broken, the product is flawed. And I think that's what we have seen because if you look at when Republicans took Congress, gas was $1.44 a gallon. When the Democrats took control, it was $2.10 a gallon. And now it's $4.11 a gallon. This is what you get from working with a broken process and doing political correctness over the people and using power and politics over doing what is right. So this is what you end up with.

□ 2115

And this is what the American people, Mr. Speaker, are complaining about and rightfully so. Because we have the ability to provide our own energy resources. But because of politics, we are being voted from even having discussions on this floor or taking a vote on anything that we believe would be both a short-term and a long-term.

I would like to recognize my colleague from Texas, Mr. CONAWAY.

Mr. CONAWAY. I thank the gentleman. And I'm glad he is hosting this hour tonight so that we may have an opportunity to have a bit of an exchange of ideas and dialogue on these energy issues.

One of the catchphrases that has become popular among the uninformed is the ''use it or lose it'' phrase which trivializes an incredibly complex process. It trivializes the importance of an energy policy in this country and tries to reduce, as I said, a complex issue to a bumper sticker. It is demeaning to those in the business. And it demonstrates a fundamental lack of understanding of exactly how the process works.

The idea is that oil companies in these United States, including major oil companies, are somehow warehousing good drillable prospects in the hopes that crude oil will go higher than it already is. Well $140 plus a barrel is plenty of incentive to drill almost everything in these United States. I want to walk you through a brief description of some of the things that go on in the development of a prospect, the drilling of a prospect and bringing crude oil to the market.

Now this applies onshore and offshore. The onshore processes are a little quicker because the infrastructure is already in place. The offshore is staggeringly more expensive than the onshore. And it takes a longer time.

The first thing you have to have is an idea of where you think oil and gas might be. You can't just willy-nilly drill in the United States offshore, or anywhere in the world, and expect to find crude oil or natural gas. You have to have a reasonably scientific guess as to where crude oil or natural gas might have occurred. You base that guess on other production in the area. You base that guess on the geologic history of that particular spot in the world. But you have to have some sort of an idea that there might be oil and gas in that place.

Once you come up with that idea, you do some preliminary geological work trying to map what that subsurface structure might look like under where you're trying to drill. You may be able to do some preliminary geophysical work in that process to get this idea to a point where you're willing to invest thousands, hundreds of thousands and millions of dollars. And with respect to offshore, it's billions of dollars of shareholder capital, your money or the bank's money, depending on how you have financed this particular idea.

So you have the idea. You have done the preliminary work. And you say, all right, here is an area where I think there is oil and gas. I need to make a deal, a trade, with the people who own the minerals under that dirt. Now the United States is one of the few countries in the world where individuals own minerals on their property. The government owns a lot of property. It owns those minerals. Private citizens own a lot of property. And they own those minerals, or they have sold those minerals or detached them from the surface rights. But somebody owns those minerals. You have to find all those people. And depending on the size of the block of acreage that you're wanting to put together, it could be one owner. It could be hundreds of owners that you have to make a deal with. So you go through that process.

You finally come to a lease term. Let's do an easy one. The Federal Government owns all the minerals, has all the surface and you have one owner to deal with. You negotiate that opportunity with the Federal Government. The Federal Government then puts the leases out for bid across anybody who wants to bid. Well you have the idea in mind. You think you have nominated that prospect, that acreage for drilling. So you put your bid in. You win that bid. You negotiate that lease. You pay your upfront lease bonus money for the right to then begin spending some really big dollars on trying to find out what that's done.

Now let me talk a little bit about that lease, because this speaks to the ''use it or lose it'' nonsense that is currently permeating the debate in this House. This lease is a legal contract between the lessor, the landowner, in this instance the Federal Government, and the lessee. It has specific terms that the lessee has to abide by. One of those terms, of course, is a lease bonus payment typically based on the number of acres. So you put that money up front. It will have a fixed term. Onshore non-Federal lands, it could be 3 years, it could be 5 years. Offshore it's generally 10 years just because of the timeline that my friend will show us here in a minute that it takes to move from point A to point B, selling the crude oil or natural gas off that. So there's a fixed term that you have paid upfront money to. You have the right to explore all of that acreage for the term, for the primary term of that lease.

Now while you're exploring and not producing, you will have to pay annually delay rentals of some negotiated amount just to maintain your position in that lease. Once you have gone beyond that primary term, many leases, most leases, will have what is referred to as a continuous development clause in that you have to continue drilling wells, producing wells, at a fixed rate over some period of time in order to keep the acreage that you have not developed.

If you decide that you have drilled all you want to, then the acreage that is outside your production unit, when you drill an oil well or a gas well, in Texas it's the Railroad Commission that will assign a spacing unit. Oil wells are typically 40 or 80 acres. Gas wells could be 160 or 640 depending on the depth. That is the aerial extent of the land that they think that one well will drain efficiently.

So any acreage outside of that production unit after the primary term, and once you have quit meeting your continuous development clauses, reverts back to the original owner. So if I have leased a 5,000-acre tract from the Federal Government, I've done all the G and G work, drilled it, found production and I know exactly where it is, I don't think the rest of that acreage is worth drilling, then once that primary term of that lease expires, all of that acreage under the terms of the written contract goes back to the Federal Government and can be leased by someone else throughout the process.

Now you say, well, why would you let that acreage go once you have made that decision that you're not going to drill it? Well, A, you have invested a per acre bonus in all of that acreage, B, someone else may come up with the idea that they think there is oil and gas under that. Even though you don't, they may think there is oil and gas under that. You have paid your upfront bonus money. It's your property to deal with during that time frame under

the terms of your lease. So somebody comes to you and says, I think there's oil under this piece of property. You have got the control of the minerals. You don't own them outright. You have them leased. Can I do a deal with you so that I will drill it? That is called a ''farmout.'' I will farm out that acreage and then you put your risk dollars up so I don't release that acreage when it's under the primary term because I have paid for it. I will keep it through the end of the lease. I am making the delay drill payments. Somebody else may have a better idea that there is oil under that place. There is a serendipity kind of thing. You never know when that happens.

Once you have the lease in place, you then begin the complex G and G work that is on the property. Offshore or onshore, you will do additional geological work. You will shoot seismic perhaps, you will evaluate that seismic on 2–D, 3–D, go through a lot of work. In the meantime, while that is going on, you also begin the permitting process that on Federal leases is quite extensive. There are some 29 agencies that may get involved in your ability to drill on the lease that you have already paid for. You have to get EPA permission. You have to get Bureau of Land Management permission. You have to get drilling permits. There are all kinds of things that you have to go on. And all of that takes time. It obviously cannot be done instantly, because some of these permits are piggy-backed. You have to get one before you get the other. Some of them you run concurrently. And all of that work is going on while you are trying to pick the spot you want to drill that first well.

Once you have the permitting in place and you have a reasonable idea of when you can start drilling, you then go through the process of negotiating all those contracts to drill the well. You'll have a contract with the drilling contractor for the rig. You'll have contracts to buy mud. You'll have contracts for logging, other services, casing, equipment, all those kinds of things. You have to get all that gathered up and moving toward your location. Now onshore it's a little easier than offshore but nevertheless, the process is still the same.

You then put your rig up. You set up the rig or rig it up, and you drill your hole. And if you're lucky, one in six wildcat wells will discover oil. There is a little better percentage than that on development wells. But you will then go through the completion process. Once you have got it completed, you will build out the surface facilities, tank batteries, flow lines, all those kinds of things in order to move your product, either gas or crude oil, from that well site into a market.

At that point, you also have to negotiate a contract to sell the product. Now, crude oil is a pretty quick contract. They are very standard. And the product has got a certain quality, and you sell it. Natural gas, on the other hand, is a little different animal. And the contract negotiations for natural gas take a lot longer.

Once you have got the contracts negotiated and you have all the permissions to drive and do everything you've got, now you're ready to sell that first barrel of crude oil or that first Mcf of gas. And the length of time that can take varies. There's not a standard that you go by, because every single deal is different. Onshore is different from offshore. All the offshore deals are incredibly different than the onshore.

Mr. WESTMORELAND. If I could reclaim my time for 1 minute, could you comment on I believe it's the Atlantis platform and how many years it took and how many barrels a day it's now producing?

Mr. CONAWAY. Yes. In the Gulf of Mexico there is a production platform, a drilling platform, a production platform and a crew quarters platform called Atlantis. It is about 150 miles offshore in the Gulf of Mexico. I don't know if it's technically in Louisiana or Texas. It's 150 miles offshore. It's in 7,000 feet of water. So you have 7,000 feet of water before you hit the seabed. And they have drilled 13,000 feet once they've reached the seabed. So it's about a 20,000-foot well that they have drilled and they have I think five producing wells. This will produce about 150,000 barrels a day. It's rated for 200,000 barrels. Billions and billions of dollars are invested in this floating monstrosity that sits in the Gulf of Mexico and produces crude oil and natural gas. It's an incredible amount of investment. Now if you have invested in Atlantis or if you have invested in a prospect onshore, you get no return on your dollar. You get nothing back from your investment until you sell crude oil and natural gas. And therein lies the misunderstanding by some of our colleagues on the other side of the aisle. There is no juice in sitting on production. At $140 a barrel, the only way I get my money back out of the investment I have got in this well is if I sell crude oil and natural gas. So I have no incentive to sit on it for any reason because there's no way for me to get money back out of my investment. So there are plenty of good business reasons why the oil and gas is being produced in a commercial properly developed manner.

Mr. WESTMORELAND. But they started the process in 1985.

Mr. CONAWAY. Yes, in the time line. Leases were obtained in 1995. You walk through the step, the first production was September of 2007. The ship was commissioned for full operations in December of 2007, so 12 years of activity that went on in investment, more importantly dollars invested because they had to pay for the building of that platform. The folks who built it didn't say, okay, when you start producing crude oil, you can pay for it at that point in time. They wanted their money up front. And so only major oil companies have the resources to be able to drill in 7,000 feet of water. The technical aspects of drilling like that, many of them had to be developed on the fly because they didn't know how to do it. Bottom hull temperatures at 20,000 feet are very high. And the ability to maintain casing, maintain well, maintain the down hole structures, they had to figure that out, because no one else had ever done it in the world. So being able to do that is technically very, very complicated.

Mr. WESTMORELAND. And they are doing it in an environmentally safe way? There's been no spill or leakage or anything?

Mr. CONAWAY. Absolutely. Absolutely.

Mr. WESTMORELAND. Just reclaiming my time 1 minute. I would like you to explain just very briefly about the Dallas-Fort Worth airport, DFW, and the fact that this was State-owned property versus Federal property and how quickly that oil was produced out of that site. If you could just touch on that very briefly.

Mr. CONAWAY. Sure. The Dallas-Fort Worth airport is a large facility in between Dallas and Fort Worth. Underlying all of that airport is a formation called the Barnett Shale. Barnett Shale is a gas-bearing formation that the industry has known about for a long, long time. It was not commercially producible on a vertical well bore because the formation would not give up enough gas on a vertical structure in order to be able to make your money back out of what it took you to drill that well. Someone had an idea and said, what if we drill the Barnett Shale horizontally, you know, go down 8,000 feet, and then drill a leg out 3,500 feet to 6,000 feet? I wonder what that would do? They did that. And all of a sudden, they got a commercial gas well.

The estimates are for the Barnett Shale, which is very extensive from the middle of between Dallas and Fort Worth, just north of that area, all the way down toward Waco and out toward Abilene. They don't have the extent of where it's commercially producible at this point in time. But current guesses are that it's 26 trillion cubic feet of natural gas in the Barnett Shale. This is a gas plate that has been there and been known for 50 plus years, maybe even longer than that. But it's only been recently that they have developed it.

Dallas airport sits over the Barnett Shale. So Chesapeake went through the airport authority and said, we want to drill. We want to negotiate those leases. My recollection is they negotiated the lease in 2003 and paid the upfront bonus of $186 million to drill.

□ 2130

They will drill 303 wells on Dallas airport property. They will use 52 pads to drill those 303 wells, and so obviously each pad will have multiple wells. The royalties will go to the airport. First production began in 2005, and they are now continuing to drill.

Mr. WESTMORELAND. So 2 years on State property versus 12 years on Federal land.

Mr. CONAWAY. To be fair, doing things offshore, 150 miles from shore, is technically much tougher than it is doing it in the heart of an oil-and-gas region like Fort Worth is. So there is a natural difference in time. Some of it has to do with the permitting and all of the other stuff that goes on. But also, it is tougher to drill 150 miles offshore where everything has to be brought out there.

Mr. WESTMORELAND. But there is still a permitting process that I want to talk about. And the very fact when we hear the other side say that it will take 22 years to get anything out of these wells, you are talking about 2 years to get natural gas.

Mr. Speaker, let me say that natural gas was about $6.60 a thousand cubic feet last year, and it is about $12 this year. So while we have a lot of Americans feeling the pain at the pump this winter, they are certainly going to feel the pain at home.

I want to point out that this chart takes in the leasing process. And this purple area right here is the preleasing process. The orange is the leasing process, and then the blue is the notice of staking and the green is the application to drill. This is on Federal on shore oil and gas leasing and permitting process. Every time you see one of these red dots here, this is a point of entry for legal action.

And so you can see that this process is a lengthy process. When the majority talks about 68 million acres in the use or lose it, last night as we had an opportunity, Mr. Speaker, to go back and forth for 2 hours with the majority, I think that they admitted that that 68 million acres that they are claiming, and we don't know, Mr. Speaker, where that 68 million figure came from because that was done not by the Bureau of Land Management and Forest Service but by a committee report from the majority in the Resources Committee. So we don't even know how they came up with the 68 million acres.

But the point is that 68 million acres is somewhere in this process. It is somewhere in this process. So the use it or lose it is a very, very misleading statement.

I would like to recognize my friend from Texas.

Mr. CONAWAY. That use it or lose it is like telling General Motors you can only build one car at a time before you can start to build another car.

Oil and gas companies, much like manufacturing companies, have a work-in-process scheme that includes all of these steps. They could have multiple number of prospects in their inventory that they are working diligently on to make that happen. So this use it or lose it phrase, in addition to being demeaning to the process and to the industry, is wrongheaded at best.

Mr. WESTMORELAND. I want to thank the gentleman from Texas.

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I appreciate the gentleman yielding to me, and also appreciate the gentleman for heading up this special order tonight to once again point a finger and a focus on the importance of the discussion of energy. And more important than that, to actually move some legislation through this House before we go into a recess during the August break.

I will be brief because other colleagues would like to speak.

I come, as I said, from the State of New Jersey. This past week I had an opportunity to be on some forums with some of my colleagues from the other side of the aisle where this was an issue that was discussed. One of the points that I made, coming from the State of New Jersey, is just how important it really is that Congress do something with regard to energy and the high price of energy production and supply in this country.

Let me give you a few statistics from an independent source describing the State of New Jersey and our costs of energy. New Jersey consumes 3.4 percent of the Nation's energy. That is 13 percent greater than what the State's share should be based on the State's share of the Nation's population and employment. And that is possibly because New Jersey is one of the most densely populated States. It has been a manufacturing State and otherwise, and for that reason we do draw a high amount of energy for our State.

Currently the State of New Jersey spends nearly $130 million annually on energy for its various State facilities alone, not talking about private and everything else out there.

Furthermore, an economic survey points out that New Jersey business owners reported that many are concerned, and this is obvious, over rising energy prices. Forty percent of business owners state that over the next 6 months, higher energy costs will have the greatest impact on their business, up sharply from around 20 percent last fall. And because of the higher cost of energy, 43 percent of New Jersey business owners plan to pass along that portion of the cost in the form of higher selling prices to their customers, up from around 30 percent last fall.

So that means on top of the fact that we in New Jersey are paying more at the pump, and on top of the fact that home heating costs will go up dramatically in the area of fuel oil. As a matter of fact, the statistics on that are that New Jersey relies more heavily on petroleum and natural gas for home heating, with 86 percent of single-family homes heated by natural gas and oil compared to the national average of 68 percent.

I raise that point to point out that in my little forums that I was on with other Members from the other side of the aisle, they said, look, we really can't drill our way out of this. Petroleum is not the solution. Natural gas is not the solution. Conservation and alternative fuels are the solution. Well, I half agree with them. I half agree with them because yes, conservation is certainly one of the solutions; and alternative fuels is certainly the other solution. But it is really a three-legged stool as opposed to a two-legged stool, and that third leg of the stool is additional production of energy here at home in America.

Why this is a controversial topic in the State of New Jersey is because we are a coastal State. I enjoy the New Jersey shore as much as the next guy from New Jersey; and hopefully I will have some time to enjoy the Jersey shore sometime during this August break. But while you sit on the Jersey shore, and this is something that the gentleman from the other side of the aisle whose name shall remain nameless at this point, was factually incorrect about.

As you sit on the Jersey shore, if we are successful as Republicans in this House, and that is to pass legislation as the President has just lifted his executive order just 48 hours ago to allow for drilling on the Outer Continental Shelf, which means deep-sea exploration, and I always say offshore is a misnomer because offshore means you are sitting on the shore and actually seeing it. And that is what my colleague on the other side of the aisle said. He said if we build these rigs, you will be sitting on the shore enjoying your pretzel and your soda and seeing them. That is factually incorrect.

Every piece of legislation that I have supported, and I know the gentleman from Georgia has also supported, has said that we will be doing deep sea exploration, using 21st century technology in the most prudent and environmentally sensitive manner as you can possibly do, and they will be, at the minimum 50 miles, and a maximum up to 200 miles offshore. We all know that if you sit on the Jersey shore, you can't see any further than 20 miles out to sea because of the curvature of the earth. The bottom line is whatever we pass here, it will not be seeable from the Jersey shore. It will not have that detrimental effect on the shore nor on one of our biggest industries, which is tourism in the State of New Jersey.

So I am proud to be one of the few Members of this House from the New Jersey delegation to say that we must do everything possible to bring down the cost of energy for our small businesses, our industry, and our homeowners, for the price of gas in the summer and home heating fuel in the winter, and we must do that by conservation, alternative fuels, and more production of American energy here at home as well.

Mr. WESTMORELAND. I thank my friend from New Jersey, and he is the only member of the New Jersey delegation who has signed a petition that says ''I want to lower gas prices for Americans.''

It is now my honor to let my colleague from Georgia, Dr. GINGREY, have some time.

Mr. GINGREY. I appreciate the gentleman yielding to me.

Mr. Speaker, I want to follow-on to what my colleague from New Jersey just said. The gentleman from New Jersey was just talking about the need in the northeast and how important it is to homeowners, particularly during the winter season, the cold season, in regard to fuel oil. So many homes, as he pointed out, in that part of the country are disproportionately heated by natural gas and fuel oil.

He talked about the fact that these coastal States along the eastern seaboard, not just New Jersey, but Massachusetts as well, have been in opposition to opening up the Outer Continental Shelf because of all of these environmental concerns and the fact that you are going to spoil the view. As our colleague so rightly pointed out, you can't see oil rigs 20, 50 and indeed even 150 miles offshore, as my colleagues from Georgia and Texas pointed out earlier in regard to the oil rigs in the Gulf of Mexico.

But here is the thing that I want to point out to my colleagues, the folly of what the Democratic majority is presenting to this House tomorrow. Tomorrow, under a rule, a regular bill, they are going to bring up this issue of the Taunton River in Fall River, Massachusetts.

They want to designate this river, and I hope my colleagues can see this poster and see how industrialized and busy and developed the shoreline of I think at least 8 miles of this 20-mile river already is, and they want to make this designation of a Wild and Scenic River.

Now they should have done that 50 years ago, maybe 100 years ago when this river may have been wild and scenic. You can look at it today, and it is anything but scenic. It may be wild, but it is certainly not scenic.

But guess what, it allows them with this designation to deny the siting of a liquefied natural gas plant. And so that means that these tankers with liquefied natural gas that the northeast desperately needs to heat those homes in the winter time, to bring relief to those homeowners who are really struggling. What will they do? They will pass this bill. That means there can be no liquefied natural gas terminals along that entire river, and then I guess the Democratic majority will come back and put more money into the LIHEAP program so people can afford to pay their bills. It is absolutely ridiculous.

I have another poster that I want to show because I think what we are talking about here tonight, when you cut right to the chase, is that the Democratic majority are creating all of these paper tigers. And this business about use it or lose it, I'm not going to comment on that because, thank goodness we have Representative WESTMORELAND and the gentleman from Texas, MIKE CONAWAY, who has been in the oil business, and to have Members with that expertise explain it to us and the folly of that use it or lose it. If they lose it, who in the world is going to come back and be able to afford to drill these expensive oil rigs, especially offshore. I appreciate him pointing that out.

Look at this poster, Mr. Speaker. Just a little cartoon. I think it is cute, but it is well to the point.

Here's the Democratic leadership asking a question of the administration. ''We demand you energy companies do something about these high energy prices.'' It is the voice coming from the United States Capitol.

The response from the energy companies: ''Clean coal?''

And the response back from the Capitol: ''Well, that's out of the question.''

The energy companies say well, ''We can drill in ANWR,'' that 2,000 acres out of 19 million up in the frozen tundra of the north slope of Alaska.

The response from our Congressional House majority and Speaker PELOSI: ''Forget it.''

Well, okay, ''How about nuclear power?''

The response: ''You're joking, right?''

And then finally: ''How about offshore?'' How about this Outer Continental Shelf drilling for oil and natural gas? Millions of cubic feet, billions of barrels of petroleum.

The response: ''Are you crazy?''

So finally you throw up your hands and say, ''Huh?''

And they say, the response: ''Well, don't just sit there, do something.''

□ 2145

Don't just sit there, do something. Well, I am going to tell you, the Republican minority wants to do something. The Republican minority wants to do a lot of things. The Republican minority hopefully soon to be the majority, when we tell the American people and show the American people that we want to do something in a comprehensive way, and we want to get it done before we leave here for any kind of August recess. We are making that pledge, and that's why I am proud to be here tonight with my colleagues. I know that others want to speak, and time is short.

But I hope that people will listen. I hope that our colleagues are listening. I know that there are Democrats who want to vote and support a comprehensive approach to this. There is some give and take. We can do this in a bipartisan way. But this business of use or take a little oil from the Strategic Petroleum Reserve, which would—all of that oil, that 750 million barrels that we have in reserve, if the Middle East cuts us off tomorrow, that would be exhausted in 60 days. That's why we don't tap that, just because we want to bring down the price of oil.

I yield back to my colleague.

Mr. WESTMORELAND. I want thank my colleague from Georgia. Now I want to recognize my other colleague from Georgia, another doctor, seems like we have a lot of doctors in our delegation, but my friend from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank my colleague from Georgia.

Dr. GINGREY, the two posters that he showed—because I think that the Taunton River, wild and scenic river poster that he showed, demonstrate the contortion to which the Democrat majority will go to not, to not increase supply of fuel, of fossil fuels for the American people, the contortions that they will go through to try to make certain that people pay more at the pump and have to pay more for heating their home in the winter. It is truly astounding.

We believe in a comprehensive solution. We don't believe in just one thing. We don't believe in just conservation, we believe strongly in conservation, but not just conservation. We don't believe just in alternative fuels, we believe in alternative fuels without a doubt, but we don't believe in just alternative fuel. We believe also in increasing supply, because, as my friend knows, we believe in the laws of economics.

The law of supply and demand is a law. That's why they call it a law. When you increase supply, you decrease cost, and that's what the American people know. That's why the American people are so supportive of the efforts that we are trying. Seventy-six percent support increasing oil drilling in the United States immediately, 76 percent.

A year ago, that wouldn't have been that number. In fact, it might have been 25 percent, absolutely the reverse, 73 percent favor—said they favor offshore drilling for oil and natural gas immediately, 73 percent. Sixty-eight percent said they supported increasing exploration for oil and natural gas immediately.

These are the American people who understand and appreciate that when the price goes up that one of the ways to bring down the price is to increase the supply, increase the supply.

Mr. WESTMORELAND. Just reclaiming my time for a minute, it's a shame that that 73 percent of the American people that my friend from Georgia commented on will never get to see a vote on this House floor, never get to see a vote on this House floor if the process remains the same.

We heard from Speaker PELOSI yesterday, and her intention is to keep the process the same, closed rules and suspension bills.

So that 73 percent that is saying, hey, drill here, drill now, drill in my backyard, wherever you got to drill, we need to bring down the price of gas, they will never get to know how their Congressman feels about that, because we will never have an opportunity.

I yield back to my friend from Georgia.

Mr. PRICE of Georgia. Many of my constituents ask me, well, why won't

you have an opportunity to vote? They don't understand, they think that back in the fourth grade and the sixth grade when they learned about how Congress works, and they thought that votes just happen on the floor of the House whenever there was a bill that was introduced. Well, the challenge that we have is that the majority party, the Speaker, determines whether or not a bill gets a vote on floor of the House, and the Speaker will not allow a vote on this.

That's all we are asking. We are not asking to game the system, to tell us what the result is going to be. We will let every Member vote, all 435 Members, let them vote. That's all we are asking. Let's vote for the utilization of deep sea exploration for oil, on-shore exploration for oil, use of oil shale, clean coal technology, increasing refining capacity, increasing energy for Americans.

That's what we would like to see a vote on the floor of this House, and I know that's what the American people want to see. I am so pleased to be able to join my colleague from Georgia tonight and the leadership that he has shown on this issue.

Mr. WESTMORELAND. I want to thank my friend for that.

You are right. What the Republican message has been is all of the above. You know, we believe in conservation. We believe in renewable energy. We believe in wind and solar, but we also believe in the new technology that's environmentally safe that we can use to drill in these deep-water areas of the Outer Continental Shelf that we can use to get shale oil out of the ground in the western States, which this Congress, in May of 2007—and I don't have the chart up here with me tonight—but in May of 2007 is when the speculation market shot sky high on the price of oil because they saw that night in May when Mr. UDALL's amendment was passed that said we could no longer drill or mine for the shale oil in the western States where there are 2 trillion, 2 trillion with a T, barrels of oil.

It is off limits, and I want to say that H.R. 6, which was passed by this body, under a closed rule, which means there was no amendments, no amendments allowed whatsoever from the minority, that they passed it. We called it the no-energy bill. At the time it was passed, gas was about $2.25 a gallon.

I want to read one comment that was made, this is on January 18 of 2007, H.R. 6. ''It is sad to see the Republicans come to this. Now they are laughably saying that this will lead to higher prices.'' That was Mr. DEFAZIO from Oregon, and this was on the Democrat energy bill.

We said then that it will lead to higher gas prices, and we were right. What we are saying now is let's look at all the measures, all the measures. We heard my friend from Texas say, in a 2-year period they were getting natural gas out of the wells at the Dallas airport. This can happen, but in order to happen, we have to get out of the fetal position. We have to get out of that political correctness mode and do what's right.

In order to do what's right, we need to have an open-rule bill come to this floor so all 435 Members of this body can have some input and all Americans can be represented in this body and it not just be a closed place. Let me say this, when the process is broken, the product is flawed.

This process is broken. We ask the majority—we ask the American people to help us create an open process so all views can be put out. Then all of the above that uses all the tools in our tool chest can be used to lower the price of gas and energy for the American people.

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

ENERGY PRODUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized this evening to address you here on the floor of the United States Representatives, the world's most deliberative body and the one that's supposed to be the most representative of people.

We are here tonight, a lot of Americans, yourself included and myself included, also, have heard from this group of gentlemen who have spent the last hour talking about energy. We are looking at gas prices that are $4.08, $4.10, $4.11.

We are looking at gas prices by my data that shows that the gas was $2.33 a gallon when Speaker PELOSI took the gavel here about the 3rd day in January of last year. We have watched gas go from $2.33 to $4.10 or $4.11.

That chart that I saw earlier that showed the gas prices and what they were when the Republicans took control of Congress and how we held that increase in gas prices down, but when the Speaker of the House took the position that we were going to have lower gas prices and an effective energy policy, we are still waiting. We are still wondering what that was.

I do know that there has been a lot of noise from this side of the aisle about windfall profit taxes. I do know there has been a lot of noise about looking into the speculators on the hedge funds, on the futures markets. There has been a lot of noise about alleging that oil and gas-generating producing companies, are dishonestly or deceptively making unjust profits, that Exxon has made $10 billion a quarter totaling $40 billion a year. People on your side of the aisle seem to they think that we should go back and slap an after-the-fact tax on companies that are pouring energy into this marketplace.

I remember, one of the more senior United States senators making a public statement here a couple of months ago, that 85 percent of the oil on our market actually comes from countries that are sovereign countries that have nationalized their oil industries. So the oil belongs to countries like Saudi Arabia, Venezuela, Iran, countries where it's not private companies, but it's countries that own 85 percent of the oil that is imported into this country.

It's not the fault of Exxon, it's no fault of Chevron, it's not the fault of a lot of our good American companies that we have. It's a number of circumstances all put together, but the sovereign nations that have nationalized their oil industries, that are marketing it to us, have a lot bigger share of this. They can control and get together and do control, under OPEC, the supply of the oil. The demand is going to be in proportion to that that is necessary and in proportion to the price. Supply and demand is going to control the price of this oil.

Another component that is not discussed very much—and I don't know that it was mentioned in the previous hour—is our weak dollar. Our dollar has declined significantly in value, especially since about the 2003, 2004 era. The more the dollar declines, the more dollars it takes to buy oil from foreign countries. So if 85 percent of the oil that's available in this marketplace come from foreign countries, owned by foreign countries, and we have to send U.S. currency there in order to purchase that oil, and we get this imbalance of trade, this imbalance that is someplace in the neighborhood of $700 billion a year—not all of it oil by any means—the weak dollar contributes to the cost of our gas.

I don't want the public to lose sight that the weak dollar contributes to the high cost of all of our commodities here in this country. For example, if you do the calculation on what it would take to dial the value of our dollar back to what it was to shore up the value of the dollar to those values of 2003, 2004 era, that's about 35 percent of the purchasing power that has drifted away as the value of dollar declines.

We bring it back to that level in proportion to the commodities that we are looking at today. We would see about 35 percent come out of the price of gasoline.

Let me just say off the top of my head, my calculus would be been this, that if you have $4.10 gas and 35 percent of that is a weaker dollar, if we could shore up the value of the dollar, gas will get dialed back down to around maybe $2.65 to $2.70 in that area. I am for doing that, but in the meantime, while we are doing that, we also understand that the demand for fuel worldwide has gone up.

It stayed fairly flat here in the United States, hardly increased at all. But in China it has increased by a third, 32 percent increase in the demand for gasoline in China, for example.

It has gone up as well in India. We lose sight of the fact that the increase

in the imported gasoline for China, for this year, has gone up 2,000 percent this year if you annualize the numbers up to the last reporting date, which I think was maybe the end of May of this year. You set it up and annualize as running at a 2,000 percent increase in the amount of gas that the Chinese are importing. When they do that, that puts a lot of demand on our availability of gas to come into the United States.

We burn about 142 billions gallons of gasoline in this country. We produced last year about 9 billion gallons of ethanol to go in and supplement that overall gas consumption that we have. That has helped keep the price of gas down.

□ 2200

There has been a powerful argument. I should say it this way: It's an argument that has been made by powerful people, and it seems to be compelling to folks who aren't critical thinkers or who aren't willing to go back and gather some information themselves to analyze the situation. This argument is that using corn for ethanol has made food prices higher.

Well, Mr. Speaker, the world doesn't seem to have access to the balance of information. They go places like to the University of California-Berkeley or to Cornell University to get their information on ethanol. I would submit that, if you wanted to learn something about ethanol, if you wanted to learn something about corn-based ethanol, you ought to go to corn country where we actually make the stuff. We know a lot about it there. We've invested our capital in it for a number of years. We've come a long way, and we know a lot more about the cost of producing ethanol and what it takes to do that than does a scientist or a professor or someone with an agenda at the University of California-Berkeley.

It works like this: The study that was released by Berkeley and Cornell University made the statement that it takes more energy to produce ethanol than you get out of it. The gentleman from Maryland has been on the floor of this Congress a number of times to make his argument in agreement with them, and I consistently disagree.

I disagree for this reason, Mr. Speaker, and that is that the calculation of Berkeley and of Cornell University goes back and calculates all of the energy it takes, not just to raise the crop of corn—first, if it takes more energy to produce the ethanol than the energy you get out of it, you would think they'd be talking about how much energy it takes to convert corn into ethanol. They are not talking about how much energy it takes to convert corn into ethanol. When they say it takes more energy to produce ethanol than you get out of it, they're taking the energy that it takes to turn corn into ethanol and the energy it takes to go to the field to raise a crop of corn that gets converted into ethanol and the energy it takes to manufacture the tractor and the combine and the planter and the disc and the cultivator if you use it and the sprayer and, I presume, the truck to haul it to town.

I read through this 62- or 63-page report that analyzed and that added up all of the components of the energy that's required to produce a gallon of ethanol. When you get to the point where they're hauling iron ore out of the mine in Hibbing, Minnesota—they didn't specifically say that, but this gets stretched out to those limits, Mr. Speaker—and when you think that your imagination has gone as far as it possibly can and when the scientists who claim that their study proves that it takes more energy to produce ethanol than you get out of it, then I see in their study that they charge 4,000 calories, which represent X number of Btus, for each farmworker per day, that being, presumably, a reasonable diet to keep the farmworker with enough energy to be able to go out there and raise that crop of corn, which gets converted into energy.

Now, when they go so far as to add up the calories that the farmworker eats, I think we ought to know what kind of a study this is. When they go so far as to add up the energy that it takes to mine the ore and to sail it across Lake Superior and to turn it into cast-iron and steel, enough to convert all of the energy that it takes to paint the tractor and to haul it out to the farm and the energy it takes to put in the tank, I think you know that we're going to make those tractors anyway and that we're going to farm those fields anyway.

We've done that for a long time, and no one has gone back and charged the energy and has gotten the energy you got for the food you ate or has charged that against what it took to manufacture the tractor or the farm machine or the truck that it took to haul the grain. That is not a balanced proposal.

In arguing that it takes more energy to produce ethanol because it takes energy to produce the tractor that goes to the field and that it takes energy to feed the farmworker, if that's the logic that we're using, Mr. Speaker, then I'll submit this: The same logic needs to apply to crude oil and to turning crude oil into gasoline in the fashion that we have for decades.

It works like this: If you're going to charge the energy that it takes to make the tractor against the corn we converted into ethanol, then you also have to calculate the energy that it takes to manufacture the drill rig, to power the drill rig. You've got to charge the roughneckers on that oil rig 4,000 calories a day just like you do the farmworkers.

By the way, we're defending a lot of oil fields around the world because we have to have that oil for our national interests, and so we've got to have also all of the energy that it takes to cast the iron that is used in the anchor for the battleship and for the carrier and for the Humvees and for the bulletproof vests and for the M–16s, the F–4s and the F–16s and for all of the components that are necessary to keep our military in play in places in the world that are a long way from home.

By the way, if it takes 4,000 calories to pay a farmworker to sit on a tractor and ride in air conditioning through the field—and we've gotten to that technology, and I'm grateful for that—we ought to be able to provide at least 4,000 calories to the marine who has to go in and root out terrorists in Fallujah.

So, if you add all of that up, Mr. Speaker, I will submit that it takes a lot more energy to convert crude oil into gasoline than it does to convert corn into ethanol. Btu for Btu. That proposal, that approach, is not a logical one. It's not a rational approach. It is a specious and facetious report that seeks to undermine the credibility of ethanol.

So here is the real number. This is Argonne National Laboratory of Chicago. We'll start like this:

You have a barrel of crude oil sitting at the gates of the refinery in Texas, and you run that crude oil in, and you convert out of that a Btu of crude oil into gasoline—one British Thermal Unit. We'll be measuring our energy in Btus here tonight, Mr. Speaker.

When you take crude oil and convert it into energy and a Btu in the form of gasoline, that 1 Btu has already consumed 1.3 Btus just in converting the crude oil into gas. It takes a lot of energy to crack gas out of crude oil and to convert it into gasoline that we can use in our vehicles.

Now, with a barrel of crude oil at the refinery in Texas, to produce 1 Btu of energy, it has already consumed more than it is. It consumes 1.3 Btus for every Btu of energy in gasoline than it produces.

If you go to, let's just say, Iowa and you set a bushel of corn at the gates of the ethanol plant in Iowa and if you convert that corn into ethanol to get 1 Btu in the form of corn-based ethanol, it takes .67 Btus of energy. These are numbers that come from Argonne Lab in Chicago.

You can boil it down to this: It takes .67 Btus of energy to get 1 Btu out when you have corn at the ethanol plant, and it comes out in the form of ethanol. It takes 1.3 Btus to get gasoline out of crude oil, to get 1 Btu of gasoline out of crude oil. So equivalent: Btu to Btu, it takes just a shade less than twice as much energy to convert crude oil into gasoline as it does to convert corn into ethanol. That's the laboratory fact, and we're getting better at it. Perhaps the honest answer today is that it's all the way up 2 to 1—twice as much energy to convert crude oil into gas as it takes to convert corn into ethanol.

So the energy component of this is the false argument for those people who side with Berkeley and with Cornell University. They cannot sustain that kind of argument in the laboratory with corn matched up against

crude oil. They can only make the argument if they add this thing up all the way to the iron ore, and that is a false comparison, but if they're going to make a false comparison, they need to make a corresponding false comparison and add up the energy that it takes to make the battleship, the carrier, the F–16, and all of that that it takes to defend the oil fields that send oil to us.

Now, with that being part of the logic, part of the argument is also that which comes out of Wall Street and out of The Wall Street Journal and out of the New York Times. It's funny. You know, the further away you get from a cornfield and the further away you get from an ethanol plant, the further away they get from the truth. Here are the things that we know in the heart of the renewable fuels country.

By the way, Mr. Speaker, I would submit to you that, as to the renewable fuels country that I represent, the western third of Iowa, 5, 6, 7 years ago, we didn't have a lot going on for a renewable fuels industry. Today in the 5th District of Iowa, in the western third of the State, when you add up the ethanol from corn and the biodiesel that comes from, let me say, animal fats and soybean oil mostly and when you add also to that the wind energy—those are all renewable energies—we produce more renewable energy than any other congressional district in America. We rank in ethanol production, in biodiesel production and in the wind generation of electricity. Those three items outstrip any other congressional district in America. So we know a little bit about renewable energy where I come from.

The concern, the argument, that comes from The Wall Street Journal and from the New York Times and from the east coast people who are as far away as you can get from the cornfields but who have no lack of self-confidence when it comes to this argument—and I'm happy to debate it with them, Mr. Speaker. In any form and at any time we can make this work, I'd happily stand up and take on all of the smartest people they can generate, but we're going to go back to facts when they debate with me.

It works like this: This corn that we've raised for years and years, this gift of the new world, actually, is hybrid corn that has been designed in the laboratories by good companies that help get us through droughts to increase the yield, having good seed corn companies that will go on record, that will say their design, their improved hybrids, will be increasing yields 3 to 4 percent per year as far out as one can predict.

When I was a kid, our corn was 80 bushel per acre. Now a pretty good crop is 200 bushel per acre. They think that we're going to see a 3 to 4 percent increase per year until corn goes to 300 bushel per acre. So think of that difference, Mr. Speaker. From the time I was a little guy, growing up, 80-bushel corn was an okay crop. 100 bushel corn was a bin buster crop. We've gone past 200 bushel today and are looking on our way to 300 bushel per acre.

That's because we're getting a lot better at the things we're doing. We've got better hybrids to work with. We're placing our fertilizer more precisely. We've got better wheat control. We've got some GMOs. We have roundup-ready corn and roundup-ready soybeans. A lot of design and engineering has gone into these crops that has increased their yield and has provided for the genetic resistance to pests and also to the resistance of certain herbicides so that we can kill the weeds, so that we can grow the crops and so that we can do so in an environmentally friendly fashion. It's better for our water. It's better for our air. It just isn't so good for bugs, and it isn't so good for weeds.

We do those things with increased corn production and with increased soybean production in our part of the country. Yet we're faced with this argument that comes out of a long ways distance from the cornfield, which is Wall Street, which says, well, food versus fuel is really the argument, that we're taking food and we're converting it to fuel, and for that reason, food prices are going up.

Well, first of all, we have for millennia—for thousands and thousands of years—since the first real farmer planted a crop—and I'll suggest that that probably was a cavewoman and not a caveman. A caveman was likely out, doing hunting and gathering. A cavewoman must have recognized that some of those seeds that got dumped outside the cave predicted what was going to grow there. So she said why don't I just save some of these seeds and plant them in the ground. Then maybe I'll be able to actually put my own crop in.

When they started to do that, that was the beginning of agriculture, and from there on out, it has always been about food and fiber. From the beginning of production agriculture or of subsistence agriculture, it has been about food and fiber. You raised the food up out of the crops, and the fiber that came from that was used for rope, for clothing, for bedding, for things of that nature. So that has gone on for thousands of years. We raised crops for food. We raised crops for fiber. Of course, one of those fiber crops would be cotton.

Yet, today, we've taken it to another level. We've got food, fiber and fuel. The three F's of agriculture today are food, fiber and fuel. Food versus fuel is not the argument they would have you believe is coming out of Wall Street, and it works like this: For the 2007 crop, during that period of time, food inflated—appreciated in cost—by 4.9 percent. Energy prices went up 18 percent. As to the 4.9 percent of that food, much of the cost of the food's going up is the energy that it takes to deliver it and to process it. Inflation comes because we know that high energy costs go into everything that we have and into every part of our economy. It takes energy to do everything. It takes energy to produce. It takes energy to deliver. It takes energy to process. So, as those costs go up, so does the cost of food go up 18 percent.

So the wizards of Wall Street say, well, food went up, so therefore, the cost of that is because, if we'd had those 3.2 billion bushels of corn into the food market, that would have been a lot of corn on somebody's plate to eat, and it would have kept the food prices down.

Well, the first thing is that's all field corn, and I don't know anybody who sits down to a plateful and loves it; although, if you catch it just right, you can eat it on the cob, and it's not so bad. After that, it's livestock feed, and yes, we process that corn into 300 different products or so. That's pretty specialized processing for some of the things. Corn oil, sweetener, things like that, and corn starch are some of the things we do. As to those forks and knives, if you put them in your coffee down in the Longworth cafeteria and they melt and go rubbery on you, I believe those are also made out of corn, they tell me, and we can do them better than that by the way. Those are some of the things we do with corn.

One of the things we don't do with corn is set an ear of field corn on one's plate and eat it. In fact, you don't make cornflakes out of it, and you don't make corn chips out of it.

□ 2215

Most of that corn is livestock feed. And it has a component in it that's starch, and it has a component in it that's oil and has a component in it that's protein. And the value of this corn as we break it down, it works out like this. Some of the oil has a high value to it, but poultry and hogs can't digest that higher oil product so well. Cattle seem to do okay. And yet the world has an over supply of starch, and it has a shortage of protein.

And so we take the corn, and we grind the corn up and process it into ethanol and we process the starch into ethanol, and we bring the protein back; and the protein comes back in the form of DDGs, or dried distillers grains is what that stands for, and we have wet mash in a number of different varieties and some high-protein varieties. We have a series of higher quality byproducts of ethanol production.

But to keep it simple, there is dried distillers grain. And the dried distillers grain is the protein. The starch has been converted into ethanol. Much of that starch would have passed through the animal and have been wasted had we fed it. But most of the protein is retained in the process. We feed it back to livestock.

And however pessimistic you want to be, Mr. Speaker, when you take a bushel of corn and convert it into three bushels of ethanol, or excuse me, three gallons of ethanol, that bushel of corn will have at least half of its value of

feed left over in the form of protein that goes back to livestock and the value of it is actually a little higher.

So a bushel of corn weighs about 56 pounds, and you can split that into thirds. About a third of it goes off in the starches that are converted into ethanol, about a third of it goes off in the form of CO_2, carbon dioxide—and a lot of that is wasted if you feed the corn anyway—and about a third of that is retained in dried distillers grain which goes back on the truck and back out to the feed lot and fed to livestock which converts it into protein that we can use, Mr. Speaker.

So if you go to an ethanol plant and stand there and watch what is happening, there will be trucks coming in that are dumping off corn. And they will come in and unload that corn; some of them will turn right back around, pull back underneath in the next bay and load themselves completely up with dried distillers grain and go out to the feed lot and dump that load off out there, and that goes out to feed cattle. We don't lose that grain in the fashion that Wall Street thinks we do.

So however you cut it, you have to add back in half, at least, and that's a conservative number, Mr. Speaker.

So here is how it works for the 2007 crop. Food prices went up 4.9 percent. Fuel prices went up 18 percent. They would have gone up more if we hadn't have put 9 billion gallons of ethanol on the market. So if the fuel prices had gone up, I believe they would have driven food prices up even higher. And to think that because we took corn off the market to make ethanol, that that deprives someone of a meal, it didn't happen. It didn't happen in a single instance in America or across the world for that matter, Mr. Speaker.

Additionally, last year, 2007, we raised more corn than ever before, 13.1 billion bushels of corn. That's a lot of corn, Mr. Speaker. And we export more corn than ever before, 2.5 billion bushels of corn. Not only do we export more than ever before, but we converted more into ethanol than ever before. We used 3.2 bushels of corn for that.

So if you have got your calculator out, and you are thinking how this works—and a lot of us can figure this in our head or do so with a pencil and a cardboard box—13.1 billion bushels of corn, minus 2.5 billion was exported, more than ever before I would remind you again, minus 3.2 billion bushels that went into ethanol production, and then but about half of that gets added back in because we didn't lose the feed value of all of that corn. So that's 1.6. Do a plus on 1.6 billion bushels of corn, that it goes back as a feed value. And now you should be at, Mr. Speaker, if you're wide awake and alert and paying attention, that you're at 9.0 billion bushels of corn available for the domestic consumption in the United States.

Now, what does that mean? Well, the answer, to put it in proportion, is that if you average the rest of the years in the decade, the average bushels that were available for domestic consumption in the United States, and that's the same math I have done, total production minus export, minus conversion to ethanol, to get you to that number the average bushels that are available for domestic consumption in the United States, that comes out to be 7.4 billion bushels. That's an average year. That's an average year in the last decade and the most representative we have, Mr. Speaker. But we had available to the domestic supply 9.0 billion bushels.

So that's 1.6 billion bushels more than we normally have for domestic supply of corn. And that says to me that high corn prices in this country aren't solely attributable to ethanol, and it says to me that it isn't really a food-versus-fuel argument. It says to me there are other factors out there such as the increase in world demand of gasoline, diesel fuel, and other hydrocarbons that come from petroleum products. It also says to me the weak dollar has made a difference, that the Chinese and their demand has gone up by 32 percent, and the Indian demand has gone up dramatically, and the Chinese import has increased 2,000 percent this year.

We also should understand that there are countries in the world that subsidize the gas purchases, China being one of them. There are multiple countries in the world that subsidize gas for people. So they're buying the value of that gas down. If they can do that, because they hold a lot of dollars maybe, maybe their currency buys a lot, whatever is their motivation, we're not subsidizing gas here in the United States. We're taxing it. We're taxing gas in the United States for a number of reasons.

But in my State, the gas tax is over 20 cents a gallon. It's been that way for a long time. The Federal gas tax is 18.4 cents a gallon. And I look at this floor and the people on it and those who hold the gavels to chair the committees, and it's astonishing to the people in my part of the country that there wouldn't be enough pressure coming from your constituents to get you to finally crack and allow us to drill to get access to places like ANWR, the Outer Continental Shelf, the BLM lands in the United States.

Why does not that pressure come from your constituents, let us just say Mr. RANGEL in New York. Mr. RANGEL, why don't your constituents rise up and demand cheaper gas? I ask that question. And you can tell me, but let me try to answer, and I will be happy to yield to you if you like. But I think the answer is this. Your constituents ride the subway. Your subway is mass transit. Your mass transit is subsidized by the gas tax that my constituents pay. So when they're paying $4.10 a gallon for tax, 20-some cents for state tax on that, 18.4 cents for Federal tax, 17 percent of the Federal gas tax dollar goes to subsidized mass transit which subsidizes your subway riders, those people who are riding around in the subterranean tunnels in New York City. They get a cheap ride, my constituents pay the price.

My constituents are mad. They're tired of $4.10 gas. Your constituents are riding on the backs of mine. That's why you're not hearing from them.

You can go right down here to South Capitol, Mr. Speaker, and climb on the Metro, and for $1.25 you can get a ride out to Falls Church. But 17 percent of the gas tax dollar that's paid for by my constituents and the people that don't have a subway and don't of a Metro and don't have an L and don't have a San Francisco cable car, 17 percent of that, their money, their gas tax money, goes to subsidize the cable car in San Francisco, the subway in New York, the L in Chicago, and the Metro here in Washington, D.C.

That's why you're not hearing the pressure, Mr. RANGEL. I'm hearing it. I have been hearing it for a long time. I have been feeling the pressure when I write the checks. I don't have to wait for my constituents to tell me.

It's about time your constituents rose up and said, Let's solve this problem because the economy in the United States will ultimately collapse if we're going to be sending our money overseas and let them hold us hostage for the oil that they have. And yet the answer that the majority party has is don't drill now, don't drill anywhere, don't allow any of this energy to come up out from underneath our very feet.

The natural gas in this country is massive. I have many times come to the floor and said there are 406 trillion cubic feet of natural gas out there, much of it on the Outer Continental Shelf, much of it we've not been not able to explore, and we don't know how much is there. But known reserves. I said 406 trillion cubic feet, and I saw a chart today that took us up to 420 trillion cubic feet of natural gas still with massive areas uncharted, unknown. That's just the known reserves.

Natural gas is a big chunk of the energy that we burn in America, Mr. Speaker. And here is an example of the percentage.

This is our energy production. All of the different kinds of energy that we produce and consume here in the United States, there's the natural gas component. Now this is the 365-degree pie chart that's all the Btus, Mr. Speaker, that we use. It includes electricity, gasoline, diesel fuel, coal, all of the sources of British thermal units. And of the energy we produce in America, the natural gas component is right here, 27.46 percent, a big old chunk of the energy we use.

Mr. PETERSON of Pennsylvania, JOHN PETERSON has come down here on this floor and repeatedly said natural gas is the mother's milk of manufacturing in America. It's the mother's milk of fertilizer. Ninety percent of the cost of producing nitrogen fertilizer, which is essential to grow everything, is right

here in the cost of natural gas. Yet because we refuse to develop our natural gas, prices have soared here in the United States and we've essentially lost our fertilizer industry; and they go to places like Trinidad, Tobago, where they have cheap, cheap natural gas. And that is driving the industry.

But also it allows for people like Hugo Chavez to hold us hostage. And a lot of that fertilizer comes from Russia.

But here in the United States, we've got the natural gas to do this, but the pressure on this natural gas is getting great because the Greens—and that means the ''green people'' that come up with some of these partial formulas; they can't think the whole thing through or refuse to, Mr. Speaker—but their idea is that the carbon, the greenhouse gas emissions, the carbon emissions from burning natural gas are less than they are from burning coal.

Here is our measure on coal: 32.54 percent of the energy produced in America is coal, 27.46 percent is natural gas.

So to give you a sense on how the Greens think, Mr. Speaker, it would be this: There is a coal-fired generating plant that provides the electricity for our Capitol complex here in the center of Washington D.C. Seems as though the Speaker of the House somehow has control or authority over how they manage that generating plant. I would think it would be the experts that do that, but obviously it's not. And I come to find out a month or so ago that the Speaker of the House, NANCY PELOSI, Democrat from San Francisco, San Francisco attitudes and ideas and ideals, issued some kind of an order that converted the power-generating plant that was fired by coal and operated effectively and efficiently, over to natural gas under the belief that there are fewer greenhouse gasses emitted by natural gas.

Now that may be true, but natural gas is a lot more expensive to generate electricity out of than coal.

So she converted from an economic-generating system to an uneconomic-generating system, and she tapped into the supply for my fertilizer. When you use natural gas to create, to produce more generating plants, you're taking that natural gas away from fertilizer. You're taking your natural gas away from manufacturing. You have tapped in to and you have siphoned off the mother's milk for the economy in this country to convert it to producing electricity.

The State of Florida—and I'm happy to see that a good number of the Florida delegation has decided that they think a little differently about drilling in the Outer Continental Shelf today. But a couple of years ago, the report I saw was that there were 33 generating plants planned for construction in Florida and that 28 of those 33 were to be natural gas fired; natural gas fired in a State that has all of that natural gas surrounding the Peninsula but is not willing to allow us to go down and tap into that natural gas.

Some of them are changing their position because they understand the security of this country is tied up in energy and the cost of energy, and if we keep shipping our wealth out, it won't matter pretty soon. We will be unable to function as an economy and the rest of the world will catch up and sweep us up.

And so, Mr. Speaker, the natural gas here, which I think is an inappropriate use to be increasing the use of natural gas to generate electricity, instead, the Speaker converted the coal-fired plant here, which was at least economical, to a natural gas fired plant, and then insisted that the Capitol complex be carbon neutral.

□ 2230

And so in order to get carbon neutral, the idea is you're supposed to, if you can't get neutral on your own, then provide incentives so others can contribute. And so the order was to the management and administration of the Capitol complex here to go buy some carbon credits on the board of trade in Chicago.

Now, I've forgotten what they call these carbon credits. There's a certain trading mechanism there on the board in Chicago that will allow people to go in and buy and sell carbon credits. And so the taxpayers of the United States spent $89,000 buying up some carbon credits on the board in Chicago.

Some of those carbon credits—the number would be about $14,500—went to a coal-fired generating plant in Chillicothe, Iowa, and that coal-fired generating plant was to experiment with burning switchgrass to generate electricity, as opposed to burning coal. The idea is that, when you burn switchgrass, you use the plant to sequester the carbon, pulls the carbon dioxide out of the air, turns it into cellulose in the form of carbon. You harvest the switchgrass, haul it into the coal-fired generating plant, dump it into an incinerator, heat it up and use that heat to generate the steam that it takes to spin the turbine that generates the electricity. That's the deal with switchgrass.

Well, the $14,500 check off that board apparently, according to the news at least, went to the plant in Chillicothe, Iowa, and they had already scrapped their plan to burn switchgrass. So it didn't change anybody's behavior in the positive, but it did help a little bit I suppose minimize the pain of experimenting with that.

$14,500 of that $89,000 also went to one of the Dakotas, and it's easy to mix them up, but I'm going to say I believe it was South Dakota. In any case, it was Farmers Union, and they distributed that money to no-till farmers. And the report is that they didn't change anybody's behavior, that some of them were to going to no-till farm anyway. Some of them had already no-till farming, but it helped out a little bit on the bottom line.

Now, this idea that we can trade carbon credits and not have any way to go back and audit and be able to measure, first, whether it changed anybody's behavior or whether you rewarded somebody for behavior that they had already adopted for some other reason, now I've got neighbors that are no-till farmers. About a third of the land around me is no-tilled. I wish it were more, and those that have been no-tilling for years are good leaders, and they will sequester some carbon in the soils, and I think that's a scientific fact, Mr. Speaker.

But it's also a fact that if they change their mind on no-till, and they want to go out and open that field up and farm it in a more conventional fashion, in a very short while, a few years at the maximum, all the carbon that's been sequestered is released into the atmosphere anyway. And so what was the point in paying them to sequester the carbon if you couldn't be sure that you could retain it there?

This has gotten pretty silly in America, Mr. Speaker. It's gotten so silly that when I pick up my chain saw and go out and trim the trees, we call that harvesting sequestered carbon where I live. And when I climb on the lawn mower and go out and cut the grass, we call that harvesting sequestered carbon. And so if I'm going to harvest that sequestered carbon, I wonder if I shouldn't get a credit for it here, and I would be willing to take that credit, if the Speaker would want to send me a check for it, and I'd contribute that back to the taxpayers that paid for it.

This is a silly, silly thing going on, and I can tell you that none of this thinking would have originated in the Midwest of the United States of America. It's got to come from the left coast and sometimes it comes from the east coast, but this is the kind of thinking that you run into in places like San Francisco and Berkeley and Boston. This is this kind of myopic thinking that can't think it through, can't get to the end, can't paint the picture of what America would look like if we gave them all their way.

So I'm not thrilled to see the direction that this is going, Mr. Speaker, but before I lose track, I want to make this point real well for everyone who is paying attention.

These are the components of our energy production. I call this is the energy pie, Mr. Speaker. Natural gas, 27.46 percent; coal, 32.54 percent. This is our nuclear, nuclear energy at 11.66 percent of the overall production. I wish that were a lot higher. Here's your hydroelectric power, 3.41 percent. Now, these tiny little slivers, things that we think actually matter and one day hopefully some of them grow so that they do, geothermal, little less than a half percent, .49 percent, not much; wind, .44 percent. Got a lot of that around me, and I'm happy that we have it. It's not a very big piece of our production pie, however. Solar power, .11 percent and can't even see that

there. It's just a line. Fuel from ethanol, .76 percent. As much as we produce, 9 billion gallons of ethanol is still only three-quarters of a percent of the overall production pie chart.

Biodiesel, .09 percent, tiny little sliver. Biomass growing, 4.12 percent. Some of that biomass is growing because we're palletizing waste and because we're palletizing wood products, for example. So we have people that have biomass furnaces. Well, I don't know how good that is from a greenhouse gas standpoint, Mr. Speaker, but biomass is a larger piece than one would think it is, 4.12 percent.

Motor gasoline, this is the gasoline that's produced in the United States of America. That's 8.29 percent of the overall production chart that we have.

Diesel fuel and heating oil together is the red piece, that's 4.2 percent. Kerosene and jet fuel together, 1.57 percent. You'd think that would be a little more, too.

And then the other petroleum products, that would be things like our real heavy oils like asphalt and products like that, that's 4.86 percent, a bigger piece than you might think.

This is what we produce, Mr. Speaker, in the form of energy, and now if it were also what we consumed, that would be a good picture. But here's a picture of what we consume, and the outside circle is the piece of our energy consumption. The inside circle is our energy production, Mr. Speaker. It's set up like this so that we can take a look at this and quickly see the difference between production and consumption.

The outside picture, the energy consumption, works out to be that, of all the energy we consume, natural gas is 23.3 percent of that. Coal is 22.4 percent. You can see that some of these things like coal we produce a big chunk of what we consume, in fact probably all of it. Nuclear, we produce what we consume, but it's 8.29 percent of the overall energy consumption. Compare it to the lower chart, where our production is 11.66 percent, and shows you just almost proportionally what happens when you go from the production chart to the consumption chart.

You can go all the way on around, and rather than pound that all in, the situation is this. We're producing 8.29 percent of the gasoline. 8.29 percent is the percentage of the overall production, but of our overall consumption, gas is 17.44 percent.

Bottom line works out to be this. Energy production, Mr. Speaker, is 72.1 quadrillion Btus of energy, 72.1. Now, quadrillion, that's 15 zeros behind there. It's a big number. But in proportion to this other number, we all understand it. We're consuming 101.4 quadrillion Btus.

The energy consumption pie is bigger than the energy production pie, Mr. Speaker, and that is the issue that we're dealing with, and we need to grow every one of these components. We need more domestically produced natural gas. We need more petroleum so that we can produce more gasoline, more diesel fuel, more kerosene and jet fuel, more other petroleum products that we have, and we need to produce more coal, clean-burning coal. Coal's cheap, we have a lot of it, and nuclear, I mentioned.

The French and their electrical generation production, 78 percent is nuclear. Now, you can look across the world for all time and measure up the safest forms of energy of electrical production, and it's going to come down to nuclear is just about safer than anything else. We think that it's dangerous because of Chernobyl. We don't generate electricity with plants designed like Chernobyl. We do it the opposite. It is much, much safer in this country than it was there. Three Mile Island, turns out that it actually wasn't the kind of a situation that they had us thinking it was.

And so right now, electrical generation production on nuclear is the safest we can do. It's the most environmentally friendly that we can do, and there is no reason that we can't be in production, building more and more nuclear-generating plants. There is one that's under construction in South Carolina, and hopefully, they will be able to streamline the regulatory process.

But we've been tied up for more than a generation by people that are opposed to nuclear-generating plants. Even though they didn't have the science behind them, they still tied it up. They still filed lawsuits. They created movements, and these movements are movements that aren't based sometimes on fact but based on emotion.

And we've seen Europe do some things that we thought was pretty silly because it's tied up in emotion. One of those is to oppose genetically modified organisms, GMOs. So the corn and the beans that we produce here, the roundup ready I talked about, the beans going up and the weeds dying out, that's not a product that they want to take on over there. So their production has not kept up as ours has, but yet somehow they figured out that if they needed electricity and they need to be able to run their air conditioners and their heaters and turn on their lights and do all of those other things that electricity does, in order to do so they've had to generate their electricity with nuclear. They're ahead of us in that capacity. We need to grow the nuclear power here.

I would grow the hydroelectric power. In fact, I could find some places to store up some of that power and reservoirs that would protect some parts of Iowa from flooding in the future. And yet, we haven't built big dams in this country in a long time because environmentalists, Mr. Speaker, stand in the way. Environmentalists stand in the way of building more nuclear plants.

Environmentalists stand in the way of producing more coal-fired generating plants. Some people think we'll never build another new coal-fired generating plant because environmentalists stand in the way.

When it comes to natural gas, environmentalists stand in the way, not in the way of burning the gas but in the way of drilling for it and in the way of distributing it and laying out pipelines so we can get it collected. And you look around at kerosene jet fuel, other petroleum products, environmentalists stand in the way.

What are they willing to allow us to do? Well, take nuclear off the table, take coal off the table, take development of natural gas off the table. All these petroleum products here, they're all off the table. Motor gasoline is off the table. What's left? Biomass, and if they caught you burning wood in your furnace they would think that added too much to greenhouse gas, Mr. Speaker, so they would take your wood-burning fireplace off the table.

So what's left? Well, let's see, fuel from ethanol? Oh, no, that's food versus fuel, we can't do that. That goes off the table.

Solar, well, solar, .08 percent, maybe just maybe. It's a real thin line there. You can't even see the wedge. Maybe they'd let us put up some more solar panels. That makes me feel all warm and fuzzy, Mr. Speaker, if they'd let us do that.

Biodiesel, no, I know that's food versus fuel. Either soybean oil or animal fat, so somebody can eat or drink it or do something else with it.

Wind, oh, yeah, they'd let us build more wind. Of course, it takes a lot of energy to produce those generators, and maybe if we would let them use the same formula that they used to add up the energy that it takes to produce ethanol, it might turn out that it takes more energy for a wind charger than to get out of the wind.

□ 2245

But I don't think those folks at Berkley and Cornell have actually dug into that to figure out how much energy that is at this point. So maybe, just maybe, we can tap a little energy from wind, a little energy from solar, and it looks to me like we're pretty much out, except for maybe geothermal, but, you know, it takes a little energy to produce that, too.

So if I just take the things that are off the table out of here and add up the consumption on those that may still be on the table, we have solar at .08, we have wind at .31, so that's .39 geothermal at .35, so you end up with .74—I think that will be the number—.74 of a percent. Not quite three-quarters of 1 percent of all of the energy that we consume in America is the only that would be acceptable to the environmentalists that stand in the way. .74 percent of our energy that we consume is not objectionable to them, Mr. Speaker.

And the number probably changes a little bit down here out of our production, but the point remains, it wouldn't

change more than—you get down to about 1 percent of the max. The point remains. These are people that think that our people can get along without energy.

Now, how can that be? What kind of a world would you be looking at? I mean, are these folks that live down next to the equator maybe? I remember Jimmy Carter sitting there saying, well, this Nation isn't going to be able to cut it anymore. Our future is minimized dramatically. We aren't going to be able to have gasoline to put in our cars. And we're going to have to be willing to accept a lower quality of life and a lower standard of living. But what you need to do if you're a patriot American is to buy yourself a cardigan sweater and put that on and button it up and sit in the chair and turn your thermostat down to 60. Now, that might work in Georgia—I don't actually think it works all the time in Georgia. It will work most of the time in southern Florida—maybe even all the time in southern Florida. It doesn't work much of the time in northern Iowa or Minnesota or Montana. It doesn't work most of the time in the northern half of the United States. But it worked for Jimmy Carter, put on a sweater, turn your thermostat down to 60.

So what's the future for this country if we can't find the will to expand all of these sources of energy as opposed to making a dinky little argument about less than 1 percent of the energy production we have as if somehow that's going to solve our problem.

And we saw T. Boone Pickens come on television in the last few days and say, ''I've been an oil man all my life, but this is one problem we can't drill our way out of.'' Well, Mr. Speaker, that may be true, but this is one problem that we can't get out of without drilling either, and T. Boone Pickens needs to hear that.

Part of the solution is, develop the energy that we have, expand the size of this overall energy production pie. And let's be realistic. If you're only supporting three-quarters of 1 percent of the overall sources of energy that we have, what are you going to do with the people until you can get to the point where you can—you think you can really expand that three-quarters of 1 percent into 101.4 quadrillion Btus? Do the math on that. Do the math on that and tell me how you come back with that, you brainiacs that are believing that this country can get along without energy.

So what does energy do? It lights our homes; it heats our homes. It fuels our vehicles. It powers the cable car in San Francisco. It provides our manufacturing energy. It keeps the wheels of this economy moving. And without energy, turn out the lights, pull the keys out of the car, pull the keys out of the boat and the camper, lock up our factories, lock up our offices, go back, and you can't even light the candle because that would put greenhouse gases up into the air and then you would have to buy a carbon credit from maybe somebody that's going to burn switch grass or do no-till farming in the Dakotas somewhere, Mr. Speaker.

I'm not going to be willing to accept the idea that we can't have a comprehensive energy plan. And I'm not going to be willing to accept the idea that the people that produce that energy are somehow capitalizing on the people here in the United States. It is supply and demand. I'm not going to be willing to accept the idea that there is a lot of margin in the futures markets and that somehow the traders have driven this up and it's an inflated price. Because when you buy in the futures, every time you go long somebody has to go short. That's the way it works, Mr. Speaker.

And last week we had witnesses before the Ag Committee that testified that they thought that a pretty respectable percentage of the high cost in gasoline comes from the people that are trading in the futures market—now, I'm not one of them. And we heard from Mr. VAN HOLLEN of Maryland who said, when asked the question, how much margin is in there? He said, Well, I don't know. I don't know how much is there, but I know we've got to squeeze it out drop by drop. And you go to his left, and there was Ms. DELAURO, who I asked if she believed in the free enterprise system. And she convinced me that we have two different concepts of what the supply and demand is and the free market system is.

And then you move to her left and you have the gentleman from Michigan (Mr. STUPAK) who, breathtakingly, wrote in his written testimony and repeated it in his oral testimony that supply and demand doesn't affect the price of gold. If gold is a commodity, the value of it is a speculators' commodity, so it's no longer affected by supply and demand and that we don't use it industrially. So over the weekend I looked over there at that gold dome, that's the Iowa Capitol, and it looks to me like that's an industrial use. And I looked down at my wedding ring, and maybe that's a jewelry/commercial industrial use. This gold is not coming back on the market. Supply and demand affects the price of gold as much today as it did when Adam Smith wrote about the Spanish galleons going down to Central America and hauling back those galleons loads of gold. They dumped that on the market in Europe and the price of gold plummeted because they took the price of labor out of it by actually stealing it from the Central Americans, Native Americans.

Breathtakingly argued that supply and demand doesn't affect the price of gold, and that oil is now a commodity like gold and it's not affected by supply and demand either. I simply can't argue with that way of thinking, I'll just say that supply and demand affects the price of everything. It's our free market system. If it doesn't, then it's government controlled, and then its volume will be rationed, Mr. Speaker.

And so of all the things we need to do, we need to grow the size of the energy pie, grow our production—this is our production—grow it out to the limits of our consumption, grow a little more if we can. Let's export a little energy and take some cash back. Let's shore up the dollar. Let's fix our balance of trade. Let's continue to close this deal; we've won the war in Iraq, and now let's finish the deal there. We've chased al Qaeda back through into Pakistan and Afghanistan. We're going to have to go there and mop it up, that's right. Casualties in Afghanistan have, of a matter, exceeded that of Iraq, and the troops in Afghanistan are far less than they are in Iraq. So proportionally it's more risky to serve in Afghanistan today than it is in Iraq.

Let's do all that. Let's seal the border. Let's end birthright citizenship. Let's shut off the jobs magnet. Let's get this country moving again. Let's improve the average annual productivity of our citizens, and let's improve their quality of life at the same time. And let's, Mr. Speaker, go back and anchor ourselves in those timeless values that are the pillars of American exceptionalism, they're in the Bill of Rights, they're in our history, they're in the Federalist Papers, and the central pillar is the rule of law.

We are a Nation that is the leader and the readout for western civilization. And one of our core values is we came from the Age of Reason in Greece, let's make sure we maintain our reason here. Let's make sure that we can maintain our ability to deductively reason, think our way through, and ask the American people to be critical thinkers. And let them be critical of us when they are logical, and let's respond to them with facts and logic, not political campaign rhetoric. Let's fix this energy problem and move forward together.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARROW (at the request of Mr. HOYER) for July 14, today, and until 12:30 p.m. on July 16.

Mr. CONYERS (at the request of Mr. HOYER) for today after 5 p.m.

Mr. LUCAS (at the request of Mr. BOEHNER) for today after 5 p.m. and the balance of the week on account of an illness in the family.

Mr. WAMP (at the request of Mr. BOEHNER) for today until 5 p.m. on account of an announcement of Volkswagen selecting Chattanooga, Tennessee for its new U.S. auto manufacturing plant bringing $1 billion in investments and 2,000 jobs to the Tennessee Valley Corridor.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 22.

Mr. JONES of North Carolina, for 5 minutes, July 22.

Mr. CONAWAY, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, July 16.

Mr. GILCHREST, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. WOLF, for 5 minutes, July 16.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 16, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7528. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Identification and Protection of Unclassified Controlled Nuclear Information (RIN: 1992-AA35) received June 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7529. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Plasmodium Species Antigen Detection Assays [Docket No. FDA-2008-N-0231] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7530. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coast Pelagic Species Fisheries; Annual Specifications [Docket No. 080326475-8686-02] (RIN: 0648-XG22) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7531. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Seneca, PA [Docket No. FAA-2007-0277; Airspace Docket No. 07-AEA-17] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wilkes-Barre, PA [Docket No. FAA-2008-0130; Airspace Docket No. 08-AEA-11] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bradford, PA [Docket No. FAA-2007-0310; Airspace Docket No. 07-AEA-21] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cranberry Township, PA [Docket No. FAA-2007-0278; Airspace Docket No. 07-AEA-18] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No. FAA-2008-0031; Directorate Identifier 2007-NM-313-AD; Amendment 39-15484; AD 2008-09-04] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kobuk, AK [Docket No. FAA-2007-0341; Airspace Docket No. 07-AAL-19] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Anvik, AK [Docket No. FAA-2007-0343; Airspace Docket No. 07-AAL-21] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Proposed Amendment of Class D and Class E Airspace; Altus Air Force Base (AFB) Oklahoma [Docket No. FAA-2008-0339; Airspace Docket No. 08-ASW-5] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort Kent, ME [Docket No. FAA-2008-0059; Airspace Docket No. 08-ANE-90] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Lee's Summit, MO [Docket No. FAA-2007-28776; Airspace Docket No. 07-ACE-10] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30608; Amdt. No. 3269] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30607; Amdt. No 3268] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lady Lake, FL [Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Danville, KY [Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Milford, PA [Docket No. FAA-2008-0160; Airspace Docket No. 08-AEA-13] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Certain Supplemental Type Certificates [Docket No. FAA-2007-0389; Directorate Identifier 2007-NM-222-AD; Amendment 39-15450; AD 2008-07-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2008-0017; Directorate Identifier 2007-NM-268-AD; Amendment 39-15444; AD 2008-07-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-143L Airplanes [Docket No. FAA-2008-0345; Directorate Identifier 2008-CE-017-AD; Amendment 39-15443; AD 2008-07-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines [Docket No. FAA-2005-21242; Directorate Identifier 2005-NE-09-AD; Amendment 39-15442; AD 2008-07-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7550. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10B Airplanes [Docket No. FAA-2008-0056 Directorate Identifier 2007-CE-096-AD; Amendment 39-15446; AD 2008-07-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters [Docket No. FAA-2007-28228; Directorate Identifier 2006-SW-08-AD; Amendment 39-15410; AD 2008-05-16] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100) [Docket No. FAA-2008-0340; Directorate Identifier 2008-CE-020-AD; Amendment 39-15440; AD 2008-06-28] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2007-29331; Directorate Identifier 2007-NM-136-AD; Amendment 2008-08-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines IO, (L)IO, TIO, (L)TIO, AEIO, AIO, IGO, IVO, and HIO Series Reciprocating Engines, Teledyne Continental Motors (TCM) TSIO-360-RB Reciprocating Engines, and Superior Air Parts, Inc. IO-360 Series Reciprocating Engines with certain Precision Airmotive LLC RSA-5 and RSA-10 Series Fuel Injection Servos [Docket No. FAA-2008-0420; Directorate Identifier 2008-NE-10-AD; Amendment 39-15466; AD 2008-08-14] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100) [Docket No. FAA-2008-0340; Directorate Identifier 2008-CE-020-AD; Amendment 39-15468; AD 2008-06-28 R1] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2008-0011; Directorate Identifier 2007-NM-203-AD; Amendment 39-15460; AD 2008-08-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0, and C5JFR36C1104/L114HCA-0 [Docket No. FAA-2006-25173; Directorate Identifier 2006-NE-24-AD; Amendment 39-15453; AD 2008-08-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-304, -322, -324, and -325 Airplanes; and A300 Model B4-601, B4-603, B4-605R, B4-620, B4-622, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Commonly Called Model A300-600 Series Airplanes) [Docket No. FAA-2007-0345; Directorate Identifier 2007-NM-194-AD; Amendment 39-15465; AD 2008-08-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2007-0339; Directorate Identifier 2007-NM-182-AD; Amendment 39-15464; AD 2008-08-12] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400 and -500 Series Airplanes [Docket No. FAA-2007-29062; Directorate Identifier 2007-NM-020-AD; Amendment 39-15462; AD 2008-08-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7561. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0047; Directorate Identifier 2007-NM-295-AD; Amendment 39-15461; AD 2008-08-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7562. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes [Docket No. FAA-2007-0394; Directorate Identifier 2007-NM-252-AD; Amendment 39-15457; AD 2008-08-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7563. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-0227; Directorate Identifier 2007-NM-159-AD; Amendment 39-15454; AD 2008-08-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7564. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No. FAA-2008-0175; Directorate Identifier 2007-CE-105-AD; Amendment 39-15455; AD 2008-08-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7565. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models B200, B200GT, B300, and B300C Airplanes [Docket No. FAA-2008-0392; Directorate Identifier 2008-CE-022-AD; Amendment 39-15451; AD 2008-07-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2008-0070; Directorate Identifier 2007-CE-098-AD; Amendment 39-15452; AD 2008-07-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; to the Committee on Transportation and Infrastructure.

7568. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL CORRECTIONS TO CUSTOMS AND BORDER PROTECTION REGULATIONS [CBP Dec. 08-25] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7569. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Iowa [Notice 2008-58] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7570. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Wisconsin [Notice 2008-61] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7571. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms and Flooding in Indiana [Notice 2008-56] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7572. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Motor Vehicle Industry Employee Tool & Equipment Plans Previously — Service Technicians' Tool Reimbursement Plans UIL 62.15-00 [LMSB-04-0608-037] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7573. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications to Subpart F Treatment of Aircraft and Vessel Leasing Income. [TD 9406] (RIN: 1545-BH03) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7574. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7216-3: Disclosure or use permitted only with the taxpayer's consent. (Also: Sections 7216, 6713) (Rev. Proc. 2008-35) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7575. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 401.—Qualified Pension, Profit-sharing, and Stock Bonus Plans (Also, 402, 404A, 410, 414, 933, 7805, 26 CFR 1.410(b)-6, 1.414(I)-1, 1.933-1, 301.7805-1.) (Rev. Rul. 2008-

40) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7576. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance on the Application of 457(f) to Certain Recurring Part-Year Compensation [Notice 2008-62] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7577. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amendments to the Section 7216 Regulations-Disclosure or Use of Information by Preparers of Returns [TD 9409] (RIN: 1545-BI01) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7578. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Dependent Child of Divorced or Separated Parents or Parents Who Live Apart [TD 9408] (RIN: 1545-BD01) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7579. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Extension of the Expiration Date for Several Body Systems Listings [Docket No. SSA-2008-0024] (RIN: 0960-AG81) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. HASTINGS of Florida: Committee on Rules. House Resolution 1343. Resolution providing for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–759). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1344. Resolution providing for consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes (Rept. 110–760). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

(The following actions occurred on July 11, 2008)

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than September 12, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 12, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ELLSWORTH (for himself and Mr. JORDAN):

H.R. 6491. A bill to amend title 18, United States Code, to combat, deter, and punish individuals and enterprises engaged nationally and internationally in organized crime involving theft and interstate fencing of stolen retail merchandise, and for other purposes; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. PALLONE, Ms. LINDA T. SÁNCHEZ of California, and Mr. CONYERS):

H.R. 6492. A bill to regulate certain deferred prosecution agreements and non-prosecution agreements in Federal criminal cases; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 6493. A bill to amend title 49, United States Code, to enhance aviation safety; to the Committee on Transportation and Infrastructure.

By Mrs. GILLIBRAND (for herself, Mrs. MCMORRIS RODGERS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 6494. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, and for other purposes; 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.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, Mr. SHAYS, Mr. INSLEE, Mr. MCNERNEY, and Ms. SOLIS):

H.R. 6495. A bill to authorize programs and activities to support transportation and housing options that will assist American families in reducing transportation costs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. DINGELL, Mr. MCGOVERN, Mr. SHAYS, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ISRAEL, Mr. WELCH of Vermont, and Ms. WATERS):

H.R. 6496. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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. HOOLEY:

H.R. 6497. A bill to require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY:

H.R. 6498. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments, 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. MCDERMOTT:

H.R. 6499. A bill to amend the Internal Revenue Code of 1986 to reform the estate and gift tax; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. TOM DAVIS of Virginia, and Mr. DAVIS of Illinois):

H.R. 6500. A bill to amend title 5, United States Code, to provide for the automatic enrollment of new participants in the Thrift Savings Plan, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. LARSON of Connecticut, and Mr. GEORGE MILLER of California):

H.R. 6501. A bill to amend the Social Security Act to establish a trust fund with proceeds from the taxing of internet gambling to provide opportunities to individuals who are, or were, in foster care and individuals in declining sectors of the economy; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Mr. UDALL of Colorado, and Mrs. MUSGRAVE):

H.R. 6502. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Natural Resources.

By Ms. WATERS:

H.R. 6503. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 6504. A bill to authorize grants to local educational agencies to develop and implement coordinated services programs; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 6505. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BERMAN:

H. Res. 1341. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 3890, with amendments; considered and agreed to.

By Mr. EMANUEL:

H. Res. 1342. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KUCINICH:

H. Res. 1345. A resolution raising a question of the privileges of the House; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H. Res. 1346. A resolution recognizing that more than 160,000,000 people in India are considered untouchable and dehumanized by the caste system; to the Committee on Foreign Affairs.

By Mr. MORAN of Virginia (for himself, Mr. FALEOMAVAEGA, and Ms. LEE):

H. Res. 1347. A resolution praising relief efforts by Chinese individuals and nongovernmental organizations to assist victims of the recent earthquake in the People's Republic of China, recognizing the Chinese Government for allowing such efforts to proceed and for allowing open media coverage of the earthquake, and encouraging the Chinese Government to continue this new era of openness; to the Committee on Foreign Affairs.

By Ms. SCHWARTZ:

H. Res. 1348. A resolution honoring Anne d'Harnoncourt for her contributions as an internationally-esteemed museum leader and art scholar; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. CANTOR, Mr. PUTNAM, Mr. MCCOTTER, Mr. HUNTER, Ms. ROS-LEHTINEN, Mr. CRAMER, and Mr. EVERETT):

H. Res. 1349. A resolution commending the Government of the Czech Republic for formally agreeing to station on its territory a United States radar system for the purpose of tracking the trajectories of any ballistic missiles within its range that would threaten the collective security of the United States, the Czech Republic, and their North Atlantic Treaty Organization allies; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Ms. FOXX.
H.R. 87: Mr. TURNER.
H.R. 211: Mr. MILLER of North Carolina.
H.R. 225: Mr. CAMPBELL of California.
H.R. 303: Ms. GRANGER, Mr. BISHOP of New York, and Ms. ROYBAL-ALLARD.
H.R. 333: Mr. GOHMERT, Ms. MATSUI, and Mr. ROHRABACHER.
H.R. 423: Mr. SHAYS.
H.R. 690: Mr. LARSEN of Washington, Ms. BERKLEY, and Mr. ROHRABACHER.
H.R. 699: Mr. LUCAS.
H.R. 1009: Mr. CLAY.
H.R. 1069: Mr. BRADY of Pennsylvania.
H.R. 1283: Mr. FRELINGHUYSEN.
H.R. 1363: Mrs. GILLIBRAND and Mr. SMITH of Washington.
H.R. 1366: Mr. TURNER.
H.R. 1428: Mr. ROHRABACHER.
H.R. 1527: Mr. MICHAUD and Mr. BUYER.
H.R. 1532: Mr. CUELLAR.
H.R. 1589: Ms. GRANGER, Ms. WOOLSEY, and Mr. LATHAM.
H.R. 1606: Mr. MEEKS of New York.
H.R. 1643: Mr. LATHAM.
H.R. 1671: Mr. BRADY of Pennsylvania.
H.R. 1767: Ms. GRANGER.
H.R. 1881: Mr. KLEIN of Florida.
H.R. 1927: Mr. LATHAM and Ms. ROYBAL-ALLARD.
H.R. 1953: Mr. BISHOP of Georgia, Mr. SPACE, Mr. COHEN, and Mr. BRADY of Pennsylvania.
H.R. 2014: Mr. WU.
H.R. 2075: Mr. WELCH of Vermont.
H.R. 2279: Mr. HAYES, Mr. SHUSTER, and Mr. DAVID DAVIS of Tennessee.
H.R. 2329: Mr. HONDA.
H.R. 2493: Mrs. BLACKBURN, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, and Mr. TURNER.
H.R. 2585: Mr. CAMP of Michigan.
H.R. 2611: Mr. YARMUTH and Mr. BISHOP of New York.
H.R. 2676: Mr. RANGEL.
H.R. 2726: Mr. CARNEY.
H.R. 2802: Ms. SHEA-PORTER, Mrs. MALONEY of New York, and Mr. JACKSON of Illinois.
H.R. 2851: Mr. WALDEN of Oregon.
H.R. 2933: Mr. KILDEE.
H.R. 3010: Mr. LANGEVIN.
H.R. 3089: Mr. HUNTER and Mr. MARCHANT.
H.R. 3174: Ms. SCHAKOWSKY.
H.R. 3275: Mr. HONDA.
H.R. 3282: Mr. KIRK.
H.R. 3359: Mr. COHEN.
H.R. 3404: Mr. ISRAEL.
H.R. 3622: Mr. UPTON, Mr. WESTMORELAND, and Mr. WELLER.
H.R. 3715: Mr. MCINTYRE.
H.R. 3750: Mr. MCCOTTER.
H.R. 3905: Mr. MEEKS of New York.
H.R. 3961: Mr. BRADY of Pennsylvania.
H.R. 3990: Mr. TOM DAVIS of Virginia.
H.R. 4091: Mr. DELAHUNT and Mr. HELLER.
H.R. 4141: Mr. OBERSTAR and Mr. HODES.
H.R. 4237: Mr. ABERCROMBIE.
H.R. 4310: Mr. CONYERS.
H.R. 4453: Mr. KING of New York.
H.R. 4544: Mr. HASTINGS of Florida, Mr. JEFFERSON, and Mr. HOLDEN.
H.R. 4828: Mr. BACA.
H.R. 4930: Ms. GRANGER and Mr. BISHOP of New York.
H.R. 5266: Mr. SHERMAN.
H.R. 5268: Ms. WATERS, Ms. BORDALLO, Mr. OLVER, Mr. ETHERIDGE, Mr. ROTHMAN, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, and Mr. COHEN.
H.R. 5437: Mr. CHILDERS.
H.R. 5469: Mr. TOWNS and Mr. WILSON of Ohio.
H.R. 5535: Mr. HASTINGS of Florida, Mr. CONYERS, Mr. NADLER, Mr. ELLISON, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. CROWLEY, Ms. BALDWIN, Mr. BISHOP of New York, Mrs. CAPPS, Mr. KILDEE, and Mr. HOLT.
H.R. 5536: Mr. WEXLER.
H.R. 5564: Mr. LATTA.
H.R. 5573: Mr. SMITH of Washington.
H.R. 5604: Mr. BOSWELL and Mr. BRALEY of Iowa.
H.R. 5648: Ms. SCHAKOWSKY.
H.R. 5660: Mr. BRADY of Pennsylvania.
H.R. 5673: Mr. KLINE of Minnesota.
H.R. 5684: Ms. WOOLSEY.
H.R. 5731: Mr. KLINE of Minnesota.
H.R. 5737: Mr. KLINE of Minnesota.
H.R. 5752: Mr. LOBIONDO.
H.R. 5782: Mr. DUNCAN.
H.R. 5795: Mr. MCHUGH.
H.R. 5797: Mr. KLINE of Minnesota.
H.R. 5804: Mr. LIPINSKI, Mr. FILNER, and Mr. LARSON of Connecticut.
H.R. 5825: Mr. BECERRA.
H.R. 5838: Mr. HOLT.
H.R. 5852: Ms. SCHAKOWSKY.
H.R. 5867: Mr. WU.
H.R. 5892: Mr. ROSS.
H.R. 5935: Mrs. CAPITO.
H.R. 5941: Mr. BRALEY of Iowa.
H.R. 5949: Mr. ISRAEL, Mr. KNOLLENBERG, Mr. KUHL of New York, and Mr. HAYES.
H.R. 5977: Mr. BRALEY of Iowa and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5979: Mr. WALSH of New York.
H.R. 6029: Mr. CONYERS and Mr. NADLER.
H.R. 6034: Mr. KELLER.
H.R. 6064: Mr. WAXMAN, Mrs. CAPITO, and Ms. WATERS.
H.R. 6066: Mr. AL GREEN of Texas.
H.R. 6078: Mr. HONDA.
H.R. 6083: Mr. BRALEY of Iowa and Mr. WILSON of South Carolina.
H.R. 6106: Mr. NUNES.
H.R. 6108: Mrs. CAPITO, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, and Mr. PORTER.
H.R. 6112: Mr. BRADY of Pennsylvania.
H.R. 6127: Mr. BRADY of Pennsylvania and Mr. COHEN.
H.R. 6143: Ms. HIRONO.
H.R. 6185: Mr. GERLACH, Mr. FALEOMAVAEGA, and Mr. LATHAM.
H.R. 6217: Mr. DEFAZIO, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Mr. HARE, Mr. NADLER, Mr. LOBIONDO, Mr. RODRIGUEZ, Mr. EMANUEL, Mr. GRIJALVA, Mr. LAMPSON, Mr. CLAY, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. REYES, Mr. GENE GREEN of Texas, Mr. LINCOLN DAVIS of Tennessee, Mr. PALLONE, Mr. ALTMIRE, Mr. CARNEY, Mr. STUPAK, Mr. PATRICK MURPHY of Pennsylvania, Mr. COSTA, Mr. ACKERMAN, Mr. HINOJOSA, Ms. SOLIS, Mr. SPACE, Mr. HONDA, Mr. ARCURI, Mr. BILIRAKIS, Mr. WU, Mr. PASTOR, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. BRALEY of Iowa, Mr. SHULER, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Mr. ELLISON, Mr. PERLMUTTER, Mr. HASTINGS of Florida, Ms. CLARKE, and Mr. DAVIS of Alabama.
H.R. 6241: Mr. FILNER.
H.R. 6282: Mr. WOLF.
H.R. 6283: Mr. DOGGETT and Mr. MORAN of Virginia.
H.R. 6287: Mr. HILL.
H.R. 6295: Mr. THOMPSON of Mississippi, Mr. COBLE, and Mr. CUELLAR.
H.R. 6316: Mr. AL GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. MICHAUD.
H.R. 6321: Mr. HALL of New York.
H.R. 6323: Mr. REICHERT and Mr. MILLER of North Carolina.
H.R. 6328: Ms. WOOLSEY.
H.R. 6384: Mr. TIAHRT, Mr. WESTMORELAND, Mr. DAVID DAVIS of Tennessee, Mr. NUNES, and Mr. BLUNT.
H.R. 6398: Mr. HOLT.
H.R. 6408: Mr. POE.
H.R. 6415: Mr. DAVIS of Alabama.
H.R. 6445: Ms. BERKLEY.
H.R. 6453: Mr. PAUL, Ms. FALLIN, Mr. MCCOTTER, Mr. NEUGEBAUER, and Mr. BURTON of Indiana.
H.R. 6460: Mr. KILDEE, Ms. SLAUGHTER, Mr. ROGERS of Michigan, Mr. KIRK, Mr. UPTON, Mr. MCNULTY, Mr. GILCHREST, Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Mr. LATOURETTE, Mr. TIBERI, Mrs. BIGGERT, Mrs. CAPITO, Mr. BARTLETT of Maryland, Mr. REGULA, Mr. DENT, Mr. CAMP of Michigan, Mr. WALSH of New York, Mr. MCCOTTER, Mr. HOEKSTRA, and Mr. KNOLLENBERG.
H.R. 6473: Mr. WALSH of New York.
H.R. 6479: Mr. GEORGE MILLER of California and Mr. FARR.
H.J. Res. 22: Mr. HERGER.
H.J. Res. 79: Mrs. MALONEY of New York and Mr. BRALEY of Iowa.
H. Con. Res. 24: Mr. BRADY of Pennsylvania.
H. Con. Res. 223: Mr. WALSH of New York.
H. Con. Res. 250: Mr. BUTTERFIELD.
H. Con. Res. 296: Mr. COHEN and Mr. REGULA.
H. Con. Res. 362: Mr. COLE of Oklahoma, Mr. SALAZAR, Mr. GALLEGLY, Mr. AKIN, Ms. HERSETH SANDLIN, Mr. DENT, Mr. CARDOZA, Mr. SIMPSON, and Mrs. CAPITO.
H. Con. Res. 386: Mr. AKIN, Mr. BUCHANAN, Mrs. DRAKE, Mr. WESTMORELAND, Mr. DUNCAN, Mr. COLE of Oklahoma, Mr. KLINE of Minnesota, Mr. MCCARTHY of California, Mr. JORDAN, Mr. BLUNT, Ms. FALLIN, Mr. FLAKE, Mr. HENSARLING, Mr. KING of Iowa, Mr. CAMPBELL of California, Mr. LINDER, Mr. DEAL of Georgia, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. DAVIS of Kentucky, Mr. DAVID DAVIS of Tennessee, Mr. ROSKAM, Mr. WILSON of South Carolina, Mr. UPTON, Mr. BILIRAKIS, Mr. GERLACH, Mr. MANZULLO, Mr. RENZI, Mr. HUNTER, Mr. BROWN of South Carolina, Mr. KELLER, Mr. MCCOTTER, Mr. STEARNS, Mr. POE, Mr. WITTMAN of Virginia, Mr. WALBERG, Mr. LATTA, Mr. BISHOP of Utah, Mr. REGULA, Mr.

TOM DAVIS of Virginia, Mrs. MCMORRIS RODGERS, Mr. HELLER, Mr. WELDON of Florida, Mr. GILCHREST, Mr. MCCRERY, Mr. CULBERSON, Mr. BILBRAY, Mr. PRICE of Georgia, Mr. PENCE, and Mr. CRENSHAW.

H. Con. Res. 389: Mr. CONAWAY, Mr. BURTON of Indiana, Mr. TIBERI, Mr. GOHMERT, Mr. REHBERG, Mr. SESSIONS, Mr. FORTUÑO, MR. MARIO DIAZ-BALART of Florida, Mr. CAMP of Michigan, Mr. RENZI, and Mr. MEEKS of New York.

H. Res. 143: Mr. CONYERS.

H. Res. 415: Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mrs. MCMORRIS RODGERS, and Mr. WILSON of South Carolina.

H. Res. 543: Mr. PORTER.

H. Res. 645: Mr. HALL of Texas, Ms. PRYCE of Ohio, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. TOWNS, Mr. WALSH of New York, Mr. SCOTT of Virginia, Mr. MCCAUL of Texas, Mr. UDALL of Colorado, Mr. RAMSTAD, Mr. TIAHRT, Mrs. DRAKE, Mr. JOHNSON of Illinois, Mr. WOLF, Mr. LATTA, Mr. KING of New York, Mr. GOODE, Mr. SHAYS, Mr. BOREN, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 655: Mr. CUMMINGS, Mr. MEEKS of New York, and Mr. BRADY of Pennsylvania.

H. Res. 671: Ms. SHEA-PORTER and Mr. WALDEN of Oregon.

H. Res. 672: Mr. COHEN.

H. Res. 757: Mr. ELLISON.

H. Res. 1042: Mr. LINCOLN DAVIS of Tennessee, Mr. BOUSTANY, Mrs. MCMORRIS RODGERS, Mr. CROWLEY, Mr. LEWIS of Kentucky, Mr. MCCARTHY of California, and Mr. LARSON of Connecticut.

H. Res. 1045: Mr. GEORGE MILLER of California.

H. Res. 1046: Mr. ROTHMAN.

H. Res. 1088: Ms. NORTON.

H. Res. 1090: Mr. FLAKE.

H. Res. 1227: Mr. WEXLER.

H. Res. 1249: Mr. BRADY of Pennsylvania.

H. Res. 1254: Mr. BRADY of Pennsylvania, Ms. LEE, and Mr. INGLIS of South Carolina.

H. Res. 1261: Mr. WALZ of Minnesota.

H. Res. 1266: Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. BOOZMAN, Mr. POE, Mr. MCKEON, Mr. CROWLEY, Ms. WOOLSEY, and Mr. COSTA.

H. Res. 1279: Mr. LANGEVIN and Mr. SESSIONS.

H. Res. 1287: Mr. BISHOP of New York, Mr. DUNCAN, and Mr. BRADY of Pennsylvania.

H. Res. 1290: Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. CARDOZA, Mr. AL GREEN of Texas, Mr. STARK, Mr. LOBIONDO, Mr. GONZALEZ, Mr. DOGGETT, Mr. MCNULTY, Mr. MILLER of North Carolina, Mr. LYNCH, Mrs. CAPPS, Mr. JEFFERSON, Mr. VAN HOLLEN, Mr. SIRES, Mr. COSTA, Mr. SHAYS, Mr. FRANK of Massachusetts, Ms. LORETTA SANCHEZ of California, Mr. MURPHY of Connecticut, and Mr. GILCHREST.

H. Res. 1296: Mrs. BONO MACK, Mr. GRIJALVA, Mr. GALLEGLY, Mr. SHIMKUS, and Mr. DANIEL E. LUNGREN of California.

H. Res. 1300: Ms. NORTON and Mr. GRIJALVA.

H. Res. 1302: Mr. PENCE and Mr. GINGREY.

H. Res. 1303: Ms. BORDALLO.

H. Res. 1311: Mr. CONYERS, Mr. PASCRELL, and Mr. STUPAK.

H. Res. 1314: Mr. WALSH of New York.

H. Res. 1316: Mr. BISHOP of New York and Mr. GALLEGLY.

H. Res. 1320: Ms. CORRINE BROWN of Florida, Ms. BORDALLO, Mr. CUMMINGS, Ms. DELAURO, Mr. GRIJALVA, Mr. KENNEDY, Mr. JEFFERSON, and Mr. MEEKS of New York.

H. Res. 1324: Mr. COSTELLO, Ms. DELAURO, Mr. REYES, Mr. CASTLE, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, and Ms. WATSON.

H. Res. 1330: Mr. LINDER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Mr. OBERSTAR of Minnesota, or his designee, to H.R. 3999, the National Highway Bridge Reconstruction and Inspection Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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

Vol. 154 WASHINGTON, TUESDAY, JULY 15, 2008 *No. 116*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, who made humanity to be one, we bow in reverence before Your glorious presence, praying that heaven's unity may fill our lives.

Lord, use justice, understanding, and cooperation to empower our lawmakers to make bipartisan progress, enabling our Nation to meet the challenges of our time. Bring to fulfillment the ancient prophet's dream: ''How good and pleasant it is for people to dwell together in unity.'' Lord, make our Senators vividly conscious that beyond the appraisal of constituents there falls upon their decisions and actions the searching light of Your judgment. Save them from weak and expedient choices as You use them to heal and bind to build and bless.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN NELSON 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 15, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska 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 leader remarks, there will be a period of morning business for up to 1 hour, with Senators allowed to speak therein for up to 10 minutes each. The Republicans will control the first 30 minutes, the majority the second 30 minutes.

Following morning business, the Senate will resume consideration of S. 2731, the Global AIDS bill, at which time there will be a motion to table the DeMint amendment No. 5078 regarding funding limitations.

Therefore, Senators should expect a rollcall vote sometime shortly after 11 o'clock this morning. The Senate will recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucuses to meet.

Senators should expect a busy day, with rollcall votes in relation to the Global AIDS bill throughout the day. As a reminder, there is an event for all Senators at the National Archives tonight from 6:30 p.m. to 8 p.m.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GAS PRICE REDUCTION ACT

Mr. MCCONNELL. Mr. President, as we stand here, Americans are suffering from the most dramatic oil shock in memory. A single barrel of crude oil costs almost three times today what it did a year and a half ago. This is a crisis that demands our full attention. Yet, until now, Democrats on Capitol Hill have responded as if high gas prices were a mere distraction. Their proposals have been the legislative equivalent of a fly swatter, when the American people are clamoring for the heavy artillery.

Part of the reason for this timid approach by our friends on the other side, as anyone can see, is the upcoming election. They have made no secret of the fact that they do not want to consider real legislation until Inauguration Day, when they hope their candidate will take the White House.

We need to realize Americans are more concerned, at the moment, about paying for groceries and filling their tanks with gas than they are about the political calendar. Americans are not thinking about next January, they are thinking about today. They expect their elected representatives in Washington to take serious steps now to lower the price of gas.

The proposal the Democratic leader outlined on gas prices last week falls laughably short. It has all the marks of a political exercise nervously cobbled

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together in the face of constituent pressure and none of the elements of a serious plan that would actually lower the price of gas or reduce our dependance on the Middle East. The Democrats will have to do better than this if Americans want to see their gas prices go down.

Here is their plan. First, they propose curbing speculation. Democrats want us to forget that no reputable economist thinks speculators alone are the reason for the spike in gas prices or that a recent report by the 27-nation International Energy Agency chided politicians who blame speculators alone as searching for a scapegoat instead of looking for real answers.

Naming speculators alone is not a serious proposal for lowering the price of gas. We do need more cops on the beat at the CFTC, but if Democrats think the answer to $4-plus-a-gallon gasoline is curbing speculation alone, then they are obviously asking the wrong question.

Second, their plans call on the President to release 10 percent of the oil contained in the Strategic Petroleum Reserve. It is encouraging to see our friends on the other side acknowledging that increasing supply has an effect on price. But at best, this is a polite nod in the direction of supply; it is nibbling around the edges. Again, it is very timid.

Even if we were to tap 10 percent of the Strategic Petroleum Reserve, as they suggest, that would only allow for the release of 70 million barrels at a time, when Americans are using more than 20 million barrels of oil a day.

Let me say that again. Even if we were to tap 10 percent of the Strategic Petroleum Reserve, as is suggested by our friends on the other side of the aisle, that would only allow the release of 70 million barrels, and we use 20 million barrels a day now. In other words, this is a 3-day solution. It should go without saying that a 3-day supply of oil is not a serious proposal for lowering the price of gas.

Next, the Democratic plans for high gas prices call for increasing production on 68 million acres already leased to oil companies. This is the so-called ''use it or lose it'' provision that says scolding energy companies for not producing fast enough will magically cause gas prices to go down.

Let me remind my friends that this is why we call it ''exploration.'' Those who do it should be encouraged, not threatened. The fact is, the Secretary of the Interior already has this authority to revoke a lease if it is not being used according to the original terms of that lease.

Democrats do not mention this at their press conferences, nor do they mention that many of these leases are simply unproductive, nor do they mention that the Federal Government has declared 85 percent of offshore land and 62 percent of known offshore oil reserves completely off limits to new exploration. Nor do the Democrats mention that, because of them, 100 percent of Western oil shale is off limits, despite the fact that experts estimate the Western States that have oil shale deposits are literally floating on a sea of oil roughly three times the size of Saudi Arabian oil reserves. In other words, ''use it or lose it'' is already the law of our land. ''Use it or lose it'' is not a serious proposal for lowering the price of gas.

Finally, the Democratic plan says we should stop exporting oil that is produced domestically. Well, that is an interesting idea. Last year, America exported only 10 million barrels of crude oil overseas—that is half of what we use in a day—including sales to Puerto Rico. Today alone, America will use more than 20 million barrels of oil. This is a half-day solution to a year-long problem. It is, in other words, a joke.

The crisis is real. Americans are suffering from high gas prices. They deserve better from their elected leaders in Washington than half-day or 3-day solutions and bad jokes. They deserve a year-round solution.

Americans deserve a solution that says if prices are going to go down, supply needs to go up. They deserve a plan that lifts the ban on offshore exploration and oil shale development, even as we continue to promote conservation.

Americans know this crisis is not only a demand problem; it is a supply and demand problem. Until more of our friends on the other side acknowledge this, record-high prices will persist.

Now, some of our friends are beginning to acknowledge the undeniable. As of today, ten Democrats have expressed at least some level of willingness to explore offshore. They are acknowledging a groundswell of public opinion, even among self-described liberals, in favor of more domestic supply.

Republicans have a proposal that was designed specifically to attract their support and the support of any other Member of the Senate who actually is interested in achieving a result. It promotes energy-efficient vehicles such as plug-in electric cars and trucks. It addresses supply and demand by lifting the ban on Western oil shale development and opening exploration far from the shore of States that want it.

Ours is a serious proposal that directly addresses the price of gas at the pump. It is not a gimmick. It is not a half-day Band-Aid on a year-round problem. It is a solution. It is what the American people are demanding of us.

High gas prices are a serious problem and demand to be taken seriously. It is time our friends on the other side put partisan differences and timid, peripheral half-measures aside and get serious about this urgent situation. The American people expect and deserve it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the time equally divided between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each and with the Republicans controlling the first 30 minutes.

The Senator from Georgia is recognized.

ENERGY

Mr. ISAKSON. I wish to commend the Republican leader on his remarks. I wish to follow up on those remarks on what is the crisis of the day in the United States of America, which is that the Congress of the United States has chosen, all of us—I am not pointing fingers at anyone—to argue about partisan politics over energy while the American people are paying numbers they have never had before in their lives. The future of oil is only looking higher and higher and higher.

Quite frankly, in the United States of America, the Congress of the United States is sitting on a ham sandwich starving to death.

This is a problem we have solutions for, if we will put our partisan differences aside and develop a comprehensive mandatory plan to address the supply and demand on petroleum. Yesterday the President removed the executive order prohibiting offshore drilling. That is absolutely something we ought to do. We need to be exploring our domestic resources to reduce our dependence on foreign imports. It is good for America not only because it is our energy, it is good because it is in the geopolitical interests of the United States. Every barrel of oil we are dependent on from the Middle East is a geopolitical problem, not just an arithmetic problem or a cost-of-oil problem. We should be exploring every resource we have. Some Members of the Senate have come together to realize there are things we can do and things we can't. We should be focusing on the things we can do. For the purposes of my remarks, I want to outline all of those things that are doable today.

No. 1 is offshore exploration with the States and their general assemblies and Governors having the authority to authorize it. We know we have significant offshore resources in terms of both natural gas and petroleum.

Second, we ought to reenergize the nuclear energy business. It is absolutely ridiculous that the most industrialized country in the world, the country that brought nuclear power and nuclear electric generation to reality, now sits on the sidelines while the rest of the world generates safe, carbon-free, inexpensive energy on a daily basis. In the Nation of France, 87 percent of their energy is generated for electricity by nuclear energy. It emits

zero carbon. The French use the MOX system to recycle their spent fuel rods and use them a second time, reducing nuclear waste by 90 percent and getting the maximum use out of the uranium to generate energy.

Synthetic fuels. It is absolutely important that we work as hard as we can to have the tax credit, tax incentive, and depreciation necessary to incentivize companies to rapidly develop synthetic fuels that do not depend on petroleum. Our military has proven this can be done. It is a matter of Congress directing tax policy and research and development to see to it that we do it.

Wind and solar. There are those who say that won't solve our problem. Well, they won't, but they will help. In those States, 40 of them where wind energy actually will produce a significant amount of energy for the grid, we ought to be incentivizing it through tax credits, rapid depreciation, and other procedures that the Congress has the power to do today. Renewable sources of energy, ethanol, both cellulose and corn based, are essential. It has its place. It won't solve the problem, but it will help.

It is very important for us to understand that if this Congress decided to adopt a comprehensive policy to increase the supply of resources for energy, the cost of petroleum would begin coming down immediately, because those who speculate on the future would understand the United States has finally had enough. We are going to develop our resources. We are going to incentivize the private sector, and we will get the job done. This country has accomplished amazing things in difficult times. These are difficult times, but we know what the solutions are, and we know where they lie. They lie domestically with our own production of petroleum. They lie in research and development and ingenuity, and they lie in a Tax Code that needs to incentivize the development of energy.

I wish to share a story that opened my eyes to the importance of exploring our own resources. I am ranking member of the Subcommittee on Africa. Earlier this year I traveled to Djibouti and to Equatorial Guinea. I saw a good example that the people of the United States ought to know about. Equatorial Guinea 10 years ago was the poorest nation in Africa and the poorest nation in the world. Today, it is the seventh fastest growing economy in the world. They came to America and asked American oil companies to come and explore in the Gulf of Guinea to see if they had any gas or any oil. Marathon Oil went over there, along with other smaller companies from Texas, and found gas in the Gulf of Guinea. Ten years later, when you go to Equatorial Guinea and the island of Malbo, and you go to the Marathon plant that liquefies natural gas for shipment around the world to places such as the United States, Russia, wherever it might be needed, you see tanker after tanker after tanker anchored in the Gulf of Guinea, loading up $25 million, the value of a tanker full of liquefied natural gas, to go around the world.

Equatorial Guinea has gone from a country that could not feed itself or take care of its people to a country building hospitals, universities, schools, highways, building the prosperity of their people, all because they had the willingness to explore. From an environmental standpoint, there has been no environmental impact. We know and have learned that we can drill offshore safely and securely and proved we can withstand even the most dangerous of hurricanes as happened in Katrina. There is no excuse for the United States not to be exploring offshore and be exploring today, no reason whatsoever we should not be reenergizing nuclear energy, no reason we should not be working on renewable sources of energy such as wind and solar, no reason we shouldn't expedite the development of synthetic fuels, coal liquefaction, and clean coal technology. America has every resource we need to be energy free, from coal to petroleum. All we to have do is have the political will and common sense to make it happen.

I call on my colleagues, Republicans and Democrats, to put their elephants and donkeys in the barn and look at the needs of the American people, understand if we leave this year without a comprehensive declaration for energy policy and energy independence, we have done a disservice to the people of the United States, and we will not have fulfilled our constitutional responsibility. It is time to get out of the chair, get off the ham sandwich, and understand that we have everything we need here to begin an end to high gas prices, high oil prices, and dependence on the Middle East for foreign oil.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague from Georgia. That was such a good summary of where we are, and we do need to put aside partisanship. We do need to acknowledge that a lot of things have changed and those changes require this Government to make some decisions that can help us deal with the crisis we are facing. I am not a negative person. I believe we will work our way through this. But I am going to say some things that are honest and discouraging and worrisome about where we are today as a nation. The surging price for energy is a crisis that is moving our economy into a recession, and it is absolutely savaging the family budget. Record prices that we are facing today have a real impact on small businesses and family budgets across my State. My home county was rated the No. 1 county in America for the percentage of money spent on oil and gas, because it is a rural area, a poorer area, and people drive a long way to work. A larger percentage of their wealth is spent on buying fuel than any other county in America. So it is personal to me.

The average price of regular unleaded gasoline climbed to $4.10 a gallon as of yesterday. One year ago it was $2.84, and 2 years ago, it was $2.62. As a result, the typical American family with two automobiles driving an average of 24,000 miles a year is paying approximately $1,260 more per year for the same amount of fuel, according to the Energy Information Agency. That amounts to $105 a month of disposable after tax, after house payment, after retirement, after Social Security, after insurance, the little after tax money that people take care of their families on, $105 more a month coming out of that to pay for the increase in gasoline over the past year.

I hear we are now going to soon be having a LIHEAP bill which would be a bill, I suppose, as it usually is, to increase funding for people who have to buy heating oil and heating in the winter. The Government will subsidize that energy for those people, give them more money so they can buy more of the product. That is the policy we are having from our Democratic leadership. Has anybody thought maybe we should encourage people to use solar energy or geothermal or wind to heat their homes? We know the reason why that is not being suggested. That is, it is not ready yet in mass production. In many areas of the country, it is not feasible. Solar energy is four times as expensive as nonsolar energy. That is why people can't afford the current rates. They certainly can't pay four times as much. I say that to ask, what are we going to do now? That is the question. What is ready to help us deal with this crisis now?

Last week the Energy Information Administration and the Cambridge Research Associates reported that the price of natural gas surged to more than $12 per million Btus. That is up from $8.94 in February. That is a one-third increase in a few months in natural gas prices. Of course, this represents an enormous economic hit to the American family, businesses that have to be competitive in the world marketplace, and the economy. Congress cannot go home until we take some action that addresses these issues. According to T. Boone Pickens—you may have seen his ads, an old oil man now into the wind business and favors utilization of natural gas for automobiles, which I think has real possibilities; it is much cleaner than gasoline—we are on track to spend this year $700 billion in American wealth overseas to purchase 60 percent of the oil we utilize in this country. This represents one of the greatest threats to our economy we have ever faced. When the price of oil goes up, the stock market goes down. That is almost a daily occurrence. This is because virtually every industry is affected by high oil prices.

In addition, this export of our national wealth decreases the value of

the dollar. When the dollar falls, the balance of trade deficit increases, which is increasing steadily, which further erodes the economy. Companies forced to spend more to purchase the same amount of energy a year or so ago are not able now to expand their businesses and create new jobs. In addition, electricity is going up; 20 percent of our electricity is generated by natural gas. Those prices have been surging. According to the Cato Institute, the price of residential electricity has doubled over the past 5 years, from an average of $5.43 per kilowatt hour in 2003 to $10.31 per kilowatt hour this year. A key factor is the cost of natural gas and other sources of energy.

High energy costs also drive energy-intensive businesses overseas where prices are lower. If we had passed this cap-and-trade bill that, fortunately, was blocked and pulled down after it failed to gain the necessary support, it would have driven up electric bills by as much as $100 a month for families and driven up the price of gasoline by another $1.50 per gallon according to the EPA.

Let me give an example. According to Dow Chemical Company, for every $1 increase in natural gas prices, that adds $3.7 billion in cost to the chemical industry. This will lead chemical companies to outsource their operations overseas where their feedstocks, their energy, their natural gas is cheaper. From 2003 to 2005 alone, rising natural gas prices have forced Dow to shift its production overseas, leaving the company to close 27 facilities and eliminate approximately 15 percent of its workforce.

Let me read you the latest from a Forbes magazine article on Dow and what they have done to adjust to this surge in energy prices that are some of the highest in the world, and there are a lot of lower priced areas for natural gas around the world. They are shifting their commodity lower margin business ''into joint ventures with partners in emerging markets like the Middle East, China, Russia, and Brazil. Dow contributes the technical know-how for producing plastics and chemicals, while its partners provide low-cost feedstocks''—basically natural gas—''and access to new markets. Dow ends up with lower capital expenditures and less risk.''

Well, that is jobs. That is American jobs that are going abroad, directly as a result of an increase in natural gas prices.

So I was very pleased that yesterday President Bush took an important step to address this initiative by lifting the moratorium on oil and gas exploration in the Outer Continental Shelf. With this action, the President has removed an important obstacle to reducing our dependence on foreign sources of oil, and particularly natural gas, because there is a great deal of natural gas offshore.

While the eastern Gulf of Mexico would remain off limits to exploration until 2022, this decision could potentially allow access to significant oil and natural gas reserves right here at home at a time when global supply is struggling to keep up with demand.

In 2005, this Congress directed the Department of the Interior to study the oil and gas reserves in the OCS. The study found that 8.5 billion barrels of oil and 29.3 trillion cubic feet of natural gas are currently known to exist off our Nation's shores. In addition, the study estimated that approximately 86 billion barrels of oil and 420 trillion cubic feet of natural gas also exists in these waters.

Now, we utilize 7 billion barrels of oil a year, and approximately 4 billion of that is imported. Eighty-six billion barrels of oil lie offshore, and we have a lot of reserves onshore. If we produce that, how many years is that? Four into eighty-six? Mr. President, 25 years, 20 years of zero imports if we were to do this.

So the American Petroleum Institute reports that producing all our domestic reserves we have will provide enough oil to power 60 million cars for 60 years and enough natural gas to heat 60 million homes for 160 years. Yet these estimates are based on old data. Exploration for oil and gas reserves in the Outer Continental Shelf has not occurred since the early 1980s. Technological advances have made it possible to explore for reserves in areas previously ignored due to scientific limitations. The scientific advancement also reduces the number of dry holes. They can tell better what the prospects are when you drill a well and not drill as many dry holes. When deepwater wells cost over $1 billion, better technology is important.

By acting now to increase supply, we can be sure to reduce the price of crude oil and natural gas. This is the most reliable way to end the largest wealth transfer in history, keeping our money here at home in our economy, creating jobs here, creating taxpayers here, and improving our economy.

Let me add, parenthetically, I am not for a carbon economy. I want us to move beyond a carbon economy. But I would wish to say that 10, 15, 30 years from now we are still going to be dependent on fossil fuels. We do not have the option right now.

So I see the production of more fossil fuels at home not only as keeping American wealth at home but as a bridge to a new energy world in which we have wind and solar and biofuels, especially cellulosic ethanol that I am seeing in my home State of Alabama from wood products—I believe that has real potential—geothermal, clean coal, and nuclear power with plug-in hybrid automobiles where you plug in your car at night using clean nuclear power, with no CO_2 emitted, and run your car back and forth to work, never using a drop of oil. All those things are in the works and will happen, but it does not mean we should not be productive at home.

So even with the President's decision yesterday, Congress must still take action to remove the congressional moratorium on oil and gas exploration in 85 percent of the Outer Continental Shelf. Every day Congress refuses to act is another day Americans are forced to pay higher prices at the pump.

I urge the majority leader to bring legislation to the floor that we can work on, in a bipartisan way, to lift this ban so the Senate can pass good legislation before the August recess and bring relief to the taxpayer. I cannot imagine we would fail to do that. There are a lot of things we can do right now that will not impact the environment in any negative way but will produce more energy at home and help our economy create jobs and wealth at home. I believe we can do this, and I am hopeful that will occur.

Mr. President, I see my colleague from Texas, Senator CORNYN, in the Chamber.

I am pleased to yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, might I ask how much time remains in morning business on our side?

The ACTING PRESIDENT pro tempore. There is 8 minutes 10 seconds.

Mr. CORNYN. I thank the Acting President pro tempore.

Mr. President, I wish to join my colleague from Alabama, my friend, Senator SESSIONS, in talking about the item that is at the top of everyone's agenda in America; that is, high gas prices.

But, first, I wish to say that in 2006, much to my chagrin, the Democratic Party won control of both Houses of Congress. I say that because it is more fun being in the majority than it is being in the minority. But with becoming the majority and Senator REID having become the majority leader, he has the complete power to schedule legislative action on the floor of the Senate. With that power comes responsibility. I wish to point out a few areas where I do not think we are living up to the responsibility that the American people would have us live up to.

There is good news. The good news is, it took only 145 days for us to pass the reauthorization of the Foreign Intelligence Surveillance Act. The problem was, in those 145 days, our intelligence officials were hampered in their ability to listen in on conversations between terrorists. Thank goodness, at least so far as we know in the public domain, that has not resulted in other attacks against Americans. But the fact remains, it took 145 days to get that done, and it should not have.

It has been 602 days since the Colombia Free Trade Agreement has been pending. Now, why is that important? Well, in my State, we sell about $2.3 billion worth of agricultural products and manufactured items to Colombia. Because we have not acted on the Colombia Free Trade Agreement, they bear a tariff which makes those more

expensive than they should be. Correspondingly, when Colombian items are sold to American markets because of another agreement, they do not have any tariff at all. So this is a burden, a millstone around the neck of American manufacturers and farmers that is unnecessary and unfair. It has been 602 days since that matter has been pending without any action by the Democratic leadership in the House and the Senate.

Then, yesterday, we had a forum on judicial nominees. There have been 747 days during which some nominees, who have been nominated to the Federal bench by President Bush, have waited for a simple up-or-down vote on the Senate floor.

To the point of my main remarks: It has been 813 days since Speaker PELOSI, when she was running, hoping she would become speaker, in the 2006 election—that her party would have the majority in the House and she would be elected Speaker—it has been 813 days since she said Democrats, if elected, would have a commonsense plan to bring down the price of gasoline at the pump.

Well, what has happened since that time, in 813 days?

As to gasoline, which I am sure seemed too high then—on January 4, 2007, it was $2.33 a gallon. And there are some people today who are pining for the good old days when gasoline was $2.33 a gallon because the average price of a gallon of gas today is $4.11 a gallon. There is no indication at all it is going to go down. Every indication is it is going to go up.

I wonder how long it is going to take the distinguished majority leader, Senator REID, to recognize the American people are hurting and the impact these high energy prices are having on not only the lifestyle, not only the daily routine but the ability of the American people to do the bare essentials they need to do in order to provide for their family and in order to get their children to school and in order for them to get to work. How long will this go on? Will it take $5-a-gallon gas? Will it take $10-a-gallon gas? How long will it take before the majority leader will allow us to vote on a balanced plan that will allow us to deal with this crisis?

Already, if you compound the price of energy, including gasoline, along with the other burdens Congress has imposed on the American working family, things such as Federal taxes—it takes 74 days of every year for people to pay their Federal taxes; another 39 days for them to pay their State and local taxes; another 60 days to pay for housing; health care, about 50 days; food, 35 days; and transportation, 29 days.

So even in things such as food, we have seen because of the price of energy—of course, there is the diesel and the gasoline our farmers use in order to bring their crops in and actually produce them—the price of food continues to go up. A large part of that is because of the price of energy, the price of diesel, the price of gasoline.

The squeeze continues on the American people.

So what is the solution? Well, I have seen the majority leader wants to bring a bill to the floor that deals with speculation. Of course, that deals with the way oil is bought on the futures trading platform, the commodity futures trading system, which allows people to guess basically what the price of oil will be in the future and to bid at that price. Of course, for every willing buyer, there is a willing seller willing to buy it.

Of course, we do need to police the commodity futures trading system to make sure there is not abuse, that there is complete transparency. We need to make sure we have more people, more analysts—more cops on the beat, so to speak—to make sure they have the personnel to be able to do their job. But it is shortsighted and, frankly, naive to think Congress can continue to suspend the laws of supply and demand. So just dealing with that narrow component of the problem is not enough. Is that part of an overall balanced energy package? Yes, it is. But it is not enough by itself.

We have to deal with this by finding more and using less. What do I mean by that? Well, using less means we need to be more efficient. We need to be less wasteful. We need to conserve energy. America consumes about 20 percent of the oil produced worldwide every day. We need to find ways to be more efficient. That is why I think our manufacturing sector, whether it is producing plug-in hybrid vehicles in 2010, which eventually, hopefully, will provide an alternative, or the CAFE standards, the corporate fuel efficiency standards Congress has passed—those help. But it is not enough because you cannot conserve your way into energy independence or energy self-sufficiency.

So how about ''the find more'' part? Well, the fact is, there is about 85 million barrels of oil consumed globally every day—85 million barrels globally every day. So even if America were to use less, that does not mean China and India are going to use less. In fact, they are not going to use less. They are going to use more because their economies are getting bigger, their people are becoming more prosperous. They want to buy cars. They want the same sort of things Americans have come to expect as commonplace. They want more, and they are going to consume more, because they know energy drives their economy. In particular, in countries such as China, you are going to see they are growing at 10 percent gross domestic product a year, and it is because they are building two coal-powered plants every week and they are consuming more energy. So we are going to have to produce more energy while we use less in order to just allow us to transition to using renewable fuels and the research we need to do on things such as clean coal technology. We are going to need some time to transition into more energy independence and a clean energy future. That is only going to come by producing more oil here at home.

Of course, this is a national security issue because we buy a lot of our oil from dangerous regions of the world, such as the Middle East, or from our enemies, such as Hugo Chavez in Venezuela. So why does it not make sense for us to rely less on them—people who don't necessarily wish us well—and rely more on ourselves while at the same time create more jobs right here at home, here in America?

I know attitudes are changing. We look at things such as the Rasmussen poll, which shows now that 67 percent of all of the respondents say we ought to produce more American natural resources right here at home. I know there are folks on the other side of the aisle, such as our distinguished Presiding Officer, who are trying to work to find a bipartisan solution, and we need to do that. Frankly, we should not leave here in August without addressing this issue and doing it in a meaningful way. By that, I don't mean just trying to go after the speculation part. We need to deal with all of this in a balanced sort of way that will allow us to give the American people some relief at a time when they need some relief because of the squeeze that continues to be put upon the average working family when it comes to high energy costs, which, in turn, ripples into high food costs.

Hopefully, we will be successful in weathering this financial crisis we have seen because of the subprime mortgage market and the housing crisis, but unless we do something about high energy prices, we are going to end up in a technical recession. I have no doubt about that. So we can weather those—and I hope we do—and still find ourselves in the ditch from an economic standpoint if we don't do something about high energy costs. Frankly, now that the President has lifted his Executive order banning offshore exploration and development, the only thing that remains to be done now is for Congress to get out of the way and to be part of the solution rather than part of the problem.

I wish our side of the aisle could do it. We can't because we are not in the majority. Only the majority leader has the power to call this up and allow debate and a vote on a commonsense energy plan that will allow us to find more and use less. I am asking them again today, as a number of us have, to please, please listen to what the American people are telling us. They are telling us that they are hurting, that their costs are going through the roof, whether it is food prices or just the price of filling up their cars at the gas station. Really, it is the U.S. Congress that is part of the problem. We need to be part of the solution. We need to listen to them and do what we can to help make their lives just a little bit better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time under the control of the minority has expired.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for a few moments as in morning business on my amendment that will be voted on at 11.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

PEPFAR

Mr. DEMINT. Mr. President, I wish to take a few minutes to speak on the rather large foreign aid bill we are addressing this week in the Senate. I have already expressed my concern, and I will do it again.

As the Senator from Texas was just talking about, we have a serious energy problem in our country today. Americans are hurting, and it is probably not a very good time to be talking about sending billions of American dollars around the world, despite how good the cause may be. Nevertheless, we are going to be voting on various amendments related to what we call PEPFAR, which began as an aid to Africa bill, and that is one of the issues I wish to address this morning.

The PEPFAR Program that the President started in 2003, which I supported, took $15 billion over 5 years and focused it on the AIDS epidemic in Africa. Other countries were allowed to participate. The primary focus was on AIDS and malaria. There has been some success, so the President would like to reauthorize that program.

Unfortunately, as it has worked its way through Congress, it has gone from a $15 billion expenditure to a $50 billion expenditure, sending more money overseas than we spend ourselves on research for AIDS in America or breast cancer or juvenile diabetes and the problems we have here. We are sending the money overseas.

This bill does not go according to its label anymore. This is no longer an aid to Africa bill. It expands across three more continents, including China and other countries that might be better off financially than we are at this point.

I proposed an amendment to limit the scope of the PEPFAR bill to its original intent, which included Africa and other authorized countries in the original bill, so that we can focus these dollars in a way that would allow them to work rather than allow them to create a global fund that spreads the money so thin that we are no longer effective in any area.

The vote at 11 also includes a very important amendment that is attached to the amendment to keep the focus on the countries in the original bill. This amendment would prohibit PEPFAR funds from going to organizations that are involved with forced abortions and forced sterilization in countries such as China. Again, countries such as China don't need our money, particularly at a time when they are actually much better off financially than we are. American taxpayers should not be forced to send their money to organizations in China that force abortions.

We may have people who stand up and say this is not going to happen, but $2 billion in the first year of this program is designated to the U.N. Global Fund. It is indicated that such sums that would be spent over the next 4 years would be allocated to it, which means it is likely that there is going to be $10 billion over 5 years that goes to the U.N. Global Fund. All one has to do is go to the Global Fund Web site, go to China, and see that there is over $70 million in grants that has gone to the organization in China that actually enforces the one-child policy, enforces the forced abortion policy in China. The law of the land here in this country is that we don't use taxpayer dollars for forced abortions anywhere in the world. Actually, the PEPFAR bill itself prohibits those funds. Yet there is a loophole in that as funds from PEPFAR go to the U.N. Global Fund, they will go to organizations such as we have in China that are involved in forced abortions.

Some of my colleagues will say this is unnecessary; it is already the law. If it is, I hope they will go along with this amendment and support it and not vote to table it this morning. This is a very real and serious problem. The U.N. Global Fund is very well known for supporting organizations in China and elsewhere that promote forced abortions and forced sterilization on women. This is not only an abortion issue; it is a human rights issue that we all need to stand up and support.

So as we head to 11 o'clock, I wish to remind my colleagues again, because sometimes we confuse so many things together here that people don't know what we are voting on. The majority leader has moved to table my amendment—the amendment that says we can't add three new continents to this bill—because he knows that attached to it is this amendment that would prohibit funds from being used for forced abortions. The whole reason for the big debacle we had here in the Senate last Friday where people were brought back late is because the majority leader would not allow me to offer this amendment that would prohibit taxpayer dollars from being used for forced abortions in China and other places in the world.

So this is a very important vote at 11 o'clock. My colleagues need to know that if they vote to table my amendment, they are voting to do two things. First, they are voting to divert funds from this Africa fund and other countries that were authorized in the first bill—the countries that are suffering from widespread epidemics—they will be voting to divert these funds to countries where there are very isolated problems. The money will ultimately be spread around the world to organizations that waste this money instead of focusing it where we can really make a difference. Also, voting to table this amendment means you are supporting using PEPFAR funds, which are supposed to be for AIDS in Africa, you are supporting using those funds to promote forced abortions and forced sterilization in China and in other countries.

So I want my colleagues to be clear. I am not sure how the majority leader and others will present this motion to table, but the reason they are attempting to table it is because they want to stop the amendment that would not allow these funds to be used through the U.N. Global Fund to organizations in China that promote forced abortion. So I urge my colleagues to vote no—to vote no to table this amendment on these amendments so they can receive a fair vote in the Senate.

With that, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AERIAL REFUELING

Mrs. MURRAY. Madam President, I have come to the floor this morning to raise a very important concern. As all of my colleagues are aware, our Nation's aerial refueling tanker fleet is aging and badly in need of repair and replacement. We are in the process of selecting a new plane right now that can serve our military for 40 years or even more. Those tankers are the backbone of our global military. They are stationed today throughout the world, and they refuel aircraft from every branch of the Armed Forces. I think everyone would agree, especially in a time of war, that as we work to replace that fleet, there is nothing more important than buying the best planes for our men and women and for our taxpayers.

Last month, in its decision sustaining Boeing's protest of the competition, the Government Accountability Office found that the Air Force made significant errors when it evaluated the bids by Boeing and the European company Airbus. The GAO found that the competition was skewed toward Airbus even though Airbus failed to meet even basic requirements of that contract.

I was pleased last week when the Pentagon announced that it would rebid the contest and take over the selection process. I had hoped it would ensure that we finally hold a fair and transparent competition and get this contract right. But instead of a fair do-over, I am concerned that it appears

that the Pentagon may be planning to change the rules to benefit the already chosen winner—Airbus—by awarding greater benefits to a bigger plane. That would be shocking, given the significant number of flaws found by the GAO and how important this competition is to our servicemembers. Changing the rules of the game in overtime to benefit Airbus is not the kind of transparency the American taxpayer is looking for now in this process. So I wish to spend a few moments this morning explaining why this is the wrong decision for our servicemembers and for our taxpayers, and I wish to begin by reminding my colleagues of the GAO findings.

The GAO's decision was damning. It left no doubt that the Pentagon should start over and rebid the competition. The GAO found eight separate errors, and it described the competition as ''unreasonable, improper, and misleading.''

Among its findings was that the Air Force changed direction about which criteria were more important. It did not give Boeing credit for providing a more capable plane, according to the Air Force's description of what it wanted. Yet it gave Airbus extra credit for offering amenities it did not even ask for. And the Air Force accepted Airbus's proposal even though it could not meet two of the key contract requirements.

Airbus, first of all, refused to commit to providing long-term maintenance as specified in the RFP, even after the Air Force repeatedly asked for it. Secondly, the Air Force could not prove that Airbus could even refuel all of the military's aircraft, according to procedure.

Some of my colleagues have tried to downplay the GAO's ruling. They say the GAO upheld 8 points of protest, not 25, not 100, so the results were somehow less significant. I think they ought to go back and read the GAO's report one more time because the list speaks for itself. The GAO found fundamental problems, including that the Air Force could not even prove the Airbus plane could actually refuel all of our aircraft by the books, and it determined that but for those errors, Boeing could have won.

As Daniel Gordon, the Deputy General Counsel for the GAO said last week when he was asked about this issue before the House Armed Services Committee, he said:

> We don't focus on this being seven out of 100. We focus on the seven that we found that caused us to sustain the protest.

I remind my colleagues about the GAO findings because after reading the decision, the next step should be obvious. The Pentagon should return to the original request for proposals and start this competition over. But instead, officials say they plan to change the criteria in order to benefit a larger airplane, and that is my first concern. When the right course for the Pentagon to take is so clear, I have to ask why in the world would it change the rules now, unless the Defense Department is hoping to skew the competition in favor of Airbus yet again.

My colleagues will remember that compared to Boeing 767, Airbus's A330 plane is massive. Clearly giving greater benefit to a larger plane in the middle of the game would only help Airbus at Boeing's expense, and that would be blatantly unfair. Why should the Pentagon give extra credit only to Airbus? The Air Force itself found that the Boeing tanker was more survivable or better able to keep the warfighters safe. That is a clear advantage, and I think most Americans would agree that giving our air men and women the safest plane should count for more.

I don't just object because the Pentagon's new criteria could unfairly skew this new competition. I am also very concerned that the Pentagon has lost sight of why it needs these tankers. It appears to me that by changing the rules in favor of a larger tanker, the Defense Department is pushing the military further and further away from the goals it had when it started this whole replacement process.

I am not the only one who is raising this issue. Retired Air Force GEN John Handy, who is a former leader of the Transportation and Air Mobility Commands, pointed out in a recent article that the Air Force originally asked for a midsized tanker in its RFP because that is what the military needs to carry out its mission. The Air Force, by the way, already has a larger tanker, the KC–10, which has its own role in the Air Force.

Midsized tankers are the Air Force's multitaskers. They are designed to respond to needs all over the world at a moment's notice. They have to be able to use our current hangars, our ramps, and our runways, and they must be flexible enough to allow our warfighters to refuel aircraft during combat or to haul freight and passengers and return home safely.

General Handy is one of the many experts and observers who has questioned what the Air Force was thinking when it selected the larger Airbus tanker in the first competition because compared to the 767, the A330 simply could not do the job as well.

I, too, have asked repeatedly for the Defense Department to justify that decision, and I have yet to receive any clear-cut answers—not from the White House, not from the Pentagon, and not from the Air Force. But I think General Handy has identified one possible reason. As he put it:

> Somewhere along this acquisition process, it is obvious to me that someone lost sight of the requirement.

Unfortunately, it is our servicemembers and our taxpayers who are going to end up paying the price.

The Defense Department's decision is not yet set in stone. It has not yet officially reopened this competition. The Pentagon still can make the decision to go back to the original RFP and run a fair contest, and it can ensure that our servicemembers get the best tanker possible, one that will allow them to do their jobs and get home safely.

I come to the floor today to urge the Pentagon to rethink the decision to change the selection criteria. For the sake of our servicemembers, for the sake of our taxpayers, I hope they do the right thing—start this competition over using the original RFP, and get these planes into the field where they are desperately needed.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, how much time remains on our side in morning business?

The PRESIDING OFFICER. There is 15½ minutes remaining.

OIL DRILLING

Mrs. MURRAY. Madam President, I have come to the floor this morning to comment on the press conference that President Bush had just moments ago where he renewed his call for more oil drilling, saying that more drilling is the answer to spiraling prices.

I have to tell you, unfortunately for all of us who are suffering from these out-of-control prices at the pump, what I hear is the President coming out and talking real tough but offering no solutions to the real crisis in front of us.

Americans are hurting today. In my home State of Washington, we are paying $4.45 a gallon. But I cannot go home and tell my constituents that we are going to go drill off the coast of Washington State and lower their prices at the gas pump. That is not true. In fact, the President's own Department of Energy says to us that lifting the moratorium is not going to have an impact until 2030. Even then, in 2030, there is no guarantee that drilling more oil off the coast of my State or any other will solve this gas price problem in 2030.

The President says he wants to open more land for drilling to increase production. What he doesn't say is that the oil companies right now today hold 68 million acres of land, both onshore and offshore, that they could, if they wanted to, drill today.

Let me say that again. While the President wants to hand out more leases, he wants all of us to come out here and hand more leases to the oil companies, they are already sitting on 68 million acres of Federal land doing nothing to explore and produce oil on those leases. Why? Because if they put more oil out there today, prices will drop, and they are doing pretty darn good today.

I don't think we should be surprised. I don't think we should be surprised at this at all. These are the same oil companies that are making record profits, billions and billions each year, as a direct result of increasing oil and gas prices. It is no surprise they are telling us: More drilling, give us more to drill, give us more to drill, and making empty promises of lowering gas prices when that simply is not true.

Given that there are two oil men in the White House today, I don't think any of us should be surprised. I don't think any of us should be surprised that millions of barrels of oil the oil companies pull from American soil today never enter the market. It is sold, by the way, not to the United States but to markets in China and overseas. So telling us this will lower our gas prices, to me, seems pretty out of touch when we know that if we were to come out here and allow them to drill more in the areas off our coast, having a huge impact on our fishing industries and our tourism industries and other important industries in the State today, that we would never see that oil even if we allowed them to drill it because it would be sold to markets overseas. There is no requirement that it would come here to the United States anyway.

Families in my home State of Washington and across this country are pretty sick and tired of paying higher and higher prices at the pump. It is certainly impacting the economy of every small business, every family, every community. Those people deserve real solutions. They deserve solutions that are going to offer stability and controlled prices. What we are hearing from the President today is just going to give them more of the same: empty promises and failed policies.

Over the past week or so, I have heard the Republicans saying: Find more, use less. That sounds pretty good to me, but I have a good solution to that. Have the companies find that ''more oil'' in the 68 million acres they currently hold by drilling today. Then let's invest in ''using less'' by passing the energy tax credits that Republicans have filibustered, by the way, time and time again on this floor. I think it is long past time that those new investments are made in renewable energy and fast-tracking alternative energy technology so we don't continually come out here and fall into this drill, drill, drill debate that sends empty promises to people who really are hurting today.

I think we should have a policy that really works. I think we ought to look for solutions on this floor in ways that provide real solutions. But just getting into a debate that sends empty promises and listening to a President in the White House say give the oil companies lots more to drill and sending an empty promise to my home State of Washington and across this Nation, to me, is pandering at its worst.

Mr. BIDEN. Will the Senator yield for a question?

Mrs. MURRAY. I will be happy to yield.

Mr. BIDEN. First of all, I agree with everything the Senator just said. But if, in fact, if I am not mistaken, all of the reserves that are estimated to exist off of your shore and ours—in Delaware they want to drill as well—if all the reserves in the entire continental United States, the Gulf of Mexico, the Pacific Ocean, the Atlantic Ocean—if they all exist, and they all meet the expectation of the best, most probable high return, we still only represent 3 percent of the total world oil reserves.

My problem is my Republican colleagues who tout themselves as being big businessmen who understand how the business world works in the market economy, it always amazes me how they fail to remember how cartels work. The cartel called OPEC controls the vast majority of the oil resources. Not one of these wells would come on before 10 years—not one. That is according to our Department of Energy. Not one for 10 years.

When they come on, what makes anybody think that the outfit that controls 60 or 70 percent of the world's oil reserves isn't going to just pump 3 percent less? Does anybody think that OPEC, knowing that we had 3 percent of the world's oil reserves, is going to continue to pump at the rate they are pumping? I promise you they will reduce the amount of oil they pump just like they always did to 3, 4, 5, 7 percent less, guaranteeing that whatever the price was will be sustained.

What I do not understand is, I do not understand our friends, including the President, who was a businessman of sorts—I don't mean that; I am not being a wise guy—who was in the business world prior to this, doesn't understand how cartels work. Is there anywhere in the President's offshore drilling where he has gotten a commitment from OPEC that they will continue to pump at the rate they are pumping now? Are you aware of any such?

Mrs. MURRAY. The Senator from Delaware raises a good point. Of course he hasn't gotten that kind of commitment from the OPEC countries. Of course he has not. They are focused on a profit, as they are doing quite well today.

The Senator is right. If we were to go ahead and use this moment in our history when we have some big decisions to make to just say: Oh, we will drill more, there is absolutely no guarantee that OPEC will not control that supply.

Mr. BIDEN. If the Senator will continue to yield for a moment, the thing I want everybody to understand is, as a guy named Yergin, who chairs the Cambridge Research Group, who advises not all but most of the major world oil companies, explained to me once, he said: You know, oil is like filling your swimming pool. If you put a hose in your swimming pool and you keep filling it and filling it, it takes a long time to raise an inch or two. It has virtually no impact on the total size cubic feet of your swimming pool or the amount of water in it. The second thing is, all the oil that goes into that swimming pool all goes into one big pool. It is all the same price.

If you notice, people pumping oil in Texas are not charging less than people pumping oil in Saudi Arabia. If you notice, people pumping oil in California are not charging less than people pumping oil in Venezuela. If you notice, when the OPEC price goes up ''American'' oilfields benefit.

I am not suggesting the American oilfields are in collusion with OPEC, but guess what. Americans think, if we pump our own oil, we will be independent. It ''ain't'' our own oil.

Mrs. MURRAY. I remind the Senator, if we were to do that, that oil would not come to America where our constituents would be able to use it.

Mr. BIDEN. The oil on the Senator's side of the country would not. One reason I voted against the Alaska pipeline is instead of going through Canada to the United States, it would go to Japan, figuratively speaking.

Mrs. MURRAY. So it goes there today.

Mr. BIDEN. I hope we start talking about basic facts. If everything we think we have under the ground that we control as the United States—on the Continental Shelf, off the Pacific Ocean, in ANWR—everything out there, we have 3 percent of the world's proven oil reserves. It doesn't give you much of a bargaining chip. It would be one thing if you say: You know, every bit of the oil we pump that we control goes to the United States, and we are only going to charge $2 a barrel. Wouldn't that be great? Or $10 or $20 or $30 or $50. But I kind of notice, those guys down in Texas charge us exactly the same price as those guys wearing robes in Saudi Arabia charge us. Isn't that kind of funny? And if you only control 3 percent of the oil reserves and pump it all, all the folks we don't like so much who control 60 or 70 percent of the reserves, they just pump 3 percent less, and the price is the same. We cannot drill our way out of this.

I thank my friend from Washington for pointing this out.

I yield the floor.

Mrs. MURRAY. I thank my friend from Delaware for joining me. We have been listening to this debate now. The President weighed in from his podium this morning. Much as we would like to hand our constituents tomorrow morning a lower gas price, we in this Senate have to be realistic about today, tomorrow, and far into the future. Even the Energy Administration Agency has said the impact on wellhead prices from opening the Pacific, Atlantic, and gulf waters to drilling ''is expected to be insignificant.''

Let's not, here on the Senate floor, talk about empty promises to our constituents at a time when they are really hurting. Let's take this opportunity

and time to make long-term investments that put our country on a path to being less dependent on oil. Those are the right investments that we ought to be making. Yes, they are hard. Yes, they are difficult. Yes, they are challenging. It is not easy to come up with compromises on them when we are all from very different parts of the Nation. But let's not just sell a bill of goods to the Nation when we are hurting.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Does the Senator yield morning business time?

Mr. BIDEN. Yes, we yield back the time in morning business.

The PRESIDING OFFICER. Morning business is closed.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2731) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Pending:

DeMint amendment No. 5077, to reduce to $35,000,000,000 the amount authorized to be appropriated to combat HIV/AIDS, tuberculosis, and malaria in developing countries during the next 5 years.

DeMint amendment No. 5078, to limit the countries to which Federal financial assistance may be targeted under this Act.

DeMint amendment No. 5079 (to amendment No. 5078), to prevent certain uses of the Global Fund.

Mr. BIDEN. Mr. President, I see my friend from South Carolina is here. I ask unanimous consent there be no second-degree amendments in order to the DeMint amendment, No. 5077.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5078

Mr. BIDEN. Mr. President, I am shortly going to move to table the DeMint amendment, No. 5078, relating to abortion. Senator DEMINT and I had a very brief conversation prior to this.

I ask unanimous consent there be 2 minutes equally divided for the Senator to make his position known.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I yield to my colleague from South Carolina.

Mr. DEMINT. Mr. President, the motion to table involves two amendments. It is important my colleagues understand what is involved. The current PEPFAR Program focuses on 15 countries with epidemics of AIDS and malaria. The current authorization allows them to work in 110 countries in which they are working now, but the focus has been part of making this program successful.

My amendment would limit the focus of the current PEPFAR bill on the Senate floor to the authorized countries in the first bill so the money is not spread all over the world to countries that do not need it as much as Africa and the others.

But the other amendment, and the reason this is being tabled, is it proposes that we do not allow PEPFAR funds to be used through the U.N. Global Fund for forced abortions and forced sterilization in China and other countries. The law of the land in this country is that our taxpayer dollars are not used for forced abortion. All this does is make sure the money in PEPFAR does not end up with programs like they have in China that force abortions.

I encourage my colleagues to vote no against tabling these amendments so we would be sure that PEPFAR funds are being used where and the way that they are intended to be used.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. The underlying amendment, first-degree amendment, which I am moving to table would limit U.S. assistance to certain countries. Right now PEPFAR is working in 120 countries, and to limit it to 15 I think is very counterproductive.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—70

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Gregg	Pryor
Bennett	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Salazar
Brownback	Johnson	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Leahy	Stabenow
Clinton	Levin	Stevens
Cochran	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Dodd	McCaskill	Webb
Dole	Menendez	Whitehouse
Domenici	Mikulski	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NAYS—24

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bond	DeMint	McConnell
Bunning	Ensign	Sessions
Burr	Enzi	Smith
Chambliss	Graham	Thune
Coburn	Grassley	Vitter
Cornyn	Inhofe	Wicker

NOT VOTING—6

Alexander	Kennedy	McCain
Corker	Lautenberg	Obama

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

21ST CENTURY MANUFACTURING STRATEGY

Ms. STABENOW. Mr. President, I rise, in light of the news today by General Motors and certainly the ongoing news from American automakers and manufacturers, to express, again, concern about the fact that we have had no 21st century manufacturing policy for the last 8 years. As other countries are rushing to invest in new innovative technology, advanced battery technology, the next generation of vehicles, as Germany has announced the great battery alliance which will invest over $650 million in advanced lithium ion batteries; South Korea, by 2010, will have spent $700 million on advanced batteries and developing hybrid vehicles; China has invested over $100 million in advanced battery research and development; over the next 5 years Japan will spend about $230 million on advanced battery research and $278 million a year on hydrogen research for zero-emission fuel cell vehicles; in this country, our President's budget last year called for $22 million. We have

seen no willingness to aggressively invest in a 21st century manufacturing strategy to keep jobs in America. As a result, we have seen 3.5 million manufacturing jobs lost since this administration took office in 2001.

My home State of Michigan is proud that we make things and grow things and do it well and have, in fact, created the middle class of this country. We have lost over 250,000 manufacturing jobs—in fact, going on 300,000—since this administration took office. In fact, we now have the same number of manufacturing jobs that we had in September of 1952. I won't tell how old I was then, but I wasn't very old in 1952. Now we are back to the same number of manufacturing jobs, while every other country is rushing to invest in the future.

The Senate budget resolution included, I am proud to say, a green-collar jobs initiative which I authored to invest in battery technology. I appreciate the fact that the leader has supported that effort and the chairman of the Energy and Water Committee, Senator DORGAN, has supported the effort to increase dollars for advanced battery technology research. We also included in the Energy bill last year a retooling effort of our plans to advanced manufacturing and alternative fueled vehicles. That needs to be activated and has not yet been activated.

When I look around at what is happening in Michigan now and across the country, what is happening to the middle class, being squeezed on all sides with incomes going down and every cost conceivable going up, particularly outrageously high gas prices, then I look at our manufacturers which are impacted by those gas prices as well, impacted by unfair trade practices, where other economies, other countries close their doors to American automakers to make it more difficult to sell there while they are able to sell here, where Japan manipulates their currency, as well as China, and yet we don't see an aggressive effort to create a level playing field on trade so we can export our products, not our jobs; when I see the fact that other countries are investing in new technologies and yet our industries are expected to be doing it themselves without a partnership from their Federal Government—what we have done is placed our companies in the position of competing with other countries. My colleague from Michigan, Senator LEVIN, has said that over and over again, the fact that our companies are competing with other countries today. We need to take action now to provide a 21st century manufacturing strategy that keeps jobs here.

Part of that is also health care. When we are looking at competition coming from companies in Japan, where I am told that the cost per vehicle for health care is about $95 and here it is $1,500, we can do something about that, to be able to support our jobs and our industries here in America and keep jobs at home.

Right now we have an opportunity I hope we will take. I hope as we move forward with an additional discussion of an emergency supplemental, as we move forward and look at other emergency actions that need to take place, we will understand we need to be activating our retooling efforts to keep advanced manufacturing, the new vehicles, here, and we need to invest in the key component, which is advanced battery technology research, to make sure when our automakers are making hybrids and plug-ins they are not buying the battery from another country.

That is what is happening today. We had, a couple years ago, an announcement from Ford Motor Company about the Ford Escape hybrid, and we were very proud of the fact they created the first hybrid SUV. That is the good news. The bad news is, they could not find a battery in the United States. The battery had to be bought in Japan. We do not want to exchange foreign dependence on oil for foreign dependence on technology. We have to act now.

I call on the administration that has now put dollars into advanced battery efforts to do more. There is more that can be done under the Department of Energy. It needs to be done as quickly as possible. We are in a race, we are in an economic race, for the next generation of technology. Whoever gets there first will be creating the jobs as well as the marketplace for the future and, I believe, creating the middle class of the future as well.

We need to make sure the plants in America are retooled so the new generation of vehicles being made are not being made overseas for Americans, but they are being made here. We need to be retooling. It is critically important. We have lost 3.5 million manufacturing jobs since this administration took office—no 21st-century manufacturing strategy, no focusing on unfair trade practices, high health care costs, innovation, investment, retooling. Now, adding insult to injury with the price of gas on top of everything else, we find our manufacturers caught on all sides right now trying to make the investments for the next generation, for the future, to be competitive, but also to deal with the costs they have as a result of lack of action in this country, in order to be able to make sure we are competitive internationally.

Again, Germany, the Great Battery Alliance; South Korea; China; Japan—all focused on the future, all partnering with their industries because they understand what it means to their economy to be able to have that technology, to be able to be the first, to be able to partner with their industries to create new jobs.

That is what we need to be doing here and now. It makes me heartsick to see the daily headlines in the newspapers in Michigan as well as in many places across the country when it should not have to happen. If we had seen the administration being willing to work with us, to partner with us on the future, on jobs in America, we would not be where we are today.

I am very hopeful and confident our Democratic majority understands that, and that we are going to continue to do everything we can to be able to create the kind of economic climate in this country that will allow us to create good paying jobs, great advanced alternative fuel vehicles and products we will continue to be proud of, and will allow us to keep the middle class in this country.

I think that is the biggest task we have right now in a global economy: to fight for jobs and the middle class in this country. We need a change in partnership to help us get that done.

Thank you, Mr. President.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that at 2:15 p.m., Senator MENENDEZ be recognized to speak for up to 15 minutes, to be followed by Senator DOMENICI for 15 minutes, and that following Senator DOMENICI's remarks, Senator KYL be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, most of us are aware of the genocide in Darfur. We have read about it for years. The best estimates are that 400,000 people have died as a result of the terrible tragedy in the Sudan. Another 2 million or more have been displaced.

Just this week, the International Criminal Court has named the President of Sudan as a person to be indicted for war crimes, crimes against humanity, and genocide. It is an indication of the severity of this crisis and the fact that the world is taking note.

What we also know is that other things are happening in this world that are just as devastating, and some of them are within our grasp to change.

A few years ago, I made my first trip to Africa in an effort to see the feeding programs available for people in some of the poorest places on Earth. I also wanted to take a look at the microcredit programs that elevate women and give them a chance to finally raise their families properly and to have a future.

But I found that no matter where I went in Africa, the same issue commanded my attention. That was the global AIDS crisis. It was a crisis which was just starting at that point, but the numbers were so alarming that you could see trends developing that would be devastating to communities and families and even countries.

At the time, it seemed there was nothing we could do. The drugs that were being developed in the United States were few and very expensive, and the notion of bringing those antiretroviral drugs into Africa seemed beyond our grasp. So they encouraged people in Africa, in those days, to get tested. But many of them ignored it because they knew if they were tested

positive it was a simple death sentence, and they would have to resign themselves to the obvious fate.

But things have changed, thank goodness, and they have changed for the better. Under President Bush, he described and started an initiative to deal with the global AIDS crisis. As I have said on the floor many times, I have disagreed with the President on so many things, but I certainly believe this was an inspired position which he took, that the United States would lead the world in dealing with the global AIDS crisis.

We were not only going to address HIV and AIDS, but also tuberculosis and malaria. In many countries, more people are dying from the latter two than even HIV/AIDS. The President chose 15 countries that the United States would deal with directly in the President's program. Then for the rest of the world in need, we would work with other countries in what is known as the Global Fund.

Before us today on the floor of the Senate is the President's program for dealing with global AIDS. I think it is one of the most important votes we are going to cast this year. The success of this program has brought us a long way in the last 5 or 6 years.

Mr. President, 5 or 6 years ago, only 50,000 people in Sub-Saharan Africa were receiving treatment—50,000. Today, PEPFAR and the Global Fund reach nearly 2 million people, primarily in Africa.

In the 15 PEPFAR focus countries, the program has helped prevent mother-to-child HIV transmission during nearly 12.7 million pregnancies. An HIV-positive mother nursing a child, if she is not treated properly, could transmit the disease. The treatment is very inexpensive, and a mother taking this drug before she delivers the baby can protect her child through childbirth and perhaps afterwards. We have done that now for 12.7 million pregnancies.

We have provided antiretroviral prophylaxis for well over 800,000 women who were determined to be HIV positive and prevented over 150,000 new infections of newborn children just through this program.

We have cared for more than 6.6 million people, including more than 2.7 million orphans and children.

We have provided over 33 million HIV counseling and testing sessions for men, women, and children.

From fiscal year 2004 through 2007, PEPFAR, the President's program on AIDS, supported nearly 2.6 million training and continuing education encounters for health care workers.

That is a remarkable record of progress in just 5 years. This situation on the ground in Africa has been literally transformed because of the efforts of the United States—and other countries—but the efforts of the United States through PEPFAR and the Global Fund.

The bill before us authorizes $50 billion over 5 years, including $9 billion for tuberculosis and malaria. It is a large sum of money, but put it in context. Each month, we spend $12 to $15 billion on the war in Iraq. We are talking about spending $10 billion over the course of a year to deal with the global AIDS crisis, tuberculosis, and malaria.

The bill requires the President to develop a strategy for spending that will prevent 12 million new infections, that will treat and care for at least 14 million people, including 5 million children, make sure women have universal access to prevention of mother-to-child transmission, and will build the health care capacity of the countries that are most affected.

I went to the Congo—the Democratic Republic of the Congo—with Senator BROWNBACK of Kansas a few years ago, and we visited the city of Goma. Goma is in the northeastern section of the Democratic Republic of the Congo. It is a very poor city, and it has so many—so many—challenges: hunger, disease, war, and, on top of that, a volcano.

We visited a hospital there that was packed with people, in this case with women who were seeking a surgery for obstetric fistula. They were women, because of sexual assault or a birth at a very early age, ended up with serious internal problems that required surgery, and there was nowhere to turn. They were shunned in their villages and by their families because of the problems associated with this condition.

Many of them marched and trekked hundreds of miles to get to this hospital. It is called DOCS Hospital. It is supported by the Protestant Churches of America. We saw the women waiting outside, huddled around little fires making their food, waiting for the chance for their surgery. Sometimes they waited for months, and oftentimes they needed a repeat surgery.

After the surgery, they would go into these wards with beds, and the patients were two to a single bed. There just was no place to turn. This was their only hope. Thanks to the United Nations, they had a modern surgical suite, but clearly they did not have the health capacity to deal with this obvious problem.

I asked them: How many surgeons do you have in this area of the Congo?

They said: We have one surgeon for every 1 million people.

I am proud to represent the city of Chicago. I cannot imagine the city of Chicago with three surgeons. But that is what they face in parts of Africa. The same thing is true when it comes to other professionals: doctors and nurses. Part of the problem is just not their failure to train these medical professionals, but the fact that we in the West, with our voracious appetite for medical care, are poaching the best and brightest of the medical professionals in the developing world.

Take a look around your city, go to your local hospital. I just visited a Chicago hospital over the weekend and was introduced to a number of the members of the staff. I asked two of the women where they were from, and they said Ghana. Ghana is in Africa, obviously. My guess is that the community they left needed their medical care as much if not more than the United States. But they were drawn to the United States for obvious reasons.

The surgeons I mentioned in the Congo are paid by the Government. If they are fortunate enough to be paid—and they are not always paid—they are paid $600 a month. Well, a surgeon in the United States is going to do much better than that. So the United States, England, France, and Germany recruit these medical professionals from the poorest places on Earth, and those countries, then faced with HIV/AIDS, tuberculosis, malaria, and other obvious surgical needs, don't have the professionals.

What difference does it make to us? We feel content that we have that nurse at our beck and call when we are in a hospital. We want all of our family to have the very best medical care. However, we have to accept the reality that a medical crisis halfway around the world can be visited on the United States of America within a matter of days. What used to result in a trip across the ocean in a ship where the sickly would die on the way no longer occurs. People take airplanes and in a matter of hours they are here, and they bring with them not only their foreign culture but many times their foreign diseases. So a public health crisis in some other part of the world has to be a genuine concern of ours as well.

This bill we have before us recognizes that. It takes into account the need to expand the health care capacity of some of the poorest places on Earth, including training community health workers to deliver primary health care and preventive services. It includes some provisions I have worked on earlier, and I salute the committee for adding them relative to expanding the health care capacity in Africa. I had introduced a bill with five of my colleagues—S. 805—the African Health Capacity Act, and some of the provisions are included.

I might say parenthetically that we need to find a solution to our problem in the United States, because we need nurses and doctors here as well, and the answer is pretty obvious. We need homegrown talent. This year, in my State of Illinois, we turned away 2,000 qualified nursing students. We didn't have enough classrooms or teachers or clinical opportunities. Two thousand would-be nurses were told: No, you won't be given admission to an Illinois school this year. When we consider the shortage in health care professionals, we can't afford to do that. Whether it is doctors or nurses or other health professionals, we need to be actively recruiting more in the United States so we aren't reaching out to the poorest places on Earth, poaching their talent, when they desperately need it as well.

This bill goes on to expand current programs. It funds the testing, counseling, treatment and new protocols to address drug resistance in treating tuberculosis. Our colleague, Senator SHERROD BROWN of Ohio, has been a leader in the House, and now in the Senate, on the issue of tuberculosis. Most of us pay little attention to this because it is an illness and disease that affects the poor. However, we probably noted in the news not long ago when there was a person who wasn't poor who was banned from travel because he was carrying this disease—this drug-resistant, rather, form of tuberculosis. So we understand this can affect others outside of those who are impoverished. The goal is to do more work worldwide to deal with this with testing, counseling, and treatment.

Incidentally, the treatment of tuberculosis in its most common form is inexpensive. It requires a dutiful process to make sure the person takes their medicine on a regular basis. Some countries such as India have found out how to do this and are leading the way and we should follow their example.

This bill also strengthens the role of the U.S. malaria coordinator. It increases the U.S. contribution to the Global Fund with additional safeguards and oversight, and it funds research on microbicides to help prevent the spread of HIV. It is a good bill and it covers a lot of different things.

We are at a point now where we are in a battle with many forces in this world who are trying to define the United States and tell people around the world who we are. Many of those representations are false and misleading. Unfortunately, they create enemies of the United States—people who should be our friends. I think when the United States embarks on this kind of effort—a global health effort—with tangible results in countries around the world, we demonstrate our values and our caring. That is why I think this bill is so important. I am sorry it has been held up for a number of months, but the good news is it is on the floor now and we have a chance to pass it.

This bill would require that more than half of the money appropriated for addressing local HIV/AIDS be spent on antiretroviral drug treatment and care, controlling other infections that can occur. It provides nutrition and food support and other medical care essential to HIV/AIDS treatment.

The critics of this bill say it goes too far—not just in the money spent, which I disagree with—but in what they call mission creep. They argue that nutrition and safe drinking water and empowerment of women and girls bears little relation to the fight against global AIDS. They believe you should give individuals a pill and send them on their way. Well, common sense suggests otherwise. If you visit the poorest places on Earth and have time to ask only one question, I have found that the question you should ask, if you want to know whether this country has a chance to overcome its problems, is this: How do you treat your women? If women are treated like property, slaves, or chattel, if they have no voices in decisions of the family or community, it is likely that some of the worst medical conditions and economic conditions will continue and will worsen; but if women have a role—if they are educated; if they have a voice in their communities and in their government—it makes all the difference in the world.

So in this bill, when we talk about empowering women and girls through education, training, and self-awareness, it is money well spent. These are the women who will guide that country in the future and who will be a strong voice in a family where otherwise they might be mistreated or infected without even being able to speak a word.

I also think it is obvious that handing medicine to someone who is infected isn't enough. I have been to Nairobi and Kenya. I have seen the clinic where women who are receiving these expensive antiretroviral drugs were dying before my eyes—not of HIV/AIDS, but of malnutrition. They were, with limited funds, providing for their children and not giving themselves enough to eat, so even the antiretroviral drugs weren't working.

So when this bill talks about providing basic nutrition for people around the world, particularly women, so that the drugs will work, it is common sense. The same thing for safe drinking water. If there is one thing that causes more medical problems on this Earth, it is filthy drinking water which causes people, and children especially, to get sick and die. When we talk about safe drinking water as part of this whole program in dealing with global health, it is imminently sensible; and those who argue that it goes too far, we shouldn't include it in this bill, haven't taken the time to meet the people who live under these terrible circumstances.

I hope this bill will pass and I hope it passes soon. We have been waiting for some time. Condoleezza Rice, our Secretary of State, and President Bush have asked us to move this bill forward to provide the technical and financial assistance to help countries develop their national health workforce, expand worker training and retention, build clinics and health networks.

This bill sets a target of training and retaining 140,000 professionals and paraprofessionals. If we can build that work force in the focus countries, we will have the minimum staffing levels of doctors and nurses and midwives recommended by the World Health Organization. We have to change the situation on the ground. Villages will continue to depend on donors for medicine and clinics until they develop their own health care capacity. We can start to change the situation with the technical assistance and financial aid authorized in this bill.

The best response to the global AIDS crisis is to help these countries build a more sustainable, locally driven public health system. The bill is named after two former Members of the House of Representatives: Tom Lantos of California, who recently passed away, and Henry Hyde of Illinois, both of whom supported this legislation. In their name and in their honor, we should pass it and pass it as quickly as we can.

I recall my first trip to Africa. I went to Uganda. There was a clinic there before any of the drugs had arrived where people had been diagnosed with HIV/AIDS. Some of the women at that clinic who had small children were involved in a project called the Memory Book. They would sit on the porch of this clinic while their children played on the playground. They were assembling their life story with photographs, telling about memories of their family and memories of their children when they were born and as they grew up. This memory book was going to be handed off to the child, still very young, to hold on to so that when mother was gone, having died of HIV/AIDS, there would at least be some evidence that she lived, some evidence of her love for that child.

At this same clinic in the days before antiretroviral drugs, they had a choir. It is not unusual. Almost every place you go in Africa, they sing. They sing when they greet you, they sing when you leave, they will sing in the middle of a meeting. It is beautiful. This choir at this clinic was a choir made up of men and women who had been diagnosed with HIV/AIDS and had nowhere to turn. They knew they were all doomed. They came together to sing songs they had written about their plight, and one of them—they gave me a small tape recording—is entitled ''Why Me?'' It was a song that broke your heart as you heard them sing it: Why her, why him, why you, why me—trying to figure out why this had happened to them, that they came down with this deadly disease and knew they would die.

It wasn't that long ago when I made that trip. Today, things have changed. It has changed because the United States and the caring people of this country are stepping forward. Millions of people are now alive today. Millions of children who would have been orphaned now have a chance. Is this an important thing for us to do? I think it is. I think it is important in moral terms, but it is important in political terms too, to make sure that all around the world, people understand who we are, what our values are, and that we are a caring and compassionate people.

Mr. President, I yield the floor, and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:26 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey, Mr. MENENDEZ, will be recognized for 15 minutes.

Following his remarks, Senator DOMENICI will be recognized for 15 minutes.

Following his remarks, Senator KYL will be recognized to offer an amendment.

The Senator from New Jersey is recognized.

OIL PRICE MYTHS

Mr. MENENDEZ. Mr. President, we are all aware of the seriousness of the oil crisis. Gas prices are more than three times what they were when President Bush took office. High prices are forcing some businesses to cut back or close and forcing some families to choose between putting a gallon of gas in the tank and putting a gallon of milk on their kitchen table.

People are demanding honest solutions to our oil crisis. But President Bush, JOHN MCCAIN, and their allies on the other side of the aisle have only decided to perpetuate myths, which is what brings me to the floor.

They have told us offshore drilling will lower gas prices tomorrow. They have told us oil companies could produce more if we hand over even more Federal land and water to them. When people spoke about the dangers of drilling, they claimed no oil was spilled after Hurricane Katrina and that drilling off the shore of one State would not affect all the other States around it.

I am here to clear up these myths before it is too late and they take a life of their own.

Myth No. 1: Drilling immediately brings down gas prices. The biggest myth, a myth that has been repeated over and over on the floor of this Chamber, is that opening our shores to drilling will somehow lower the price of gasoline. Let's get one thing straight; drilling in the Outer Continental Shelf will do nothing to bring down gas prices—not now, not ever.

While President Bush is suggesting that drilling will bring down prices at the pump, his own Energy Information Administration admits drilling will have no effect. The reason is the amount of oil involved is a drop in the bucket compared to what we use every day.

Let me put offshore production in perspective. Since April of this year, Americans have responded to extraordinarily high gas prices by using over 800,000 barrels of oil less than we did 1 year ago. That is the most significant and sudden drop in oil demand since the 1970s. Yet what have we seen since April? We have continued to see record gas prices.

In recent weeks, in response to record oil prices, Saudi Arabia has increased its production of oil by 500,000 barrels each and every day. What has been the effect on gas prices? They continue to go up.

So how does the Bush/McCain drilling plan compare to these recent events? If we open all our shores to oil production, the first drop of oil would not be seen for over a decade. Offshore oil production would peak in the year 2030 and only at 200,000 barrels a day. To put that number another way, the amount of gas we could get from offshore drilling is equivalent to a few tablespoons per car per day.

So let's look at the totality of this. If 800,000 barrels per day in reduced demand by Americans combined with an increase of 500,000 barrels per day of Saudi production—a total shift of 1.3 million barrels a day—doesn't lower gas prices, how does 200,000 in the year 2030 lower gas prices? If we have seen a shift of both a reduction in demand and an increase in that supply by 1.3 million barrels a day, and the price still goes up, how is it that 200,000 barrels in 2030 is going to do anything? It is a myth.

The second myth we hear is that if oil companies could only lease more Federal land and water, they would produce more oil. The fact of the matter is the oil industry has already leased 68 million acres of land, where they have not produced—for the most part—a single drop of oil. The oil companies clearly think there is oil there or else why would they be leasing the land? But they are not using it.

This chart is an example of where all that oil is located. I know our Republican colleagues have these little sayings, and they are going around with patches on their lapels saying ''find more, use less.'' This is what they should be telling the oil companies: Find more and use less. In fact, they are not even pursuing that which they already have access to.

To get an idea of the scale involved, here is a map showing how much territory the oil companies control in the Gulf of Mexico. The red part of the map represents unused acres. It is a huge portion of the gulf region, going completely undeveloped, which they already have leases and access to.

Here is an even more impressive map—a map of how much of the Western United States oil companies control. The black portion shows where companies are exploring and, again, the red is where they are. As you can see, the red far exceeds the black portion of the map. These oil companies control an enormous amount of land. When you add it all up, it is an area more than 12 times the size of my home State of New Jersey.

So why are oil companies asking us to hand over more land, when they have so much land that is already unused? It seems to me there is only one explanation: Oil companies aren't actually in a rush to drill in those areas, but they are in a rush to control as much Federal land as possible before their friends in the White House leave.

Let's talk about myth No. 3. In order to convince us to let this plan go through, big oil and their supporters want us to believe a third myth, which is that offshore drilling presents no threat to our environment and to the economies of States, such as New Jersey, where tourism is the second multibillion dollar part of our economy.

Many of my colleagues from the Republican side of the aisle, including Senator MCCONNELL and Senator MCCAIN, have repeatedly denied that oil spills could happen. They have denied repeatedly that Hurricanes Katrina and Rita caused any oil to spill.

The picture I have here was taken not by me but by the U.S. Coast Guard. It shows what happened after the hurricanes: a massive oil spill that was set on fire to assist in the cleanup effort, as indicated in this photo.

I don't know what my colleagues on the other side of the aisle would consider ''significant spillage,'' but I know if I saw this scene on the New Jersey shore, I would consider it a disaster.

In 2005, Hurricanes Katrina and Rita caused devastation on a massive scale. The EPA, the U.S. Minerals Management Service, the National Oceanic and Atmospheric Administration, and the Coast Guard all agree that the storms caused 700,000 gallons of oil to spill into the Gulf of Mexico and over 7 million gallons of oil to leak onshore from the infrastructure that supports offshore drilling.

When oil spills in those quantities take place, it is not isolated to a small area. Some suggest certain States may want to drill and other States may not want to drill off their coast, but the devastation spreads far and wide. When the Exxon Valdez ran aground in Alaska, the spill was 600 miles wide. The IXTOC I spill in the Gulf of Mexico traveled 600 miles. That is why the decision to drill cannot be left to a single State, because the State's actions affect all the other States in proximity to it.

An oil spill off the coast of Virginia could wash up as far away as Maine. It could devastate the coastline from South Carolina to New York.

In my home State of New Jersey, the shore generates tens of billions of dollars in revenue each year and supports about half a million jobs.

New Jersey families and businesses cannot afford the risk of a disaster on the scale of the Exxon Valdez crash or the spills after Hurricanes Katrina and Rita, with sticky crude washing up on our beaches, killing our wildlife, collapsing property values, and destroying our economy in the process.

Let's be honest. If there is drilling off our shore, it is not guaranteed that there would not be a major spill. These facts show that to be quite to the contrary. Disasters have happened before and they will happen again. The question is, Is the risk of a significant disaster worth the insignificant amount of oil that might come with the drilling? That answer is, clearly, no.

Now, to my colleagues on the other side of the aisle who say, drill more and ultimately conserve some, I say our need is to act more and talk less. Let's do something that really does something about gas prices.

If we are going to bring down gas prices, we need a better plan. First, we cannot wait until the year 2030 to get the type of relief we need in terms of offshore drilling. We need to lower gas prices now. The last time we opened lease 181 in the Gulf of Mexico, with huge amounts, ultimately, what happened? That was a year and a half, 2 years ago. Did prices go down after we opened that section of the gulf? No. They went up. We cannot wait.

The supply-and-demand equation for oil is basically the same as it was a year ago—that is what testimony before the Congress tells us by even the oil executives—and prices have skyrocketed.

We need to check the unchecked speculation on the oil trading markets, which has driven oil prices higher. We need to see to it that our commodities markets are functioning fairly, so prices come down from their artificial highs. Yes, we offer drilling. But let us drill on the 68 million acres the oil companies have already leased to bring down the price of oil, not just use it to pad their books and inflate the price of their stock.

Together with Senators FEINGOLD and DODD, I have introduced legislation that sends a simple message to oil companies about the Federal land they lease: Use it or lose it.

The bill mandates that oil companies either produce on or seek to develop their existing Federal leases or make way for someone who will. Most importantly, we need to break our dependence upon oil. Here is the bigger picture: We can only ever produce a fraction of the oil we use as a country.

The only way for us to protect ourselves from rising gas prices is to end our dependence on oil, and that means making immediate, substantial investments in renewable fuels and conservation.

We should all get behind legislation, which our colleagues are opposed to, to expand tax credits for renewable energy producers. In order to boost vehicle efficiency, we should create stronger incentives for plug-in hybrids, support advanced battery research and research into cellulosic fuels.

It is time we fully funded mass transit at the level it deserves. We can do all this in the time President Bush would have us wait for minimal oil production along our coastlines.

Let's be clear. This coastline drilling plan is not a serious proposal to help American families today. It is exploitation of pain at the pump to give yet another handout to the oil companies.

It is long past time to stop repeating the myths that lie at the bottom of it. Instead of buying into this overhyped, oversold plan, if we work together, we have the ability and ingenuity as a country to secure our energy future once and for all.

It is that aspiration that we should, in fact, pursue. It is time we decide on a plan that looks out not just for the future of the oil companies but for our future as a nation. That is why our colleagues should join us in pushing the big oil companies to pursue drilling on the 68 million acres they have, ensure that they use billions in subsidies and tax breaks they have been given to invest in renewable energy and refineries, not stock buybacks to boost their pockets, tapping into the Strategic Petroleum Reserve to immediately increase oil supplies, and hopefully by doing so lower prices and stop the market manipulation that is taking place in the marketplace. Let's get the Commodity Futures Trading Commission to pursue this vigorously.

Finally, let's aspire to be something more than just today's crisis. Let's use the ingenuity of America to break our dependence not only on foreign oil but on domestic oil as well.

We can do all of these things. We are the people on the face of the Earth who are can-do. It is time for us to begin to deal with that rather than try to pursue a course of action that will do absolutely nothing about reducing gas prices, do absolutely nothing about breaking our dependency on foreign oil, absolutely nothing in terms of our domestic economy and security.

Those are the choices before the Senate, and I trust we will make the right ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I just caught some of the remarks of the distinguished Senator from New Jersey. I don't know whether I will be able to answer them today, but obviously, in the course of the next few days or weeks, I will answer every single one. Most are covered in what I will talk about today.

In the course of the United States of America and the use of crude oil and natural gas as part of the transportation base of our country for automobiles, trucks, and the like, and at the same time the natural gas that has been produced that is being used by our chemical industry, the heating and cooling of our houses, and all kinds of things, and now some for automobiles also, in the course of that, yesterday was a remarkable day. After 27 years of moratorium on offshore exploration imposed on a year-to-year basis by the Congress and 18 years placed by the President, the executive branch of Government, which is not year to year but as long as the President wants it, we had the President of the United States taking off that Executive order putting a moratorium on 85 percent of the offshore properties in the continental U.S. owned by every single American. We had the President take off the moratorium and challenge the Congress to do likewise because without lifting the moratorium, whether it is the executive branch or the legislative branch, we cannot explore for oil and gas that we own.

I regret to say that we have been so far off base in terms of deciding where we would spend our money to help determine our course, where we are going, that we have not spent the money to go out and find the inventory, to do an inventory of this huge offshore resource, including off the California shores, all the way around the Atlantic and Pacific where there must be billions of barrels of oil that are going to be developed over the years and literally trillions upon trillions of natural gas Btu's that are going to be discovered. We decided there was plenty of oil and gas in the world, so we could put a moratorium on because we were frightened of what would happen if there would be spills. We were scared of what would happen if oil might spill out of one of the pipelines.

I say to everyone, during this 27 years, more or less, of moratoria, there has been a part of the offshore that has been open. The part that has been opened is singularly marked by a huge production of crude oil and natural gas for the people of America, principally off the coast of Texas, Louisiana, and a little bit of Alabama and Mississippi. But it has yielded literally millions upon millions of barrels of crude oil for America and literally scores of natural gas, that little bit that is open.

How much is open, so we will have it straight? Mr. President, 15 percent, 1–5; 85 percent has a moratorium on it. We have not inventoried it because we didn't want to spend the money. It cost a little bit of money to inventory it. So we have a sloppily done estimate that says we have an awful lot of oil and natural gas on that 85 percent. It is estimated that there are somewhere between 17 billion and 18 billion barrels. This Senator thinks that is so low that if we were to do an inventory, I think it would be twice as much or more that the American people own and we are not doing anything with.

So, yes, indeed, it was a remarkable day when President Bush lifted that

moratorium and said to us: You do likewise. Specifically, the President was saying to us: Do something that will tell the world we are going to start producing and get that done in a way that will cause those who are in the fields of buying and selling oil and gas and producing it to understand that there is another new, huge reserve coming onboard in due course, some of it in a few years, some of it over the long haul, but that it is there and America is going to use it.

In response to the President, the majority leader of the Senate, who has been my friend for a long time, announced that he will introduce his own bill. I heard the Senator from New Jersey alluding to parts of it. Probably tomorrow, he said. His bill will focus principally on the idea that speculators are driving up the price of oil, even though speculators are only responding to the same supply-demand concerns that everyone else is. In fact, recently Warren Buffett, the great businessman, explained the spike in gas prices by saying:

> It's not speculation, it's supply and demand. We don't have excess capacity in the world anymore and that's what you are seeing in oil and gas prices.

Guy Caruso, the Administrator of the Energy Information Agency, said speculation was not driving the increase in prices.

Just today, Federal Reserve Chairman Ben Bernanke said:

> If financial speculation were pushing all prices above the level consistent with the fundamentals of supply and demand, we would expect inventories of crude oil and petroleum products to increase as supply rose and demand fell. But, in fact, available data on oil inventories shows notable declines over the past year.

These experts say that speculation is not the main reason for this surge.

What really struck me was the majority leader announced he would not allow amendments at all to his bill. Let me make sure we say this on the first day after the President raises the moratorium, and so the moratoria that are left are all dependent on Congress. Whenever Congress is ready, Congress can change them. And if Congress doesn't do something, those moratoria will all expire at the end of this fiscal year. That is the first day of October. They will expire. We will have to act to keep them on.

But here we have the majority leader announcing that he would not allow any amendments to his bill that we haven't seen yet—not a single one, said he. I can't believe the people of this country are going to buy that, that one man, instead of the Senate, one man in his capacity as majority leader can say to the Senate: Take it or leave it. Here is my bill. It hasn't been produced by any committee. It is the bill of the leader of the Senate, and it principally says: We are going after speculators, so it is not going to produce any oil, from what we can see, and he says there will be no amendments.

I really don't believe, I repeat myself, that when the American people understand that out there for use, for development in the world market of oil and gas supply sits all this offshore development potential, and here stands the majority leader of the Senate and he says: So long as you do it my way, there will be some impact, some change, but it will only be what I say and not what anybody else thinks—we have already said on our side—and we are not just a few people; we are 49 out of 100. We have already said we want to produce more oil and gas offshore and we want to share the royalties with the States so that as we go about asking California if they would like to lift the moratorium and put a 50-mile limit, they could assess with experts how many hundreds of millions of dollars that State is going to get from royalties, in exchange for which the American people are going to have oil and gas drilling off that shore. All across the country, down in the South where we have a moratorium, the same thing can happen. There can be an honest, bona fide look by the States under our proposal. But that won't happen.

The occupant of the chair is one of the most reputable and fair Senators around. He wouldn't like to see that happen. He is listening attentively: Is that what I am for as a Democrat? Is that what I am going to do, say we are running this like the U.S. House, except we don't have a committee to police the bills because it was never in our power to do it, but our majority leader is going to be the one who decides what we take up. You can't amend a bill he puts on the floor on this energy crisis, this offshore oil which is in a huge new abundance that we own that sooner or later is going to add substantially to the supply and thus have an impact on the price of oil and gas for the American people.

I don't really think the majority leader is going to be able to prevail on this issue. Understand, he is going to have to have a vote on a continuing resolution because we are not doing any appropriations bills. Come time for that continuing resolution, they have to extend all of these moratoria because those appropriations bills they are having votes on are not going to get to the floor of the Senate. So we are going to have a continuing resolution around here and have to get the votes on it, excepting that I understand right now that the majority leader wants to bring his own bill to the floor, lay it up, and not let anybody amend it.

Yesterday he talked about this: You do it my way. Why? You won't get a chance to vote. Why? Because you lose because you cannot get 51 Senators to vote with you and do nothing to liberate for use these huge, huge billions and billions of barrels of oil and natural gas in abundance.

As all of my colleagues know, I have been around here about 36 years. Some people say that can't be right, but it is, and I am about to make it the last, soon. I have had a hand in passing a lot of bills. For many years, I passed a Budget Act every year. I don't think I missed but once. I was there doing that for about 18, 20, 26 years. You all—even new Senators have seen what an ordeal that is. If I look stooped and worn out, it is because I did that for so long before I got this wonderful job trying to do something about the energy crisis. And we have done a lot. It is just that the energy crisis is pervasive. You can do a lot, and nobody knows you have done anything.

I have had a hand in passing a lot of bills, and I have seen what happens when one party decides it can dictate to the other. Unfortunately, that is what is happening now. On the most important economic issue of our time, the majority leader has decided that he alone—he and he alone—is the only person here who can make energy policy. The rest of us might as well go home. We can't offer any amendments and we would be lucky if he even let us have a good debate.

Why? The majority leader knows that one of our ideas is to allow each individual State to decide if it wants to explore for oil and gas. Eighty-five percent of the land in the continental United States is currently off limits for oil. The President lifted his 85 percent; the same number remains under moratoria from the legislature.

Republicans want to change that. I am pleased that I think some Democrats want to change that. This area is laden with billions of barrels of American oil and trillions of cubic feet of natural gas, so the majority leader knows if you were to have a vote on this subject on the floor, he may not win. He may not win. And I believe the American people will have a lot to say about who wins when they understand this issue plain and simple. The offshore has always been open to development under certain rules until you put on a moratorium and we now have one on, put on by the legislature, and it ought to be taken off. Republicans want to change it and I am pleased to say that, talking to Democrats, I also believe there are some of them who want to join us.

The majority leader knows if we were to have a vote on this subject, he may not win. I put it the other way, he may lose. And even if he does win, the American people will not like it, since the vast majority of them agree with us that America ought to be producing more oil through deep-water exploration. The American people are clamoring for it. They do it in Norway, Brazil, Great Britain, and many other nations. So Americans are asking, why not here?

I have heard all kinds of excuses as to why we should not open up the new areas. The latest one, according to the majority leader, is——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 3 additional minutes.

Mr. DOMENICI. I have heard all the excuses I have ever heard of. I want to close with one. The other side says they are going to put in some language that says to those companies that own leases: Use it or lose it. They don't have to put that in their new law because there is already a ''use it or lose it'' provision. I say to my friend, Senator KYL, all of those companies that have leases have either a 5- or 8- or 10-year lease. In each of those leases it says: When the lease expires, if you are not producing, you lose the lease. That is: Use it or lose it. So already all the leases say by the time the lease expires—and they are not long leases. They are 5s and 8s and 10s.

If you talk about a lot of property not being used, it is because they are going through different phases of evaluating the property to get it ready for the final decision whether to drill the hole. So we are not worried about that. We contend that there is no ''use it or lose it'' necessary because it is already the law under which they serve today.

There is nobody sitting on it. It is $140-a-barrel oil. If you were to sit on that, as an oil company, you would be held responsible to your board and your stockholders for wrongdoing because you ought to get on with producing it so you don't lose it because it already is a ''use it or lose it,'' and we do not need any new rules.

The President's action yesterday places the ball firmly in our court. It is a decision we have to make soon because the existing moratoria on offshore exploration expire at the end of September. But in order to address any of these problems, the Senate must be able to function as a deliberative body. As long as we are blocked by the majority from offering amendments to virtually every bill that comes before us, we simply can't do that. It is not the right way to govern.

The American people are paying a very high price. We know it. We have to make sure the American people find out—and first, that those who disseminate the news find out that in fact this should be open for debate. Republicans will be reasonable, but we want some amendments and we want to vote on the disposition of this property which belongs to everybody. Some of it may have great quantities of natural gas and crude oil. We have to make some decisions other than: Do it my way. I, the leader, have a bill. It will be that bill or no bill.

I am sorry to say to my good friend, the leader, he was not that way before. He should go back as a leader the way he was before and not think he can do that. He does not own the Senate. He does not run the Senate in that manner. We didn't give anybody that authority and we ought to get on with an understanding and agreement in the normal way that we have always done it and see how this comes out. It will probably come out right for the American people if we do that. It will become an asset for them. It will help bring down the prices, and certainly it will take millions of dollars we would otherwise be throwing away and we will keep it for ourselves as we keep some of these oil and gas revenues.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the assistant Republican leader is recognized to offer an amendment.

Mr. KYL. I thank the Senator from New Mexico.

Mr. President, are we currently in morning business?

The PRESIDING OFFICER. The Senate is on the bill.

Under the previous order, the minority whip is recognized to offer an amendment.

AMENDMENT NO. 5082

Mr. KYL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 5082.

Mr. KYL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the period during which appropriations may be made to carry out this Act and to create a point of order in the Senate against any appropriation to carry out this Act that exceeds the amount authorized for fiscal year 2013)

On page 129, strike line 21 and all that follows through ''(b)'' on page 130, line 3, and insert the following:

(a) IN GENERAL.—Section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) is amended—

(1) in subsection (a), by striking ''$3,000,000,000 for each of the fiscal years 2004 through 2008'' and inserting the following ''—

''(1) $40,000,000,000 for the 4-year period beginning on October 1, 2008; and

''(2) $10,000,000,000 for fiscal year 2013.''; and

(2) by striking subsection (c).

(b) POINT OF ORDER AGAINST ANY APPROPRIATION THAT EXCEEDS THE AMOUNT AUTHORIZED.—

(1) POINT OF ORDER.—Subject to paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains an appropriation to carry out this Act or any amendment made by this Act that exceeds the amount authorized to be appropriated for such purpose under this Act or any amendment made by this Act.

(2) WAIVER AND APPEAL.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(c)

Mr. CARDIN. Mr. President, I ask unanimous consent that Senator KYL be recognized for up to 5 minutes for debate only, and that following his remarks, Senator KLOBUCHAR be recognized to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I ask unanimous consent the agreement be amended by also providing that Senator JUDD GREGG would follow Senator KLOBUCHAR.

Mr. CARDIN. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, it will only take me 5 minutes to describe this amendment. If we need to have debate about it later, we can certainly do that.

This is an amendment to the bill. The bill, recall, provides for an authorization of $50 billion over 5 years. If you divide $50 billion by 5 years, you get $10 billion a year. All my amendment does is to provide that, at least in the last year of the 5 years, the appropriation to fill the authorization would be limited to $10 billion. If it were more than that, there would be a point of order that would lie against that.

The reason for the amendment is twofold. First, the House of Representatives provides for an annual authorization of $10 billion per year for 5 years. The Senate bill doesn't break it down that way. We are open as to that. I am not trying to limit what the appropriations would be during years 1 through 4, but what I am saying is the fifth year would be $10 billion, exactly one-fifth of the amount authorized.

The second reason is this. Frequently in the reauthorization of legislation we take as the baseline the last year of appropriations. I want to make sure if we are authorizing $50 billion that when we get to the end of this, the baseline for the next year is at least not going to exceed $10 billion, which would be one-fifth of the $50 billion. It turns out under the existing program we have not limited ourselves to that degree of discipline. The existing law authorizes $15 billion over 5 years. You would think that would be $3 billion year. If you think that, you would be wrong. What the Appropriations Committee has done is to appropriate more money than that authorized. In the last year, the current year, for example, there is about $6 billion that has been appropriated as a result of which, over the 5-year period, the total amount appropriated is just under $20 billion. That is $20 billion appropriated for a $15 billion authorization.

All I am trying to do is to keep us honest here. If we are saying this is going to be a $50 billion authorization—I think that is way too much money—let's leave it at $50 billion. All my amendment does is to say in the last year, the appropriation to fulfill that would be limited to $10 billion. I think that is eminently reasonable.

To those who say, ''We are going to oppose all amendments to the bill, let's just do it the way it was written,'' I say think for a moment. You are going to make people feel a lot better about this if there is some discipline in our spending in furtherance of the authorization. There is some degree of skepticism, at least by some on my side, that Congress will restrain itself to the level of authorization.

This amendment doesn't go as far as the House in setting an amount every year, but it does at least set an amount for the last year. Theoretically, we could appropriate more than $50 billion. In the first 4 years you could appropriate $12 billion a year. This amendment doesn't prevent that. But I do want to say in the last year we confirm the discipline of limiting it to $10 billion.

That is the extent of my amendment. I hope my colleagues will approve it. We don't need a great deal of debate time, as far as I am concerned. If somebody wants to argue against it, I wish to have the last word and then have a vote on it as soon as is agreeable to the Members on the other side.

The PRESIDING OFFICER (Mr. PRYOR). The Senator yields back his time.

Under the previous order, the Senator from Minnesota, Ms. KLOBUCHAR, is recognized.

CLIMATE CHANGE

Ms. KLOBUCHAR. Mr. President, as you noted, I come from the State of Minnesota and the State of Minnesota is a State that believes in science. We brought the world everything from the Post-it note to the pacemaker. We are the home of Mayo Clinic and the University of Minnesota. We believe in science. As a former prosecutor, I also believe in evidence. What we have been hearing from this administration, time and time again, whether it is about energy policy—where they have actually done literally nothing the last 8 years when it comes to pushing us forward to where we should be when you look at the rest of the world with technology and hybrid cars and electric cars and new gas mileage standards which came out of this Congress, or whether it is about climate change, which I am about to address today—they have been living in an evidence-free zone. It is time to bring out the evidence.

The administration made headlines twice last week in its ongoing effort to do nothing about climate change. We learned there was political interference with science—political interference with the evidence and the facts. We also learned the administration will not issue the global warming regulations mandated by the Supreme Court.

I am a member of the Environment and Public Works Committee. Some of my colleagues might recall last fall when Dr. Julie Gerberding, the Director of the Center for Disease Control and Prevention, was invited to testify before our committee. She was invited to testify on how climate change could impact public health. Unfortunately, her testimony that she delivered was markedly different from what she and her staff at the CDC had prepared. The Office of Management and Budget got its hands on the speech and removed about 7 pages that discussed the impact of global warming—7 pages redacted. These pages included explanations and descriptions of the links between climate change and heat stroke, weather disasters, worsening air pollution, allergies, food and waterborne infectious diseases, mosquito and tickborne infectious diseases, and food and water scarcity. I would say those things seem very relevant to the job of the head of the CDC, and something she should be allowed to testify about when it comes to climate change.

Well, at the time there was brouhaha because someone leaked the actual testimony, a whistleblower brought it to our attention.

At the time, the White House claimed they needed to edit it because of its ''broad characterizations about climate change science that didn't align with the U.N. Intergovernmental Panel on Climate Change Report.''

Last fall, we provided a number of examples of how her testimony was, in fact, closely aligned with that report. Her testimony, in fact, included the statement that:

> The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted.

She went on to say:

> Forest fires are expected to increase in frequency, severity, distribution, and duration.

In fact, the IPPC has found that ''warm spells and heat waves will very likely increase the danger of wildfire.''

So they were completely consistent, and I do not have to tell anyone, you do not have to read a report on what has been going on in California in the past 2 weeks.

Global warming did not cause these fires, but it certainly intensifies the three main causes of wildfires: high temperatures, summer dryness, and long-term drought.

Minnesotans know when the wool is being pulled over their eyes. Let's face it, the Bush administration did not change Dr. Gerberding's testimony because of concerns regarding accuracy. They did not worry about if it matched with that record because it, in fact, exactly did. They did it for political reasons.

So it was no surprise to me when the news broke last week that both the Office of the Vice President and the President's Council on Environmental Quality had actually stepped in to interfere with her testimony. This revelation came to us from Mr. Jason Burnett, a former Deputy Administrator of the EPA, who informed Chairman BOXER that he had been approached by the Council on Environmental Quality staff and asked to work with the CDC to remove from the testimony any discussion of the human health consequences of climate change.

Upon reviewing the original testimony, Mr. Burnett came to the same conclusion we have reached since: The science was correct. He did not think he should alter the statement. He was not operating in an evidence-free zone. He wanted the facts out there. He wanted information out there.

I am sorry to report that even though the administration has been caught redhanded in this behavior, time and time again, it has not stopped them from continuing their interference with scientific facts. Last week we learned the Office of Management and Budget has been sitting on an e-mail from that same former Deputy Administrator of the EPA regarding the endangerment of public health or welfare from global warming.

The OMB received this e-mail, and once they realized what it contained——

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator's time has expired.

Ms. KLOBUCHAR. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. The OMB received this e-mail. Once they realized what it contained, they first tried to make Mr. Burnett take it back, and then they actually tried to bury it.

We also learned last week of the administration's decision to leave office without taking any regulatory action to address climate change. This is wrong. The bottom line is that this White House is leaving it to the next President to show leadership, to show leadership on energy, and to show leadership on climate change.

I cannot say it more plainly than this: Our climate is changing. If we do not act to stem the tide, it will have grave and disastrous impacts on every single facet of our lives, from our health, to our economy, to our foreign policy.

It should begin with science, it should begin with evidence, it should end with science, and it should end with evidence. That is how we will come to the right policy outcome. We cannot have the wool pulled over the eyes of the American people anymore.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized.

AMENDMENT NO. 5081

Mr. GREGG. Thank you, Mr. President, I call up amendment No. 5081.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 5081.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision requiring the development of coordinated oversight plans and to establish an independent Inspector General at the Office of the Global AIDS Coordinator)

On page 38, strike line 15 and all that follows through ''(e)'' on page 40, line 20 and insert the following:''.

(e) INSPECTOR GENERAL.—

(1) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by inserting ''the Coordinator of United States Government Activities to Combat HIV/AIDS Globally;'' after ''Federal Deposit Insurance Corporation;''; and

(B) in paragraph (2), by inserting ''Office of the U.S. Global AIDS Coordinator,'' after ''Nuclear Regulatory Commission,''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of the fiscal years 2009 through 2013, to carry out the duties of the Inspector General of the Office of the Global AIDS Coordinator.

(f)

Mr. CARDIN. Mr. President, I ask unanimous consent that no second-degree amendments be in order to the Gregg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, this amendment, I do not know why we are taking up this amendment at all. It is an amendment which is going to try to make funds spent under this bill be responsibly spent. It sets up an IG to review how these funds are spent.

We are taking a program which we presently spend $15 billion on and we are tripling it, we are doing more than tripling it, we are taking it to more than $50 billion. I know the taxpayers of America would hope and expect that when we take a program and radically expand it in this manner, we would expect that those dollars be spent efficiently and effectively.

Now, we put inspectors general into a lot of different programs around here. There are programs which spend less than $20 million that have inspectors general tied to them. It is only reasonable that if you are going to take a program and radically expand it, the way this program is being expanded, which will lead to significant pressure to push money out the door, and, unfortunately, that quite often leads to instances where the money is not well spent, that you should have someone looking over the shoulders of the folks who are spending the money and saying: Is this money being spent for what, first, it was intended to do, which is to help people in nations who are suffering from the plague of AIDS, specifically, and, secondly, that people who are the recipients of those dollars are handling those dollars in a way where the dollars are not being wasted or handled in a corrupt manner.

Now, one of the unfortunate factors involved in the PEPFAR Program is that many of the countries which receive PEPFAR funds are countries which have governments which are not all that committed to integrity and are not transparent at all. In fact, a corruption index by Transparency International took a look at the various countries around the world to determine which countries are basically corrupt and which are not; which have governments that function under the rule of law and which do not, and which governments end up with a large amount of patronage, waste, and fraud when they manage their funds.

This map shows that conclusion of that index. The darker the colors get on this map, the more problematic is the nation relative to the issue of transparency and integrity in their government. Well, as you look at this map, you maybe cannot see it, but there are little yellow stars on the countries which are going to be receiving most of the PEPFAR funds or are presently receiving PEPFAR funds.

Almost all those countries are nations which have serious issues on transparency and where the governments have some questions about integrity and management and waste.

So it is very reasonable that we should put in place an inspector general within the Office of the Global AIDS Coordinator to make sure these dollars, which are fairly significant—in fact, they are dramatic when you look at the increases—are being spent well. You know, American taxpayers and most Americans are extremely generous people. We as a nation are generous. There is no other nation in the world that has stepped up to the AIDS fight, especially in Africa, the way we have. I congratulate this Administration for taking the lead on that. I congratulate Senator LUGAR for being one of the leaders on this effort and Senator BIDEN.

They are reflecting, the President and the leadership of the Foreign Relations Committee are reflecting the inherent nature of the American people, which is to try to help people out who have problems. We recognize AIDS is a scourge, and it is a terrible situation, especially in these African countries.

But the American people also expect that when they are generous with their dollars, as they are being under this program, and have been under this program, that these dollars are going to be well used; they are not going to end up in the pocket of some cousin of somebody who is going to be running the program; or not end up in a Swiss bank account or not end up going for somebody's new Mercedes or, alternatively, they are not going to go into an NGO, a nongovernmental organization, which rather than being an efficient provider of care, turns out to be simply a place where a lot of money is spent on administration, instead of a lot of money being spent on trying to cure or address the problem of AIDS.

One of the ways we accomplish that, to make sure we have accurate accountability, is through the use of inspectors general. Now, some will say: Well, there is already an inspector general who can be responsible for this money. Well, those inspectors general who would logically have jurisdiction over these dollars are spread thin in their responsibility; they have a lot of other accounts to cover. It is not like this is a small account. Under this bill, this account explodes.

So we have actually set up inspectors general in other accounts which are much smaller and had no problem with that. Inspectors general do not cost a lot of money actually, and they get a pretty good return on the investment, usually, because these individuals set up small offices of people who have oversight of the dollars that are being spent. They usually end up saving enough money to easily justify their existence.

But we have an inspector general, for example, in programs such as the Smithsonian Institution, which is not very significant compared to PEPFAR; programs such as the Postal Regulatory Commission, which is almost nonexistent on a spending level compared to PEPFAR; we even have an IG for the Denali Commission, and obviously for the Library of Congress and National Archives; two organizations which I suspect do not need an inspector general because they are pretty well managed organizations, to say the least. But we put inspectors general in those positions in order to make sure the American tax dollars are efficiently, effectively, and appropriately used and that the programs that are supposed to be addressed are addressed.

Well, there is resistance, for some reason, to putting an inspector general into this program. I cannot understand it. I mean, it is just logic that you would, when you are expanding a program at this rate, do that, put an inspector general in. So I would hope there would not be opposition to this amendment, that it would be accepted, that we would take this responsible action.

If we do not, I have to ask the question: What is all this new money going to be spent on? Is there some plan we have not been informed of that is of a nature that does not want to have oversight, that does not want to have a legitimate review of the way the money is spent?

Are there groups out there thinking they are going to have this money and have the influence to basically stop before it even starts the accountability of those groups? Are there countries out there that fall into that category? It would seem there would have to be if there is resistance on the inspector general program for this proposal.

So that is why I hope it will be supported. On the side issue, which is actually not a side issue, it is an overriding issue, but it does not relate so much to the inspector general. On the spending side, this initiative in PEPFAR is a huge expansion of a program, just massive. This year we are going to go from a budget deficit last year that was $177 billion to a budget

deficit that is already projected by CBO as being well over $400 billion.

Because of the slowdown in the economy, which has slowed revenues, because of the slowdown in the economy, which is putting more pressure on us to come in and support various activities in the marketplace such as our banking industry and our housing industry, that number will probably even go up, probably well over $400 billion, we could be headed to a $450 or $500 billion deficit in 1 year, this year, 1 year, a massive expansion in the deficit which fundamentally undermines our Nation and, in the long run, it adds to our debt.

These young people down here who are pages today are going to end up picking up that bill. It is going to be passed to them. So we do have to be very responsible when we decide to expand programs in the face of the deficit because all this new spending that is going to come in on PEPFAR is either going to be borrowed or it is going to have to come from other programs.

Now, let me try to impress upon people how big this expansion is. In relation to our foreign aid account, which I have jurisdiction over, to some degree, because I am the ranking member of the Foreign Aid Committee in the Appropriations Committee. This is a pie chart that shows today's international development aid program. PEPFAR represents a fairly significant portion under today's funding level, which is at $15 billion authority. It represents about a quarter of what the foreign aid funding is.

Well, after we pass this bill or after this bill gets passed, because I am not planning to vote for it in its present profligate state, even though I support the basic program and would support a reasonable increase in it, PEPFAR is going to represent about 77 percent of all foreign aid development money.

The question becomes, what happens to all these other accounts? If I, as ranking member, and Senator LEAHY, as chairman of this committee—and maybe that will be reversed next year; it has been reversed in the past—are responsible for dividing up this development aid money, how is it going to work? We are going to receive an allocation. That is what we will get from the full Appropriations Committee after the Budget Committee acts, of which I also happen to be ranking member. I don't expect that allocation to be increased by 25 percent. There has never been a whole lot of enthusiasm for dramatically ramping up foreign assistance in this body. So I don't think we are going to see a 20- to 25-percent increase in our allocation, which is what it would cost to fully fund PEPFAR and keep that funding from impacting the other programs.

The last couple of years we have received an increase—3 percent, 5 percent, 4 percent. Let's presume we continue with that increase level. Let's presume we get the increases we have received in the last couple of years which have been bigger than most other accounts have received in the Federal Government that are not related to defense. That is still going to leave literally somewhere around $8 billion—potentially, $6 to $8 billion, by my guesstimate—we are going to have to find somewhere else, if we are going to fully fund the PEPFAR Program.

People say this is an authorization. We pass authorizations all the time. Everybody knows that is a number put out there for the political purpose of making a statement about how important the program is.

In this instance, that is probably not the case. When you are talking about funding AIDS and the fight against diseases such as malaria in Africa, there is a consensus that we need to be aggressive and participate. I fully expect this authorization will be very close, if not fully funded. So where are we going to get the money? We are going to have to take it out of other foreign aid accounts because of this threefold increase, going from a $15 billion program to a $50 billion program. That is a tripling of the program.

The accounts that are going to be impacted are pretty popular accounts. They are going to be cut. We are going to have to cut funds to Israel. We will have to cut funds to Egypt. We will have to cut educational and communications funding we are making in the Middle East and in the Arab world to try to communicate our message over the message of al-Qaida and the radical Muslim fundamentalist movement. We will have to cut the Foreign Agricultural Service, the international narcotics and Andean initiatives, the migration and refugee assistance disaster program. The USAID organization itself will be cut significantly, operations and people on the ground. Child survival and health programs will be cut. Obviously, the Millennium Challenge will be cut, and sustainable development assistance programs will have to be cut. They will simply have to be cut. You can't produce these types of funds for PEPFAR at this rate of increase without making reductions. I believe PEPFAR is a program that is a success. I believe we as a nation have done the right thing and stepped up to what was our responsibility as a nation. I certainly support a reasonable increase that is, as the administration suggested at one time, around $30, $35 billion as a 5-year number. That is a pretty big increase. That is double. But this bill goes too far; $50 billion is simply too much for this budget and for the Appropriations Committee, on which I have some responsibility, to handle, unless we will start running a surplus where we can find funds. I put out that red flag.

This is a feel-good vote. Everybody is going to vote for it. People want to make a statement. But this statement is going to have consequences. I suspect a year from now, when people insist on full funding for this over the next 5 years, people will be a little upset about the accounts that will have to be reduced into in order to accomplish that full funding. That is a red flag I am putting out.

The issue I am talking about today is whether we will put in place a process where the American taxpayer, no matter what the final dollar figure is, can have some confidence that money going into these nations, which have been identified as having fairly significant problems, for the most part, with the way they handle money, is going to be efficiently and effectively used so that we actually do care for people who have AIDS, so that we do get money out to that mother and child who suffer from these conditions.

I certainly hope Members would look favorably on this amendment, put in place an IG on an account that is fairly significant and a lot bigger than a lot of other accounts that have inspectors general and which cries out for review because it is going into areas which are not quite as stable as the National Archives. The National Archives is pretty stable. The Library of Congress is a pretty stable place. You pretty much can figure out what is going on there when money goes to those folks. But when you send money into some of these nations which are governed, in many instances, by people who are not subject to the rule of law as we are, or to transparency rules as we are, you need to think about having somebody look over the shoulder of the folks spending the money to make sure the American taxpayer gets what they pay for and that this deep commitment by Americans to compassion, especially on the issue of AIDS, leads to actual positive action rather than simply people going out and wasting taxpayers' dollars or using it in a fraudulent way.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from New Hampshire, Mr. GREGG. I would say, to begin with, I clearly agree with the oversight goals he seeks to achieve. But the underlying bill we are considering today creates a strong inspector general infrastructure for PEPFAR, and it constructs it at less cost than the proposal made by the distinguished Senator from New Hampshire.

To begin with, PEPFAR has set a high standard for results-based, accountable development programs both within our own Government and in the international community. PEPFAR has been among the most evaluated of new programs in the U.S. It has been the subject of five GAO reports already completed, with a sixth on the way, examining operations and expenditures. The inspectors general of the Department of State and USAID have so far conducted evaluations of 10 of the 15 focus countries of PEPFAR. These inspections have occurred in South Africa, Guyana, Nigeria, Tanzania, Haiti,

Uganda, Rwanda, Zambia, Ethiopia, and Kenya. The Institute of Medicine conducted a congressionally required multiyear evaluation entitled ''PEPFAR Implementation: Progress and Promise.'' Another review is required by this bill we consider presently. The inspector general of Health and Human Services is currently conducting an extensive financial audit on all PEPFAR funding received by HHS from the State Department for the fiscal years 2004 through 2008. The Peace Corps, beginning in September, will be conducting an internal management assessment on PEPFAR implementation in Ethiopia.

Clearly, officials are paying close attention to how PEPFAR money is being spent. This is particularly important given that various agencies all apportion funds through the office of the Global AIDS coordinator. It is their money, and they know they must account for it. That is why our bill calls on the Global AIDS coordinator to expend some $15 million to fund these IG efforts to ensure that they have adequate resources.

Based on a recommendation from the State Department inspector general, the U.S. Global AIDS coordinator has formally requested that the inspectors general of PEPFAR agencies submit a joint memorandum describing options, feasibility, and estimated costs of conducting a collective independent financial audit of U.S. Governmentwide PEPFAR funds.

The State Department's inspector general has confirmed that he is acting on this request and will be inviting all PEPFAR IGs to come together to develop plans by the end of July.

In addition to the additional funding of inspector general operations, the managers' bill requires the submission of an annual coordinated audit plan by the Department of State, USAID, and the Department of Health and Human Services in relation to PEPFAR, in collaboration with all PEPFAR implementing agencies and the GAO.

In this context, a stand-alone inspector general for PEPFAR, suggested by the distinguished Senator from New Hampshire in his amendment, may not be the best way to evaluate the program. I believe we now have a strong system of oversight already in the bill that recognizes the participation of many agencies in our antidisease programs. I believe we should retain that system.

I would point out that I share the distinguished Senator's views with regard to economies, but I am suggesting that the inspector general results that he anticipates can be achieved for less money. This is why I have outlined, tediously and laboriously, specifically all of the audits that have already been conducted, plus the ones now being coordinated by the Department of State. I take seriously, as I think all Senators do, the thought that these moneys must be carefully spent in whatever country they may reside. I would simply say this is why I have enumerated the 10 countries in which extensive examination has already occurred, with the five to go to be completed shortly.

Finally, clearly the Congress does have to make choices with regard to expenditures. We all take that responsibility seriously. I come, as do many Senators today, as an advocate for the PEPFAR Program, for all of the reasons we have expressed in outlining the introduction of the bill. In very quick review, they come down to the saving of hundreds of thousands of lives, the alleviation of extraordinary suffering on this Earth, and from the standpoint of our foreign policy, one of the strongest ways in which the United States has made an impact on a number of countries in which our public diplomacy or diplomacy of any sort has not been very successful in the past. We make an impact because people in those countries know that we care. We do care for the people, but we also care for the relationships and for the roles these countries play in the formulation of world peace and in preservation of a world in which we all do better.

Therefore, the PEPFAR Program does have merit and, I believe, extensive popularity not only in our country but in so many other areas of the world in which we have served. That does not obviate for a moment the need to carefully detail precisely the results that I believe we have tried to take account of, and I believe have done so with economy in the underlying bill.

Mr. GREGG. Will the Senator yield for a question?

Mr. LUGAR. Of course.

Mr. GREGG. It is my understanding that presently the inspectors general for Defense, for Labor-HHS, the State Department, and the USAID all have line responsibility for PEPFAR; is that not true?

Mr. LUGAR. That is essentially true. Each has responsibility for those programs that are a part of their jurisdiction and their funding.

Mr. GREGG. It is also my understanding that every one of those agencies which I have listed has billions—and in the case of HHS and Defense, hundreds of billions of dollars—to be sensitive to as to how they are being spent.

The only IG who I believe has done any reports of those five who theoretically have been charged with that responsibility of overlooking PEPFAR spending is, as I understand, USAID, which is using a small number of its membership to do that, and spending, I think, less than $1.5 million a year on that program.

So doesn't it make sense that we should acknowledge the fact that these very large entities—Defense, Labor-HHS, USAID, and State—probably on their radar screen of relative issues are not going to place PEPFAR very high and we should have, instead, an individual in an office which does place it right at the center of its responsibility to make sure the money is being spent well?

Mr. BIDEN. Mr. President, will the Senator yield for a——

Mr. GREGG. That was a question.

Mr. BIDEN. That was a question? Oh. I am sorry.

Mr. LUGAR. And my response, at least, would be that very clearly each of the agencies does take it seriously. But I have outlined how all are to be brought together by our Federal Government in a coordinated way. It appears to me the inspector general function occurs in this manner with the same results and for less money than the Senator's amendment would suggest, and that is that an independent effort going outside of all of this is not productive in terms of savings, either on the face of it or in terms of fraud and abuse that might be found. But that, obviously, is the nature of our debate, and I respect the Senator's opinion.

Mr. GREGG. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Although the question was not asked of me, before the Senator leaves the floor, I say to the Senator from New Hampshire, if I could point out one of the problems—this may well have been mentioned, and I apologize if it has—but essentially what the Senator is suggesting is going to require us not only to set up a new agency, but an agency that does not have any experience overseas and an inspector general who will basically start from scratch.

These are two binders full of the reports, which I hold in my hands, that have been done thus far by the present system of the three different agencies: State, Health and Human Services, and AID. They have considerable experience in going into the field overseas, knowing their way around. Part of this has to do with knowing your way around.

I used to have a friend who was a great basketball player. He wasn't the brightest candle on the table intellectually, but he had a great expression. He said: You gotta know how to know. These guys know how to know. They know where to look. They have been doing some versions of this overseas for the last 30 years in the case of State and AID.

I am not going to dare suggest this material be printed in the RECORD, but I have here two large binders full of reports of the IGs, the coordinated efforts here, mostly done through State and AID, of overseeing these programs. The last point I will make: It is overwhelmingly in their interest to see that this money is spent well because it affects so many other aspects of their ability to provide the kinds of services the 150 account provides out of the whole effort we have for development and diplomacy.

I thank the Senator from New Hampshire for being kind enough to hang around and listen. To use President

Reagan's expression, ''If it ain't broke, don't fix it''—it ain't broke. It costs more money to fix it, in my view. I believe the agencies in place, coordinating their efforts, have vastly more experience in knowing where to look and determining whether the money is being spent as intended.

Mr. President, the Global AIDS program is operated in this way: a special coordinator, Dr. Mark Dybul, sits in the Department of State, and provides policy development and guidance to the agencies in the field implementing the program.

The main agencies implementing the program in the field are the Agency for International Development and the Centers for Disease Control and Prevention, or CDC.

Ambassadors in the field, in every country where PEPFAR operates, provide overall supervision.

So there are three main agencies involved—the Department of State, the Department of Health and Human Services, and the U.S. Agency for International Development.

There are others, such as Peace Corps and the Defense Department, but these are the big three.

All three agencies—State, AID and HHS—already have an inspector general. These were created by Congress a long time ago.

In the last several years, the volume of audit and inspection reports prepared by these entities on the PEPFAR program and the President's Malaria Initiative fills these two large binders, which run hundreds and hundreds of pages in length.

The AID inspector general alone has conducted 25 audits and made nearly 100 recommendations.

The State Department inspector general has reviewed PEPFAR activities at 10 overseas posts during embassy inspections.

In the last 3 years, there have been five GAO reports, and another one is underway.

The Global AIDS coordinator, Dr. Dybul, has formally requested that the PEPFAR agency inspectors general get together on a collective financial audit.

In other words, there is already a lot of work that is being done. But in order to ensure that it continues and indeed increases, the bill before the Senate has a provision on this very point—a provision that the Senator's amendment would strike.

It requires the three inspectors general from these agencies to come up with a coordinated annual plan to review the programs under this act. And then it provides $15 million that is specifically allocated to this work, out of the $50 billion in this bill.

So we have already addressed the Senator's concern in a way that builds on an existing structure, which will save taxpayer dollars and will ensure a coordinated effort.

The Senator's amendment, by contrast, requires us to build a whole new outfit from scratch.

It calls for $10 million in annual funding, or $50 million over the life of the bill—almost as much as Dr. Dybul's own office spends to manage the entire program.

As everyone knows, these programs are implemented overseas, not only in the 15 ''focus countries,'' but dozens of other countries.

The inspector general for the Agency for International Development has several overseas offices—including two of them in sub-Saharan Africa, in South Africa and Senegal—that do the bulk of the audit work.

The State Department inspector general sends teams out to inspect every embassy every 5 years or so. During these inspections, they review aspects of the PEPFAR program.

How will this new office be able duplicate this existing infrastructure? Where will these overseas offices be located? What are the startup costs for all this?

Do we really need a special IG for every $6 billion program we create in the Government? Why do we bother to fund the permanent IGs?

Where will staff be recruited for this new IG? The community of IGs in the Government is already struggling to find competent auditors and investigators. The new IG will almost certainly end up poaching staff from existing IGs, thereby weakening those offices. Is that a result we want?

I think it makes no sense to start over, when we have existing outfits that can do the job. I oppose this amendment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. GREGG. Mr. President, I was seeking recognition.

The PRESIDING OFFICER. Forgive me. The Senator from New Hampshire.

Ms. LANDRIEU. Mr. President, I have a question. I have a question, if the Senator from New Hampshire would yield.

I understand I was put in order to speak after Senator LUGAR. Could someone clarify the order we are speaking, please, because I most certainly do not mind waiting.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

Ms. LANDRIEU. OK, Mr. President, then I will go ahead and take the floor, then. Thank you for recognizing me.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. To the Senator from Louisiana, there is no order to that effect.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. CARDIN. Would the Senator yield for a moment?

Ms. LANDRIEU. I would.

Mr. CARDIN. I think it was the intention to allow the Senator from New Hampshire to finish on his statement.

How much time does the Senator from New Hampshire need to respond?

The PRESIDING OFFICER. The Senator from New Hampshire had been recognized.

Mr. CARDIN. Yes. I think he was seeking to finish on his amendment. And then the Senator from Louisiana was supposed to follow the Senator from New Hampshire. So the proper order would be to allow the—

The PRESIDING OFFICER. The Senator from New Hampshire is recognized, and the Chair will announce the order.

Ms. LANDRIEU. Mr. President, I would be more than happy to wait. I was given some other information, and I apologize to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Well, Mr. President, I am not sure what has happened here, but I was seeking recognition. I do not believe I had lost the floor, and I think it is inappropriate that I was taken off the floor. I am not going to continue this debate at this point, and I will yield to the Senator from Louisiana and let her proceed.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

HIGH GAS PRICES

Mr. President, I wanted to come to the floor to speak, actually, on a different subject, and I am very sorry that the wires got crossed about the debate that is on the floor because I know it is very important to try to pass this bill we are speaking about before we leave this week. But there is another issue that is very important to our constituents as well. That is the issue of high gas prices in America.

I know there are many people who are concerned on this Senate floor about our foreign policy and about contributions to foreign countries. I most certainly put myself in that category. But, in my view, there is nothing more important than energy policy right now in the United States—the prices people are paying at the pump—and the debate that is going on on this floor, in committees, and behind the scenes on energy. I most certainly had a great deal of conversation with my constituents when I was home over this past weekend.

In fact, in the time I have been back, I have spoken with Democrats and Republicans who have expressed very similar concerns, that the question most asked, the topic of most interest, is not about foreign aid, it is not even about the war in Iraq, although that is a very important point. The American people are interested and focused on energy prices: our consumers, our small businesses, our manufacturers, as well as our major industries, such as airlines and domestic manufacturing.

So I think it would be important for us to spend as much time as we can on the floor debating the issues that are

most important. I hope we can resolve the previous issue. Again, I apologize if I came to the floor too prematurely. But I do want to share a few thoughts about responding to some of the things that have been said by the Senator from New Jersey and the Senator from Washington State who spoke earlier this morning, and the Senator from New Mexico who was here an hour ago talking about the Republican proposals for energy.

I think while we fumble—and I do not think that is an inappropriate word at all because that is what is happening—as we fumble with not getting our energy price right in this country, the people are paying a premium at the pump. We have to stop fumbling this ball and try to make some strategic passes to move this ball down the field.

This is election-year politics at its worst. Our energy policy has fallen victim to a partisan stalemate. I hope we can, in the next couple of weeks, move forward together to a place that can immediately start reducing the price of gasoline. I think there are steps that can be taken to get quick results, and then most certainly steps that can be taken to reduce that price over time.

I believe also there are people of good will on both sides of the aisle, Republicans and Democrats, who realize we are in a place we have not been before in quite some time. That place is an economy that is in a very fragile circumstance right now based on extraordinarily historic high energy prices.

This economy was not built, this model was not built, to sustain these high prices. There is a European model—although the pain is significant in Europe—that can sustain it because they have some pressure point relief. They have mass transit. They have more sophisticated nuclear power. They have some other technologies that we have not. They can sustain something longer than we can. But we have to act.

I have been proud to be part, in the last few weeks, of a specific discussion that has five Democratic Members and five Republican Members—the Gang of 10. I have been part of these gangs before. I guess sometimes it is not good to be part of a gang, but in this case I think these are good gangs to belong to because these are gangs of 14 and gangs of 10 who are trying to help the Senate find its way.

I do not profess to have every answer. I do not even have every question. But I do know something about energy policy as a member of the Energy Committee for 10 years. And I do know a lot about our domestic production and what we are doing and what we are not doing and what we should be doing more of because I happen to represent a State that does a tremendous amount of production.

It is time for action, not for studies; for action, not for talk. On the floor of the Senate, as we continue to debate energy policy, I hope we can do more production and more conservation.

I want to put up a chart that I think is very illustrative of our situation. I want to say unequivocally as a Democrat that I think in many instances the Democratic Party has been wrong on the issue of production. I also want to say that I think the Republican Party has been in many instances wrong in their lack of aggressiveness on conservation.

Again, I am not saying I have been right on every one of these issues. There are votes I would like to take differently. No one is perfect in this policy. But fundamentally Democrats have not supported enough domestic production, and fundamentally Republicans have not supported enough conservation and new fuels. It has gotten us into more than a jam; it has gotten us into a lot of pain and a lot of unnecessary suffering.

There is much that can be done to move us forward, which is why our group has come together—five Democrats and five Republicans—to try to move both parties to the center for some sensible center solutions.

But I want for a few minutes to start with the facts about where we are drilling offshore and where we are not because there are so many charts that are brought to this floor and they are little pieces of the country or they are one little section to try to sway people one way or another. So I thought I would bring the whole enchilada—the whole enchilada.

As shown on this map, this is it. This is Canada—all of it—and the United States of America—all 50 States. There is no fudging here. I hope the camera can get a big look at this entire map of Canada and the United States—all 50 States.

If you notice, the area in blue is all of the area of the congressionally mandated and—up until 1 o'clock yesterday—Presidentially mandated moratoria. The entire coast of the United States of America: off limits to drilling, off limits to exploration, of what might actually be there.

So if anyone comes to this floor and says they know what is underneath these blue sections, I am going to stand here until they have to admit they don't, because they do not. No one can know. I don't know; the Energy Department doesn't know because there has never been an inventory conducted on one inch of this blue space, except for the purple right here. Even though some of us have been trying literally for decades to get an inventory, which has been put in the energy bills—as my colleagues know, every 10 years or so we manage to get one; it takes a lot of pain and suffering on the Senate floor to get any kind of energy bill, but every 10 years we are lucky enough to get one—there is an inventory provision in the bill, but it gets taken out, by Democrats primarily and some Republicans, who don't want to have an inventory because they don't even want to think about domestic drilling off their shores.

Then in the last energy bill we kept the inventory provision. However, I wish to announce on this Senate floor right now—and I am sorry I don't have the language, that the inventory was conducted—the inventory was conducted, but we would not allow the use of seismic equipment.

I will be finished in a minute. I see the leader here. I am going to wrap up in 30 seconds because I know he has an important announcement to make. It would be like saying to a doctor: Go find the cancer, but you can't do a biopsy and you can't have a microscope. You cannot search for oil and gas without using seismic methods. So the fact is—and I am going to conclude, because I know the leader is here and I am going to wait until he finishes what he has to say for me to finish—but no one in America would know what is here because we have never looked. I have other chapters to this speech, but I see the leader is here so I am going to stop.

I thank the Chair.

UNANIMOUS CONSENT AGREEMENT—H.R. 6331

Mr. REID. Mr. President, I wish to express my appreciation to the distinguished Senator from Louisiana for yielding while I make this unanimous consent request.

I ask unanimous consent that when the Senate receives from the House the veto message on H.R. 6331, it be considered as read, it be printed in the RECORD and spread in full upon the Journal, held at the desk, and that the Senate consider the veto message at 5:30 p.m. today, Tuesday, July 15; that the time from 5:30 p.m. to 6 p.m. be equally divided and controlled between the leaders and their designees, with the majority leader controlling the final 10 minutes; that at 6 p.m. the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 10 minutes, and then I will be happy to yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH GAS PRICES

Ms. LANDRIEU. So, Mr. President, to continue, the case is and the facts are—and anybody here who wants to actually know the facts, let me repeat again: There is no one who can tell us—not an oil executive, not a bureaucrat—excuse me, not even a government official under a Republican or Democratic administration—who could say with certainty what might be here because there has simply not been enough exploration. There have been scattered seismics taken back in the 1960s and 1970s, but as a general rule.

Now, this is going to be hard for the American people to understand or believe is true, but I am saying it is true and I can give them the information.

You see these yellow and red sections right here off of our coast? This is Canada here, this is Cuba right here, and this is Canadian. This is where Canada is drilling offshore, which is actually closer to the Maine coast than we will allow drilling off of the Maine coast. This is offshore Canadian production and exploration. That is underway now off the shore, because Canada knows what the United States doesn't know, which is that offshore oil and gas drilling can be done in a responsible way that protects the pristine coastlines, that protects the environment, because our technology has so greatly improved since the 1940s. It is sort of like being stuck in the space program and saying we couldn't possibly go to space because we don't have the technology. We have developed the technology. We can go into deep areas and do it safely.

I know the Presiding Officer has not generally been a supporter of drilling off of his coast, and I am very respectful of that position, as well as many other Senators. The good news is we don't have to drill off of every coast. We have a big coastline here. We don't have to drill off of every part, but the secret or the smart approach is to try to identify maybe 10—not 100; maybe 10, maybe 5, but something more than zero—to begin looking for places to drill for oil and gas. Cuba is going to be leasing land closer to Florida for China to drill on very shortly; closer than America is going to be allowing us to drill off the coast of Florida. When Americans are paying $5 at the pump, that is going to be very hard to explain to them, how China is coming to waters closer to Florida to get oil for its people and our Congress will not allow us to get some of this oil to replenish the supply.

If anyone wants to come to the floor and debate with me that production doesn't matter, that supply and demand have no place here, then I am looking forward to that debate. I don't hold myself out to be an expert on markets, but trying to convince people that supply and demand is not operative here is like trying to explain to our voters that gravity doesn't exist. They don't buy it. They are not going to buy it. You could tell it to them 100 years long and they are not going to buy it because it is not true and they gut-check know it. It absolutely has an impact, supply and demand, and we don't have enough supply.

Now, can we absolutely drill our way out of this? The answer is no. We cannot drill our way out, but we can drill more, we can drill more safely, and we can in some places drill rather quickly—not in all places. I am going to show my colleagues where we can drill more quickly to have an impact. We must also, as we gear up to do that, put our foot on the accelerator on conservation, because we have been slow in that area. We have done a lot of studies. It is like going to the tip of the water and before you dive in, we have been dabbling our toe in the water. We have to jump in on conservation, and I think we can do it.

I see the Senator from Indiana. Let me wrap up in 1 minute.

I wish to show in Louisiana where a lot of our gas and oil is coming from. We know a lot about this because we have been drilling there for 40, 50 years. When my colleagues come to the floor—this is what I am showing, which is pretty dramatic. This is the infrastructure necessary to produce oil and gas. Each of these pink dots is an oil well; the blue represents pipelines. Quickly, in Louisiana and Texas we permit for the drilling of oil and gas. We permit for these pipelines and we do it very quickly. All day long we lay these pipelines and we drill for oil. In other States when you try to go do this, States that aren't used to this, it takes them so long because the infrastructure is not there. I understand that.

So as a result, this is the only place we are basically getting our gas—from Louisiana. Lucky for us, because a lot of it goes to the Northeast. We send a lot of our oil and gas to the Northeast. We know the prices are high there, but we are sending about as much as we can. We can send more, but it takes infrastructure. So when people say to me—and I will wrap up with this—it doesn't matter if you open drilling, you can't get the oil in 30 days or 60 days, that is true, because it takes wells, it takes pipelines, it takes trucks, it takes concrete. The oil does not jump out and into people's automobiles, but you can lay this infrastructure, you can lay these pipelines, and you can do it safely. We made a lot of mistakes doing this, and so did Texas, but the good news is we are learning from our mistakes and we know how to do it better and we know how to do it more safely, and we can.

I am not going to take up any more of my colleagues' time because everybody has other issues to discuss as well, but I am going to come back every day as this debate goes forward and talk about the truth about production and what is actually being produced in this country and how much more can be produced, as well as pushing the conservation side, which most certainly has to be done to get our supply up and our demand down. I think this is a crucial issue, not only in this reelection, but for the future of the country.

Mr. President, I thank you for your courtesy.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I have an amendment I wish to talk about, and I will be glad to offer it now. I see the chairman on the floor. If he wishes to make a statement, that is fine.

Mr. BIDEN. Mr. President, I understand the Senator's amendment is in order. We have signed onto it. I ask unanimous consent that no second-degree amendments be in order to the Senator's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 5073

Mr. BUNNING. Mr. President, I have an amendment at the desk, No. 5073, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] offers an amendment numbered 5073.

Mr. BUNNING. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 is amended by striking ''2004 through 2008'' and inserting ''2009 through 2013''.

(b) MALARIA VACCINE DEVELOPMENT PROGRAMS.—Section 302(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(m)) is amended by striking ''2004 through 2008'' and inserting ''2009 through 2013''.

Mr. BUNNING. Mr. President, I rise today in strong support of the President's emergency plan for AIDS relief. However, the bill that is before us today—the so-called PEPFAR reauthorization bill—is a far cry from our original proposal to combat AIDS in Africa.

PEPFAR is one of our most successful foreign assistance programs. Since enactment in 2003, it has provided lifesaving treatment to 10 million people afflicted by HIV/AIDS, including children orphaned by AIDS. It has prevented 7 million new HIV infections and is on track to support treatment for an additional 2 million people. This is a successful program, and I am proud to have supported it. Through PEPFAR, the United States continues to be a leader in international assistance. With our generosity, we have created strong partnerships in countries where 5 years ago AIDS threatened to destroy entire generations. I wish to see us remain a leader in this effort, and it is because of this that I am concerned about the substantial changes made in the program in both the House and Senate reauthorization bills. These are not small changes made to a program to increase authorization levels or the number of patients treated in a bill; these are substantial changes that would jeopardize the success of the program as well as compromise the integrity of America's foreign assistance.

Aside from tripling the current funding levels, which I will address in a minute, the focus of the bill seems to be less on prevention and treatment of AIDS and more on development assistance. I am not opposed to development

assistance, but I do not believe an emergency global AIDS bill is the place to address issues such as water sanitation and/or the inheritance rights of women.

It detracts from the focus of the bill and shifts away funding from the core components of the program: treatment and prevention. They are what have made PEPFAR successful.

I oppose any efforts to weaken them or to needlessly shift money away from them to other lower priority programs.

This is why I was shocked and disappointed that both the House and the Senate committee-passed bills removed the AIDS treatment and prevention mandates.

Why would you remove language in a Global AIDS bill that would require the money to be spent on the treatment and prevention of AIDS? Is it not the purpose of the bill to prevent and treat AIDS?

Two months ago, I had the opportunity to meet with several doctors and patients from Uganda. Through their firsthand account, I could see how PEPFAR dollars, when used wisely, can combat the spread of AIDS and be used to provide lifesaving treatment.

One of the women I met with told me how PEPFAR saved her life. Through the program, she was able to treat this deadly disease in a way that enabled her to live a normal life. She now has a job and provides for her four children. In speaking with her, I was not only struck by her conviction for life but her insistence that I continue to work to strengthen the reauthorization of PEPFAR. Like me, she knew the changes made to the program could severely weaken its effectiveness and jeopardize its future success.

This woman is a living example of how PEPFAR can be successful if implemented as the program originally intended. Through her conviction, I, along with several of my colleagues on this side of the aisle, worked to fix this bill. We were able to make some improvements, such as restoring a treatment mandate that is still lower than the current program levels—but many problems still exist.

When so many Americans are facing economic problems at home, I have a hard time needlessly tripling the funding for this program. This is not the level requested by the administration. This is not even the level that the Congressional Budget Office says can be spent down by PEPFAR organizations within 5 years. This is $15 billion more than that.

To put that in context, this is triple the amount of money needed to fund the reauthorization of our domestic health care program for children, which is called SCHIP.

I know many Kentuckians would like to see this program reauthorized.

This is reckless spending, plain and simple. We owe it to the American taxpayer to be better stewards of their tax dollars. We should know where our taxpayer dollars are going—or not going—as in the case of Senator DEMINT's amendment on abortion.

We should also prioritize our funding for global AIDS. We need to ensure that these funds reach the neediest countries and not those that can afford their own space and nuclear programs, such as China and Russia.

At a time when China is tripling—I say tripling—their defense budget and manipulating their currency, I have a hard time spending billions of dollars in China to provide funding for treatment that we could use at home for our own AIDS programs.

Unfortunately, this is another example of how the so-called PEPFAR reauthorization bills have gone so far outside the original intent of the program. This is why I am offering my amendment.

The Bunning amendment simply reauthorizes the current program for another 5 years, while also continuing to fund the development of a malaria vaccine.

It maintains our original commitment to support the global fight against HIV/AIDS.

I urge my colleagues today to join me in my support for the current PEPFAR Program. I ask them to support my amendment so we can ensure that this program continues to be successful within the original scope of the program as intended by Congress and by the President.

Madam President, before I yield the floor, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I respect the Senator from Kentucky and understand his position. I am pleased to see his strong support for the intention of the PEPFAR legislation. But as appealing as the Senator's amendment is, it belies a very important underlying point. Originally, this was authorized for $15 billion. At the time of the authorization, it was clear to everyone that was not nearly sufficient to deal with what is a worldwide dilemma, a worldwide problem. There is also recognition that it is not like you can isolate AIDS to a single country. The notion that we became clearly aware of, as knowledge of this disease became more apparent to the world at large, is that this has no borders. It has no geographic bounds. It has no ideological component. We hear statements that sound very appealing, such as: Why should we help a country like China deal with AIDS? We have the technology and the medical capability and PEPFAR and the world organizations know how to deal with it in ways that individual countries, including developed and developing countries such as China, don't.

What happens in China affects what happens in the rest of the world. The idea of us not being part of the world effort to stem the spread of AIDS in China—or Russia, for that matter—impacts on the well-being of all humanity and, specifically, American citizens along the line. That is a generic point I wished to make.

Let me be more specific. This would slash funding from the $50 billion mark we have proposed to a $15 billion mark, which would be cutting current assistance substantially. It also assumes that the United States or the U.S. Global AIDS coordinator or our other partners have not learned anything in the past 5 years. In fact, we have learned a great deal. The Lantos-Hyde Reauthorization Act, which we are voting on now, and amendments to it, seeks to build on the current progress we have made.

The Senator outlined the real progress, but we ought not to freeze in place or, worse yet, set backward the progress we have made.

This bill draws heavily on several reports that have been commissioned by the Congress. The GAO, which is Congress's watchdog, and the Institute of Medicine, which is part of the U.S. National Academy of Sciences, both recommended substantial changes in current law in order to improve our programs. This bill acts on a number of those recommendations. First and foremost, it needs to be pointed out that the earmarks established in 2003—it would come back, as I understand it, in the proposal by my colleague from Kentucky—were actually impeding our progress in fighting AIDS, in some ways.

These earmarks set specific percentages for spending on HIV/AIDS prevention, treatment and care and, further, they set percentages on certain kinds of prevention activities.

In 2003, these earmarks may have served their stated purpose. For example, they emphasized the importance of treatment at a time when treatment was almost unheard of in parts of the world. They also underscored the ideas that abstinence and being faithful were key components of HIV prevention programs. Those principles were important and they are now well established.

But the Institute of Medicine also found that such rigid earmarks have ''adversely affected implementation of the U.S. Global AIDS Initiative'' and ''have been counterproductive.''

The GAO also found the 2003 earmarks effectively pitted some of these earmarks against other very highly valued prevention efforts that should be under way to prevent the transmission of HIV from mother to child. As a result, fewer funds were available to expand programs to prevent transmission of the disease from HIV-infected mothers to their children. Every day, for example, over 1,000 children are infected by HIV.

The reauthorization bill removes or modifies most of those earmarks in order to promote the approach that better allows each country to fight its

own epidemic. Balanced prevention strategies are still important, but they also allow for new science to be brought to bear on the problem.

Let me say this. One of the things we found—remember, when we first started discussing this program on the floor, there was overwhelming resistance to many countries in Africa to even acknowledge that they had a problem. There was resistance in other parts of the world to acknowledge that they had a problem. It was viewed as somehow negatively reflecting on the people of a country or on the society and the governance of that society if there was an acknowledgement of the degree to which this disease was prevalent in their country. In order to get it going to begin with, we did a lot of things to sort of break through that membrane of resistance that existed out there. To that extent, the original notions were very productive and positive.

We have gone way beyond that now. The problem is larger than we thought when we first initiated this program. Let me conclude by quoting the administration's position on the bill that Senator LUGAR and I are proposing for our colleagues today:

> The administration strongly supports S. 2731, the Tom Lantos-Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, and the managers' substitute amendment for this bill, both of which would reauthorize PEPFAR and ensure the continued success of this program. . . . S. 2731 would reauthorize the emergency plan in a manner consistent with the program's successful founding principles and would maintain a continued focus on quantifiable HIV/AIDS prevention, treatment, and care goals.

So I say to my colleagues, the starting block from which our friend from Kentucky wishes us to return was just that. It was operating with what we knew and what we needed at the time to get started. We have learned a great deal more since then. We should not, in fact, turn back the clock. This reauthorization represents a true bipartisan compromise.

It includes 15 Republican amendments in the bill and suggestions we incorporated even before we reached the unanimous consent agreement last Friday. From the outset, it was a bipartisan effort. It passed out of our Foreign Relations Committee in a bipartisan way overwhelmingly.

When the appropriate time comes, I will move to ask our colleagues to join me and my colleague in opposing this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to strongly support the chairman and ranking member's initiative on the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act.

As we discuss how to support the President's Emergency Plan for AIDS Relief, we have the chance to take on the most devastating diseases the world has ever known.

The death toll from the AIDS epidemic stands at 22 million. Malaria will claim more than 1 million lives this year alone, most of which will be children under the age of 5.

This country has seen time and time again how the fate of the American people is intertwined with the fate of people all over the world. The AIDS epidemic is just one more case of that. More than half a million American lives have been lost.

Not just from a moral standpoint, but from an economic standpoint, a national security standpoint, and the standpoint of our own health as a nation, the fight against deadly diseases is a fight we are all in together.

Addressing these diseases is not just a humanitarian endeavor, it is also in the national security interests of the United States. These devastating diseases are a destabilizing force for many countries in Africa, and it is in our interest to ensure that sufficient funds are available to make meaningful progress in this area. This bill moves us closer to that goal.

The bipartisan bill we are considering offers ambitious but achievable targets, including supporting prevention of 12 million HIV infections, care for 12 million people with or affected by HIV/AIDS, including among those 5 million children, and an antiretroviral treatment for an increasing number of persons whose rising target is expected to represent at least 3 million lives saved.

Cutting funding would require a dramatic downsizing of these targets. Tuberculosis and malaria combined claim more than 3.6 million lives a year. The President's initial proposal of $30 billion did not address funding for these diseases, except through the Global Fund. This bill, like its House counterpart, does include these diseases and increases the treatment goals for persons with HIV/AIDS, as well as for the treatment of children, thus justifying the additional authorization of funds. Authorization of funds—this is only to say we have the ability to go up to that amount. It does not guarantee we will spend that amount.

The amendment that is being offered by the Senator from South Carolina would slash the funding of this bill by almost a third.

While international organizations estimate that achieving universal access to antiretroviral medications would demand $40 billion in resources—a number the world needs to do all it can to achieve—this amendment shaves down America's contribution, putting medication further out of the reach of thousands of people.

I chaired hearings on behalf of the committee. I know Senator LUGAR was with me during those hearings. This country hasn't gone into our greatest challenges halfheartedly. When we entered the Second World War, our allies knew we were in it with our hearts and our souls. When President Kennedy announced we would go to the Moon, friend and foe alike knew that we would not rest until we had allowed mankind to take that giant leap.

This is our chance to show that America is ready to lead. We should come together as Republicans and Democrats, as Americans, as human beings, to stop this vast catastrophe, to attack it with all that we have. This is about our vision for the world, a world where disease can be controlled, a world ultimately free from fear.

If we act today to give PEPFAR full funding, it is more than just a powerful statement. We will have saved hundreds of thousands of lives, and that—that—is the essence of this debate. That is what is at stake right now, pure and simple. It is an expression of our humanity. It is an expression of the fulfillment of being able to do the one single thing that I think is the highest calling in public service, which is to save the life of another. It is an understanding that is in our national interests and our national security interests because disease knows no boundaries. We have faced that time and time again during the course of our history. If we believe this is someone else's problem, we are sadly mistaken. This is a chance for us to lead. It is an opportunity to do it in a bipartisan way.

I hope my colleagues will ultimately support the underlying bill and certainly oppose the amendment offered by my colleague from South Carolina so we can fulfill that obligation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I wish to speak in favor of the bill. I inquire of the manager if I need to receive any time allocation. I would like to speak for up to 10 minutes.

I rise to speak in favor of the U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 as it will be modified by the managers' amendment.

I have had the pleasure over the years to work with Senator LUGAR and Senator BIDEN. These are men of integrity, knowledge, and, I add, wisdom. They have seen a lot, done a lot. I think they have seen a few things that work, and I think they have seen a few things that don't work. This is one of those rare foreign policy programs that really works. Unfortunately, too often they do not.

While I am here, I wish to recognize the work of my colleague from Indiana for getting nuclear material out of the Soviet Union as one of those programs that works, and the world is a safer place because it works.

I have seen a lot of foreign policy issues that have not worked. Those sorts of things discredit foreign policy, particularly spending in the foreign affairs field. This is one of those programs that has worked. Because of it, hundreds of thousands of people are alive today who would not be alive. If we are able to get this reauthorization

and some additional support, there will be more who will be alive.

It is amazing how grateful people are if you help save their lives. The approval rating of the United States in Africa is the highest in the world, even including North America. I think it is primarily because of the health care support the United States does, and this is the leading bill to do it.

I am pleased as well that it is HIV/AIDS, tuberculosis, and malaria. Those three are not the only scourges that exist, but they are certainly the main ones, and they are ones that if we can go at each of them together, we are going to save people's lives. We are going to take away a lot of the difficulty—not all of it, by any means—but we are really going to help people where they need help, and this bill does it.

We all know that from whom much is given, much is expected. We have been given much in the United States. It is not that we don't have people struggling here as well because we certainly do. But a number of us have traveled to many of these countries where the HIV/AIDS scourge has been, and we have had a great deal of difficulty with it as well.

I have been to places where they have not had any resources to combat this disease at all. People wasting and dying in these terrible situations just have no hope at all. This gives them hope. This gives them help.

Since its creation in 2003, the Global AIDS initiative, commonly known as PEPFAR, has been a bright point of U.S. foreign aid policy. The United States has become the world's leader in prevention, treatment, and care for individuals suffering from this terrible disease. That 2003 law, which I was pleased to support and have somewhat a hand in helping it move on through, now needs to be reauthorized to continue this success.

From the beginning of this program, it has been my intention to do all that I could to make sure any reauthorization of the Global AIDS Program stayed true to its mission. This is a mission that has worked. We should not be taking it into other fields. We should stay with what this one program has accomplished. Often Government programs, when they lose sight of their mission, also lose their effectiveness. This one needs to stay true to its mission. I want to be certain it stays with this lifesaving program and not slip into other areas, some perilous waters that some may want it to do as it will get divisive for this body and for the United States.

Some people may want to push some of these funds over time into family planning or population control, possibly into abortion. That then divides us. Regardless of how one feels about these programs, it divides this body. If we can stay with the primary mission of what this has been about, it can keep us united. And the people on the ground receiving this treatment and assistance need us to stay together and stay closely focused on what the mission of this program has been.

I further want to see to it that fidelity programs, which have proven their effectiveness internationally over the last 5 years, will remain an integral part of this program, and that recently with the President of Uganda and the First Lady—they were the ones who first started this program, ABC: A, abstinence; B, be faithful; and C, condoms. They started reducing their AIDS rates in Uganda. It worked so well. We want to make sure all three of those aspects stay in this program too.

Again, I am grateful, in working with Chairman BIDEN and Senator LUGAR, to keep this bill on its lifesaving course and keep us pulling together with the administration on this issue.

While I, and I am sure many of my colleagues, have additional provisions we would like to see included, the carefully tailored compromise is a credit to the bill managers.

On my part, I am pleased to see that abstinence and fidelity programs continue to be important components of prevention. The pledge to oppose sex trafficking is maintained. That is important. Conscious clause protection language is included to prevent discrimination against faith-based organizations such as World Vision, Catholic Relief Services, and many others that are so key to putting boots on the ground in this battle against AIDS.

I am concerned about the price tag on this overall bill. I do have concern about ratcheting it up that much that fast, given our own deteriorating economy and the difficulty we have. We have had a slow growth rate recently. I am hopeful that can improve, but I think for us to look at that big of an increase when we are looking at a deteriorating Federal budget situation is not responsible on our part. I hope we can get that budgetary number up, but not as high as it is put forward in this bill. That would be responsible of us.

The Global AIDS Program called for by President Bush and brought to fruition by a strong bipartisan effort in Congress in 2003 has touched, and I might indeed say saved, the lives of many people worldwide. I am proud to have supported that 2003 law. I am pleased to be able to support this reauthorization effort.

Let's stay true to the mission, let's get a number that we can hit, and let's continue to save lives with the abilities that we have been granted as a country to be able to do that.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Madam President, there are two very important matters that will be coming before the Senate this afternoon. The first is the legislation we are now considering to strengthen our efforts to fight HIV/AIDS, tuberculosis, and malaria. The second is the President's veto of the Medicare legislation.

First, with respect to the important work that has been done that we are discussing on this floor, the United States should take a leadership role on behalf of those suffering from HIV/AIDS, tuberculosis, and malaria around the world. I am very proud that this legislation includes portions of a bill that I introduced, the PEPFAR Accountability and Transparency Act, to monitor and improve the programs we fund so that we know what we are getting for the money we spend; that, in effect, we are looking for ''best practices'' so that we can learn from what works and discontinue what does not work. It is not based on ideology or some kind of personal preference but on evidence, on looking for the best evidence to determine how our dollars can be used more smartly and making each dollar go as far as possible.

I am also pleased that this legislation focuses on the needs of women and girls. This has been neglected in the past, and I call on my colleagues to stand against any efforts to undermine the bipartisan consensus to invest more in saving lives and demonstrating the best of American values in the eyes of people around the world.

This is one of the ways we can lead with our values and demonstrate clearly that the United States cares about people who are suffering, that we are seeking to find common ground to alleviate that suffering, and that we are willing to stretch out our hands in partnership and friendship. This is an important piece of legislation. I look forward to it passing and being signed into law.

Secondly, later today we will consider the legislation which the President vetoed this morning. I find it hard to understand why the President did so. He clearly stood against both the doctors of America and the patients of America on behalf of the insurance companies of America. Personally, I don't understand that kind of calculation.

Today, we will be joining colleagues on both sides of the aisle to stand against the cutting of reimbursements for doctors who care for Medicare recipients and standing up for making sure there is access to care for seniors, Americans with disabilities, and the men and women who serve in our military.

Couched by lofty goals and cloaked in misleading rhetoric, the President essentially vetoed health care for seniors, for veterans, and for Americans with disabilities. It is a disgrace, but unfortunately it is not a surprise. This is a battle which has been waged ever since President Johnson signed the Medicare legislation into law 33 years ago this month, and long before. I hope

today's veto and the narrow margin by which we will override it serves as a wake-up call. By seeking to undermine Medicare, President Bush and his allies continue an unyielding, uncompromising, unrelenting ideological crusade, a long twilight struggle to eviscerate Medicare, Social Security, and the means by which our Government actually solves problems for the people of our country.

It really comes down to basic values, and it comes down to our priorities as a nation. Will you stand with our seniors, with our veterans, with our Americans with disabilities? Will you stand with hospitals that are already forced to stretch their budgets to the limit? Will you stand with the doctors who care for Medicare recipients and are already struggling to see more patients in less time every single day? Will you stand with the people of this country who need a champion in the White House?

I believe strongly that we have to override this veto. We have to make it clear to the hard-working physicians in America that we are with you, that we will help by investing in preventive medicine such as screening, in health information technology which will limit costs while improving care, in new measures that will lead to improved quality, and by actually seeing what works and what doesn't work.

We know that the cuts in reimbursements that the President and his allies are seeking will also affect cuts in reimbursement and care that is accessible to military families. You see, Medicare sets the standards for payments that are used by TRICARE. TRICARE is the program that cares for our veterans, cares for Active Duty, cares for family members. TRICARE uses the Medicare formula for physician payments.

I have just finished an incredible experience, crisscrossing our country for the past 17 months, and I was inspired each and every day by the resolve and the resilience of the American people. I learned a lot, and one of the lessons I learned is that Americans are ready, even eager to have a government that actually works again, that solves problems, that produces results. Thirty-three years ago, our Government did that. It wasn't easy and it literally took years, even decades, to achieve, but when Lyndon Johnson signed the Medicare law, he sent a very clear signal to those who worried about whether they would be able to afford to take care of themselves or take care of their parents and their grandparents that health care would be available to them.

We have a lot of work to do in the next years to make sure Medicare fulfills its promise. I look forward to working with like-minded allies on both sides of the aisle to make it clear that we will stand behind Medicare. We will need to be modernized. We will have to make some changes so that it works better, so that it emphasizes prevention. But you don't start by penalizing the people who take care of those who are on Medicare today.

The doctors and nurses of America do heroic work every single day. Our hospitals stand ready to care for those in need. Let's not make it more difficult to actually deliver the services that will save lives, ameliorate suffering, and extend the quality of life.

I am hoping that when this vote is held in a few hours, we will have a resounding repudiation of President Bush's veto and send a message, not only to doctors and nurses and other health care professionals but to the people of our country, that we are better than this and we are going to stand with you to make sure you have the health care you deserve under the program that has meant so much to so many for so long—Medicare.

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. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I have a unanimous consent I am about to propound that has been cleared on the Republican side. I ask unanimous consent that at 5 p.m. the Senate proceed to a vote in relation to the Bunning amendment, No. 5073; further, that the time until 5 p.m. be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5073

Mr. BIDEN. Madam President, I will use a minute or so of this time. I believe the Bunning amendment is well intended, but I think the irony is the Bunning amendment fails to understand what it was that was intended at the first effort to bring forward PEPFAR and get this underway.

As I said, we had a number of nations that needed help badly denying the need for help because they viewed it reflected so negatively on them as a people and as a nation. So we did a lot of things the first time around that now, in the clear light of day, and much broader need, and the fact that PEPFAR and the world Global Fund is being embraced by the rest of the world, that actually acts as an impediment if we went back to Senator BUNNING's proposal.

So at the appropriate time, 5 o'clock, I am going to suggest again that my colleagues support a ''no'' vote. We will have an up-or-down vote on this amendment and vote no on the Bunning amendment, which would quite frankly eviscerate, literally eviscerate the President's initiative.

I will conclude by saying, I am often critical of the President and his foreign policy and his aid programs, et cetera. But the President of the United States, George W. Bush, deserves great credit. If the President did nothing else in his administration, this is justification enough for his legacy to be looked back on favorably because of the phenomenal and dramatic impact this initiative has had and will have in the rest of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, in the concluding time before the scheduled vote, I want to give a statement in opposition to the Bunning amendment and also to the DeMint amendment, No. 5077, that was introduced earlier today. Both seek to reduce the authorization in the pending bill.

The amendment posed by the distinguished Senator DEMINT poses a fundamental question with regard to this legislation, which likewise is reiterated by Senator BUNNING: How much should we authorize for the continuing fight against HIV/AIDS, malaria, and tuberculosis? It is a question for honest debate and on which Members may have different views.

The figure of $50 billion in the bill we are debating today rose out of bipartisan negotiations between Congress and the White House. It is based on what the President and we believe can be spent efficiently and effectively in the years ahead.

It presumes that funding will gradually increase each year over the coming 5-year period. Of the $50 billion authorized, $5 billion has been reserved for malaria, and $4 billion has been reserved for tuberculosis.

The global impact of malaria and tuberculosis has been underestimated for years. And the bill before us takes an important step to invigorate these worldwide efforts. As other Senators have observed, this is an authorization bill that will be subject to the annual appropriations process. It is meant to establish policy and overall parameters of spending on the PEPFAR Program.

Congress may not deem it necessary or possible to spend the entire $50 billion over the course of 5 years, but if the funds authorized by this bill are being spent efficiently and effectively and productively for the lifesaving and life-altering purposes in the bill, I believe we should have the authorization in place to spend that much.

There is no question that the crisis created by these diseases is real, that our programs are preserving or improving millions of lives, and it is difficult to put the dislocation and human devastation caused by AIDS, malaria, and tuberculosis in context because the impact extends well beyond the lives lost.

The HIV/AIDS pandemic, coupled with the effects of tuberculosis and malaria, are rending the socioeconomic fabric of communities, nations, and entire continents. The U.S. National Intelligence Council and innumerable top officials, including President Bush, have stated that the HIV/AIDS pandemic is a threat to our national security and to international security.

Communities are being hobbled by the disability and loss of consumers and workers at the peak of their productive, reproductive and caregiving years. In the most heavily affected areas, communities are losing a whole generation of parents, teachers, laborers, peacekeepers, and police.

The projections of the United Nations indicate that by 2020, HIV/AIDS will have depressed the GDP by more than 20 percent in the hardest hit countries, and many children will have lost parents to HIV/AIDS or left entirely on their own, leading to an epidemic of orphan-headed households.

When they drop out of school to fend for themselves, they lose the potential for economic empowerment that education can provide. Such dislocation has obvious implications for our efforts to suppress and prevent terrorism. It has implications for our ability to expand economic opportunity and trade with emerging nations.

It has implications for our efforts to solidify partners to combat climate change and environmental degradation. Countries and regions that are prostrate due to the massive incidence of deadly diseases cannot effectively address the problems we need them to address. When circumstances reach such dire proportions, the countries in question can become the source of extreme instability. Therefore, we should understand our investments in disease prevention programs have yielded enormous foreign policy benefits during the past 5 years, and we look forward to extraordinary progress during the coming 5 years. This is why I support the $50 billion authorization, appreciating that there will need to be constant auditing, constant debate with the White House and the Congress on priorities, a tailoring during the appropriations process in each year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, I would like to try to respond to all these statements made since I offered my amendment. It seems that when we get a good program going in the Congress, one that is funded properly for the first 5 years, we try to expand the program and expand the program, and actually, in this expansion, we have differentiated the mission of the program.

The mission of the program originally was to fight infectious AIDS and AIDS-related things in every area of the world we could find them. It was something the United States wanted to do. This bill before us doesn't do that. It takes away a lot of the mandates that we had to fight infectious HIV and AIDS in areas of necessity. Instead, it puts it into the Global AIDS Fund at the United Nations. The Global AIDS Fund at the United Nations, unfortunately, is just in the first year, and then you have unlimited sums in years 2, 3, 4, and 5. There is no transparency at all in that Global AIDS Fund at the United Nations, and we all ought to reexamine and reauthorize this bill as it was originally proposed. Then we could go on and fight AIDS around the world in countries that need our assistance.

I beg my colleagues, think it over very seriously and vote for my amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). All time has expired.

The question is on agreeing to amendment No. 5073.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 80, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—16

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bond	DeMint	Vitter
Bunning	Ensign	Wicker
Chambliss	Gregg	
Cornyn	Hutchison	

NAYS—80

Akaka	Durbin	Murkowski
Alexander	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Inhofe	Salazar
Burr	Inouye	Sanders
Byrd	Johnson	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Clinton	Lautenberg	Specter
Coburn	Leahy	Stabenow
Cochran	Levin	Stevens
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Thune
Corker	Martinez	Voinovich
Dodd	McCaskill	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	

NOT VOTING—4

Kennedy	Obama
McCain	Warner

The amendment (No. 5073) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CARDIN. Mr. President, today we consider one of the most important international assistance bills of the 110th Congress.

I refer to S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, or better known as the PEPFAR Reauthorization Act.

Originally created in 2003, PEPFAR was funded at $15 billion dollars. At the time, this was the single largest bilateral program ever created to address a disease.

President George Bush should rightfully be commended for creating an innovative program designed to support HIV/AIDS prevention, treatment, and care programs.

I also wish to commend the chairman and ranking member of the Senate Foreign Relations Committee, Senator BIDEN and Senator LUGAR, for their persistence and hard work on bringing this bill to the floor of the Senate for today's vote.

The nature and extent of the HIV/AIDS epidemic varies from country and region. In some countries in East Asia, the AIDS rate is less than 1 percent, while in some Sub-Saharan African countries the rate is more than 20 percent. In fact, two-thirds of all people infected with HIV, some 22.5 million, live in Sub-Saharan Africa.

When we look at the health care infrastructure of most Sub-Saharan African countries, we find little technology, personnel, or physical structures. Most, if not all, of these nations are ill prepared to address the epidemic.

AIDS has destroyed many African families, leaving an estimated 11.4 million children without one or both parents. Many elderly grandparents are left to care for the children, draining their meager resources and energy. There are many cases where orphans are denied inherited land and cattle and ultimately left to fend for themselves.

With anecdotes such as these, it is vital that we pass S. 2731 to continue our efforts to combat AIDS. S. 2731 would require the President to establish a 5-year strategy to fight HIV/AIDS, TB, and malaria. S. 2731 will also intensify prevention, treatment, and care programs and include groups particularly vulnerable to the disease such as women and young girls.

S. 2731 will also boost funding for research, public-private partnerships, and reinforce vaccine development.

I have consulted with an organization in my home State of Maryland called Jhpiego. Jhpiego is affiliated with Johns Hopkins University Hospital and has performed tremendous work in Africa to build the health care infrastructure in Sub-Saharan Africa. Jhpiego has found through its programs that African health care workers need greater preservice training in order to bolster national, in-country efforts to fight AIDS. For this reason, I worked with the chairman and ranking member of the committee to include language to include preservice training and capacity building within the overall funding strategy of this legislation.

As the PEPFAR Program matures, it is my hope that so too will the skills and numbers of the cadre of African health workers engaged in the effort to reduce the prevalence of HIV/AIDS.

My other amendment allows for the inclusion of American land grant colleges and universities and historically Black colleges and universities to participate in programs to increase the technological and teaching capacity of African professional institutions to prepare their students for careers in public health. As the United States further engages the global fight against HIV/AIDS, I believe sustainability and African leadership are imperative to insure a full and respectful partnership and one that will be mutually beneficial to America and the states of Sub-Saharan Africa.

The PRESIDING OFFICER. The Senator from Washington.

I must note that there is a previous order to go to the veto message in 3 minutes.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 7 minutes to speak on the vote that will occur at 6 o'clock this evening.

The PRESIDING OFFICER. The Senator will withhold.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—VETO

The PRESIDING OFFICER. The Senate having received the veto message from the House of Representatives on H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, the message will be considered read, spread upon the Journal, and printed in the RECORD.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 6331, the ''Medicare Improvements for Patients and Providers Act of 2008.'' I support the primary objective of this legislation, to forestall reductions in physician payments. Yet taking choices away from seniors to pay physicians is wrong. This bill is objectionable, and I am vetoing it because:

It would harm beneficiaries by taking private health plan options away from them; already more than 9.6 million beneficiaries, many of whom are considered lower-income, have chosen to join a Medicare Advantage (MA) plan, and it is estimated that this bill would decrease MA enrollment by about 2.3 million individuals in 2013 relative to the program's current baseline;

It would undermine the Medicare prescription drug program, which today is effectively providing coverage to 32 million beneficiaries directly through competitive private plans or through Medicare-subsidized retirement plans; and

It is fiscally irresponsible, and it would imperil the long-term fiscal soundness of Medicare by using short-term budget gimmicks that do not solve the problem; the result would be a steep and unrealistic payment cut for physicians—roughly 20 percent in 2010—likely leading to yet another expensive temporary fix; and the bill would also perpetuate wasteful overpayments to medical equipment suppliers.

In December 2003, when I signed the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) into law, I said that ''when seniors have the ability to make choices, health care plans within Medicare will have to compete for their business by offering higher quality service. For the seniors of America, more choices and more control will mean better health care.'' This is exactly what has happened—with drug coverage and with Medicare Advantage.

Today, as a result of the changes in the MMA, 32 million seniors and Americans with disabilities have drug coverage through Medicare prescription drug plans or a Medicare-subsidized retirement plan, while some 9.6 million Medicare beneficiaries—more than 20 percent of all beneficiaries—have chosen to join a private MA plan. To protect the interests of these beneficiaries, I cannot accept the provisions of this legislation that would undermine Medicare Part D, reduce payments for MA plans, and restructure the MA program in a way that would lead to limited beneficiary access, benefits, and choices and lower-than-expected enrollment in Medicare Advantage.

Medicare beneficiaries need and benefit from having more options than just the one-size-fits-all approach of traditional Medicare fee-for-service. Medicare Advantage plan options include health maintenance organizations, preferred provider organizations, and private fee-for-service (PFFS) plans. Medicare Advantage plans are paid according to a formula established by the Congress in 2003 to ensure that seniors in all parts of the country—including rural areas—have access to private plan options.

This bill would reduce these options for beneficiaries, particularly those in hard-to-serve rural areas. In particular, H.R. 6331 would make fundamental changes to the MA PFFS program. The Congressional Budget Office has estimated that H.R. 6331 would decrease MA enrollment by about 2.3 million individuals in 2013 relative to its current baseline, with the largest effects resulting from these PFFS restrictions.

While the MMA increased the availability of private plan options across the country, it is important to remember that a significant number of beneficiaries who have chosen these options earn lower incomes. The latest data show that 49 percent of beneficiaries enrolled in MA plans report income of $20,000 or less. These beneficiaries have made a decision to maximize their Medicare and supplemental benefits through the MA program, in part because of their economic situation. Cuts to MA plan payments required by this legislation would reduce benefits to millions of seniors, including lower-income seniors, who have chosen to join these plans.

The bill would constrain market forces and undermine the success that the Medicare Prescription Drug program has achieved in providing beneficiaries with robust, high-value coverage—including comprehensive formularies and access to network pharmacies—at lower-than-expected costs. In particular, the provisions that would enable the expansion of ''protected classes'' of drugs would effectively end meaningful price negotiations between Medicare prescription drug plans and pharmaceutical manufacturers for drugs in those classes. If, as is likely, implementation of this provision results in an increase in the number of protected drug classes, it will lead to increased beneficiary premiums and copayments, higher drug prices, and lower drug rebates. These new requirements, together with provisions that interfere with the contractual relationships between Part D plans and pharmacies, are expected to increase Medicare spending and have a negative impact on the value and choices that beneficiaries have come to enjoy in the program.

The bill includes budget gimmicks that do not solve the payment problem for physicians, make the problem worse with an abrupt payment cut for physicians of roughly 20 percent in 2010, and add nearly $20 billion to the Medicare Improvement Fund, which would unnecessarily increase Medicare spending and contribute to the unsustainable growth in Medicare.

In addition, H.R. 6331 would delay important reforms like the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies competitive bidding program, under which lower payment rates went into effect on July 1, 2008. This program will produce significant savings for Medicare and beneficiaries by obtaining lower prices through competitive bidding. The legislation would leave the Federal Supplementary Medical Insurance Trust Fund vulnerable to litigation because of the revocation of the awarded contracts. Changing policy in mid-stream is also confusing to beneficiaries who are receiving services from quality suppliers at lower prices. In order to slow the growth in Medicare spending, competition within the program should be expanded, not diminished.

For decades, we promised America's seniors we could do better, and we finally did. We should not turn the clock back to the days when our Medicare system offered outdated and inefficient benefits and imposed needless costs on its beneficiaries.

Because this bill would severely damage the Medicare program by undermining the Medicare Part D program and by reducing access, benefits, and choices for all beneficiaries, particularly the approximately 9.6 million

beneficiaries in MA, I must veto this bill.

I urge the Congress to send me a bill that reduces the growth in Medicare spending, increases competition and efficiency, implements principles of value-driven health care, and appropriately offsets increases in physician spending.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2008*.

The Senate proceeded to reconsider the bill (H.R. 6331), the Medicare Improvements for Patients and Providers Act of 2008, returned to the House by the President on July 15, 2008, without his approval, and passed by the House of Representatives, on reconsideration, on July 15, 2008.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, 43 years ago, we created Medicare because this country recognized that no American should go without health care, especially once they reach retirement age.

As President Johnson was signing the Medicare bill into law, he praised Congress for its ability to ''see beyond words to the people that they touch,'' to put politics aside, and to create legislation that truly transforms society.

Well, today President Bush failed to heed those words, to see beyond politics and think of the seniors who have spent their lives paying into the Medicare system, and the doctors who treat them. Instead, he told millions of struggling American seniors, and military families as well, that he simply did not care. He vetoed a bill that would make vital improvements to the program that has helped ensure that millions of seniors and the disabled can get the care they need.

One of the most important provisions of that bill would have postponed a 10.6-percent reimbursement payment cut for doctors. That was a cut that would have forced many of our doctors across this country to stop seeing Medicare patients and would severely limit their access to health care. I believe the President was wrong to veto that bill.

Today, we can stand up for Medicare. We did it last week when we came together and voted for this bill by a veto-proof margin, and I believe we can do it today by overriding that veto. So I hope we can come together on the floor of the Senate today and override the President's veto and make sure that 44.1 million seniors who are enrolled in Medicare, as well as all the military families who rely on TRICARE, will continue to have access to health care.

We have spent a lot of time in the Senate debating this. My colleagues have thoroughly explained the improvements this legislation would make, but I wish to speak for a few minutes this evening on some of the provisions that illustrate why it is so important to take this vote tonight and override the veto.

First of all, many of our rural communities in Washington State and across the country are struggling today to provide health care services. This bill will help them strengthen their health care networks and extend the services that are available.

Importantly, this bill puts an emphasis on preventive care that will help our seniors stay healthy, and it will help to keep costs down by enabling those patients to get care before they get seriously ill. This bill will improve coverage for low-income seniors who need expert help to afford basic care. It will help make sure our seniors get mental health care. Currently, the copays for mental health care are 30 percent higher than those for physical care. The legislation we are about to vote on and override the President's veto, if it is passed, will treat mental and physical health care the same. Also, importantly, as we have talked about, this bill will block the cut in reimbursements for providing Medicare services. It will block that cut and ensure that doctors can afford, again, to take Medicare patients.

All the improvements I talked about are important, but it is critical we take action as soon as possible to ensure that the cut in payments to doctors does not go into effect. No doctor should have to choose between staying in business and taking care of their patients, but if we don't override this veto, that is exactly what will happen; our seniors and disabled will end up paying the price.

Cuts in payments would mean seniors will face longer drives in order to find doctors, they will see closed doors, and they will see fewer choices, even though they have spent their lives paying into this Medicare system. Out in our rural communities, the problem, I know, would be even worse because out there we already face a shortage of doctors and nurses and health care providers.

Finally, this cut would limit access to health care for our military retirees and our servicemembers at a time when we see many of our troops returning home from war. TRICARE uses the Medicare formula to pay their doctors, too, and doctors have said those lower reimbursements would force them to drop TRICARE patients. I think we can all agree this country cannot afford to jeopardize the health care for our servicemembers, especially during a time of war.

So this country took a huge step forward when we created Medicare back in 1965—when we agreed as a nation that all seniors should have access to health care services. We cannot afford, at this critical time, to let our country take a step backward. We have the opportunity this evening to do the right thing. Let's support our seniors, let's support our military families, let's stand together and override the President's veto and keep our commitment to the people who depend on us.

I yield the floor.

Mr. DURBIN. Mr. President, I ask unanimous consent that the time reserved for the majority leader be reduced to 3 minutes and that the remainder be returned to the time under control by the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask that Senator STABENOW be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, we have a historic opportunity in a few moments to reaffirm the fact that Medicare is a great American success story and to join with our colleagues from the House—383 Members of the House—who voted to override a Presidential veto and squarely side with our seniors, our military families and our veterans and to side with those in the disability community who use Medicare. We have an opportunity to vote to strengthen Medicare, to add mental health services, prevention, to focus on low-income seniors, to modernize Medicare with e-prescribing and telehealth. This is an opportunity to move Medicare into the future.

I am very proud to have offered the original bill to extend or block the cuts for 18 months into the future that were to be given to our physicians. I am proud of the work of the Finance Committee. I wish to thank Senator MAX BAUCUS for his leadership and our leader, Senator REID, for coming to the floor and bringing this back, over and over, until we got it done.

This is an opportunity for us to join together on a bipartisan basis to do the right thing, to overturn a very misplaced veto, and to say to all the seniors, our military families, and the disabled in this country that we understand what Medicare is all about and we stand with you to strengthen it, to add to the services available, and to modernize it for the future.

I urge a strong bipartisan vote to override this President's veto.

Mr. DURBIN. Mr. President, I ask to be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we have an opportunity once every decade—maybe once every generation—to reaffirm our commitment to some of the most fundamental values in this country. The Medicare Program is not just another Government program. The Medicare Program said in the early 1960s that the United States was committed to our senior citizens and that commitment involved making certain they would always have access to affordable, quality health care. There were many at the time who were skeptical and said it was too much Government and socialism; it goes too far. Thank goodness their voices were drowned out by reason, the understanding that without this protection, seniors could lose every penny they had saved to a medical crisis.

Medicare passed and it worked. The proof of its success is the fact that senior citizens now live longer than ever

because of the quality of the health care they have available through Medicare. Skeptics have returned and said: Let's get rid of that system; what we ought to do is bring in private health insurance companies. They call it Medicare Advantage. We let them try. Over the last 10 years or so they have tried, and at considerably more expense they are not offering benefits as good as basic Medicare.

This bill we are going to consider overriding the President's veto on very shortly says some of the money they have taken out of the system and out of the program has to be returned to taxpayers. That is fair. It is fair compensation for doctors, to make certain Medicare is there for the seniors who need it; to make certain TRICARE is kept up to date in reimbursement, but most importantly this vote today on overriding President Bush's ill-fated veto is a reaffirmation of how important Medicare is to America's future.

It was a strong bipartisan vote of 69 who voted a week or so ago in favor of this measure. I hope the vote today in the Senate reflects an even stronger bipartisan commitment to the future of Medicare.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, I suggest the absence of a quorum. It is my understanding the time from the quorum call will be taken evenly from both sides.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. DURBIN. I ask unanimous consent for that, unless there is someone on the Republican side who is seeking recognition.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, Senator GRASSLEY, on our side, is responsible for this. I am waiting to consult with him. I would ask my colleague to wait a moment on that request, and we will see if we can find Senator GRASSLEY.

Mr. DURBIN. I ask unanimous consent that we go into a quorum call and it not get charged against either side.

Mr. KYL. Mr. President, if we can have the time run——

Mr. DURBIN. Mr. President, I see Senator DORGAN is on the floor, so I withdraw my request and ask that Senator DORGAN be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my colleagues have described it well. This is a very important vote. I think the reason we have gotten to this point shows how difficult it is to get anything done in this Chamber. I come from a State that is first in the Nation in the number of people 80 years old or older as a percentage of our population. I think we are in the top five or six, of people 65 years of age or older as a percentage of our population.

Medicare is so unbelievably important to the folks who live in my State. Does anybody think it serves the interests of this Medicare program to say: Well, let's decide on provider cuts—in this case physician cuts—of 10.6 percent? Let's take a big whack, a 10.6-percent whack out of the reimbursements and it would not matter; it would not affect the program. It doesn't make any sense to me at all that we would do that.

What we need to do is strengthen this program, and that is what the underlying bill does. We have had an awful time trying to pull it through the Congress. We finally got it through the Congress, and then we had the President veto the bill. We had a colleague come out of his sick bed and fly to Washington, DC, to cast the 60th vote, after which the other side collapsed and we got 9 other votes. This is very important. This is about who we are as a country, what we decide to invest in.

It is said that 100 years from now we will all be dead. I guess that is not just said; it is a fact. Only historians will take a look at our value system. They can take a look at what we decided to do as a Congress: How did we decide to spend money? What did we invest in? What did we think was important? What were our value systems? Did we believe the Medicare Program—providing health care to America's elderly—was a successful program, or did we decide we wanted to begin to take it apart?

That is what this vote is about. I don't understand at all why the President decided to veto this.

This passed the House of Representatives by a margin of 6 to 1 and got 69 votes in the Senate, and the President decides to exercise his veto.

It is unfathomable to me how much money we shovel out of this building and how much the President recommends when we spend overseas: $170 billion, $180 billion this year in emergency funding for Iraq and Afghanistan and all these programs to replenish all these accounts; contractor abuse. Somehow that doesn't matter so much. All of a sudden we want to make an investment in the Medicare Program, and that is not something that is valuable to us, the President suggests. It makes no sense to me.

In this bill, we have also tried to address the problem of disparate reimbursements for the various States. Some of the smallest States in this country—mine included—receive reimbursements under the Medicare program for providing health care that are dramatically different than reimbursements in other areas. Without fixing that, there will be a degradation of medical services and the delivery of services. This bill addresses part of that. That is why this bill is so critically important.

I hope we will have a resounding vote overriding the President's veto this evening at 6 o'clock.

Mr. KYL. Mr. President, if Senator GRASSLEY arrives, I will defer to him, but let me make some comments. It is distressing that the effect of this bill has been misrepresented to the extent it has. There have been some very wild claims that this has to do with killing Medicare, that it has to do with punishing America's doctors, that it has to do with hurting America's seniors. This is not the language of a reasoned debate of the Senate. The bill has nothing to do with any of those things, and all my colleagues know that.

Let me describe why we are where we are today. I will take a minute to remind everyone of the promise we made to America's seniors 5 years ago. The 2003 Medicare Modernization Act achieved two very important goals. The first was to provide comprehensive drug coverage, prescription drug coverage, a very important benefit for America's seniors.

Secondly, to explain private health plan choices, similar to the options available to Members of Congress and other Federal employees. We wanted America's seniors—the Medicare patients—to have the same kind of private health insurance options for Medicare that all of us have.

Today, as a result of this plan, somewhere in the neighborhood of one-fourth of America's seniors have taken advantage of this private insurance alternative to traditional Medicare. From the beginning, I know a lot of people on the other side of the aisle didn't like that. They wanted a one-size-fits-all program, one program. Republicans said we need more choices. Seniors have been happy with the prescription drug benefit and with those choices.

The problem with this bill is it cuts both the choices for America's seniors and negatively impacts the prescription drug coverage. That is why Members on this side of the aisle have said they would like to see an opportunity to amend the bill, to try to fix the bill, to have a bipartisan bill instead. But, no, we were jammed—not once, twice, but three times: Take it or leave it. It is the partisan approach, despite the fact that the chairman and ranking member negotiated a bipartisan bill in good faith. Nonetheless, we had to revert to a strictly partisan approach.

That is what this was all about. It was never about covering the physicians to make sure they didn't take a pay cut. I doubt that there is any Senator who doesn't support the 1.1-percent increase in physician reimbursement, an increase for physicians who treat Medicare patients. We all support that. It was in the Grassley proposal, it was in the Baucus proposal, and it was in the bipartisan Grassley-Baucus proposal. So this was never about that. None of the Republicans ever opposed providing the physicians their update. It had to do mostly with an attempt that has been undertaken for many years to undercut the private insurance part of Medicare that many on the other side of the aisle have never liked. It is one of the signature

achievements of the Bush administration, and it is no wonder that the President vetoed the bill because of the fact that was hurt.

First of all, according to the nonpartisan CBO, as a result of this bill, 2.3 million seniors will be removed from their private coverage option under Medicare. That is one of the effects of this bill. Instead of all the scare tactics you have heard, I can honestly say that voting for this override of the President's veto will result, according to the CBO, in the removal of 2.3 million American seniors from this private health care option. That is not a good result.

Here is what the President's veto message personally said today:

. . . the provisions that would enable the expansion of protected classes of drugs would effectively end meaningful price negotiations between Medicare prescription drug plans and pharmaceutical manufacturers for drugs in those classes. If, as is likely, implementation of this provision results in an increase of a number of protected classes, it will lead to increased beneficiary premiums and copayments, higher drug prices, and lower drug rebates.

That is the second pernicious effect of the bill. It will undermine the Medicare prescription drug plan's ability to negotiate good drug prices for seniors.

I know some on the other side were always skeptical of the ability to bring down drug prices. In fact, the Medicare Part D has reduced them precisely because of this competition in the market. This bill partially eliminates that competition. That is the reason some of us oppose the bill, and they are good and legitimate reasons. I believe the President was correct to veto the bill because of these provisions.

Five years after the Medicare passage, we are rewinding the clock, chipping away at the very plan choices and prescription drug coverage that seniors asked us to provide.

These are not pro-patient policies. Rather, the bill reduces access, benefits, and choice for Medicare beneficiaries.

In conclusion, it was a very flawed process. As we know, there was an attempt at a bipartisan solution. There are 51 Democrats and 49 Republicans. You would think that Republicans could have a say in writing the legislation. But, no, that was not to be. We were required to deal with the take-it-or-leave-it proposal of the majority.

Twice the majority walked away from these bipartisan negotiations I talked about before. When we tried to suggest, at a minimum, that we should extend existing law so that doctors would not see the reduction in their payments, we were told it was a ''phony exercise.'' It was, in fact, a good-faith effort on our part to ensure that physicians would be protected.

As I stated earlier, I support the need for a positive physician update. We all do. I know physicians in Arizona know I mean that when I say it. I have led the fight for this in past years. However, I am strongly disappointed that the Senate was blocked from a bipartisan solution, and I regret that seniors, as a result, will suffer if this legislation is adopted.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, with all due respect to my friend from Arizona, I wanted to make it clear that there are no rate cuts for any provider in this legislation. As it relates to rate increases, the privatization that has been put into place over the last 3 years has actually raised rates, according to the CBO, for the 85 percent of the seniors and the disabled who use traditional Medicare. But there are no rate cuts.

There is a small change, which doesn't even take effect until 2011, to give the opportunity for the private fee-for-service entities to be able to make the changes by 2011. So with all due respect, this is in no way a dramatic change, a cut in services, or rate reductions for any provider, including the private insurance providers.

Mr. KYL. Mr. President, I never said there was a rate reduction. I said all Senators, I suspect, on both sides support not having a 10.6-percent cut in physician fees and that we all support the 1.1-percent positive update. That was never the issue.

The issue had to do with the other items I talked about. The fact that 2.3 million seniors will lose their private coverage option has to do with the way that the Medicare Advantage Program was used as an offset to pay for the additional benefits in the bill as a result of which CBO claims and believes—and I believe they are probably correct—that 2.3 million seniors will lose their private option coverage.

Mr. GRASSLEY. Mr. President, it is a very unfortunate and disappointing set of circumstances that got us to the point we are in today.

I want to make very clear where we stand on the physician fix. There is widespread Republican support to block the 10.6-percent reduction in physician fees and replace it with a 1.1-percent update.

I introduced S. 3118 on June 11 with Senators MCCONNELL and KYL and others to do just that.

In fact, the doctors would not be getting a 1.1-percent update in this bill if it had not been for Republicans who announced support for the higher update.

Everything that I have been trying to do is to get to a bipartisan solution that would avoid a veto and avoid the pay cut from going into effect even for a short time.

But the other side decided to play politics with this issue.

They ran the clock right up to the deadline and then refused to agree to an extension to keep the cut from going into effect. They repeatedly objected to an extension even though the Senate had passed 28 extensions on other matters just during this session alone.

And, to my absolute amazement, the majority leader said that Republicans had been given months to work out a Medicare bill so that was why no amendments would be allowed.

The fact is that Republicans and Democrats had been working together for months until the Democratic leadership pulled the rug right out from under that effort.

Let's review the facts here. At the end of last year, we agreed to a short-term Medicare extension so that we could complete work on a bipartisan Medicare package this year. We were very close to a deal then and needed time to finish that work.

Both sides agreed we would work quickly to get a bill that could be signed into law.

Unfortunately, that effort has been intentionally derailed by the majority's desire to play politics with Medicare.

The fact is that the majority has twice walked away from good faith bipartisan negotiations.

The fact is that we had been working for months before they pulled the plug.

The fact is that we had actually completed that bipartisan deal 2 weeks ago. It was a deal that would get signed into law, not vetoed.

But the other side thought they saw a political advantage and they have taken it. They scuttled that deal in favor of a bill that would get vetoed.

So it is a bit on the laughable side to blame us for failed negotiations that they seem to have intentionally sabotaged.

The fact is that the other side is more than willing to play politics with this issue. I believe that has been the wrong approach. It was not the approach I took as chairman of the Finance Committee. It was not the approach that Republicans took while we were in the majority.

Playing this kind of brinksmanship politics with Medicare and with people's lives is not what we should be doing around here.

I also warned the White House early on in this debate that their position on private fee for service was not defensible. As Republicans, we should not support the idea of allowing private plans to use government-set payment rates.

The basic premise of Medicare Advantage is that the private sector can do a better job than government in delivering health benefits to seniors. When we allow those private plans to force providers to accept the government rates, we undermine the philosophy behind the Medicare Advantage program. When we do that, we have conceded defeat up front.

There are some serious problems with this bill. I think the bill has some significant flaws that need to be addressed. I am going to be looking for opportunities to fix this bill and look forward to coming to the floor to do so.

As I have said before, I know the other side wants to argue that Republicans are only fighting this fight to protect Medicare Advantage plans. That is a good soundbite, but it is simply not true.

I, for one, could live with some Medicare Advantage reforms.

There would have been more than enough Republicans who would support more reforms, if the Democrats had been willing to make changes in other areas.

So let's talk about some of the problems that would have been fixed if this had been a truly bipartisan process.

First and foremost, if this bill becomes law, it will do serious harm to the Medicare drug benefit that millions of seniors have come to depend on.

It would tie the hands of the Medicare Part D plans resulting in higher drug prices and higher premiums on seniors.

Medicare's Office of the Actuary concluded that it will raise Part D drug costs. And outside analysts have likewise concluded that this provision has the potential to undermine the long-term financial sustainability of the Medicare drug benefit.

This bill also includes entitlement expansions that are well-intentioned but ill-timed with the pending insolvency of the program.

Let's spend a moment on what a truly bipartisan bill would have looked like.

A truly bipartisan bill would have included much-needed assistance for the so-called ''tweener hospitals.'' This is something myself and Senator HARKIN consider a high priority because of the tweener hospitals we have across Iowa.

A truly bipartisan bill would have included hospital value based purchasing in Medicare.

A truly bipartisan bill would have included physician payment sunshine provisions that Senator KOHL and I have worked out together.

A truly bipartisan bill wouldn't undermine the Medicare drug benefit and cause increased premiums on seniors.

The bill is riddled with problems and missed opportunities.

But instead of writing a bipartisan bill, the Democrats twice walked away from the table and now here we are. They scuttled a deal that could have become law right away.

Now I believe I have shown myself willing to join in bipartisan efforts to solve major issues. We have health care reform and more Medicare bills in the future. But this process has called into question whether the other side is willing to start and stick with a truly bipartisan effort.

The process that has been followed on this bill has done a great disservice to the Senate. But more than that, it does a disservice to seniors, doctors and everyone who depends on Medicare.

And I would hope that the other side will not take us down this path again. Bipartisanship is more than lipservice. It requires action and sometimes difficult choices. Compromise is not easy work. But if you want to tackle the big issues that are ahead of us, then it will require a better process than the one followed to produce this bill.

To my colleagues today, that is the full story on this vote today.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, there is 2 minutes left, right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I will yield that time to Senator BAUCUS. I have a short statement, and I will use leader time. It is maybe 2½ minutes. I yield 2 minutes to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, sometimes when Senators vote in this Chamber, the real-world results of our actions are unclear.

But tonight, we can make a real-world difference for 44 million American seniors, and for nine million TRICARE users in America's military families.

In less than an hour, the Senate will vote to override the President's veto of the Medicare bill.

Here is the difference that our votes will make: Will doctors' doors stay open to older Americans, and to the children of our fighting men and women?

Our votes tonight will make the difference.

Will seniors living on a shoestring, and those in rural areas, be able to get decent health care when hospitals are few and far between?

Our votes tonight will make that difference.

Will the ambulances keep running? Will the medicines be covered by Medicare prescription drug plans?

Our votes tonight will make all the difference.

The President made his decision. His veto of the Medicare bill would shut the doctor's door to seniors and military families, and all on ideological grounds.

My bill does good things for seniors. It makes Medicare better for every beneficiary, and it's time to enact it into law.

The House has already voted to override the veto. Overwhelmingly—383 to 41.

Folks in my home State of Montana know I am going to do what is right, and vote to make the Medicare bill law—for Montana seniors and for our 32,000 folks in TRICARE.

Today I told a large rally of folks supporting this bill, reversing the cuts that keep our seniors and military families from seeing their doctors will be our finest hour.

I hope—and expect—that the Senate will stand together, just as our colleagues across the Capitol have done.

Senators of all parties have one more chance to make all the difference.

Let's do what is right for seniors.

Let's do what is right for military families.

Let's do what is right for America. Let's do it together and enact the Medicare Improvements for Patients and Providers Act tonight.

Mr. AKAKA. Mr. President, we must override the President's veto of the Medicare Improvements for Patients and Providers Act of 2008.

This bill will ensure that Medicare and TRICARE beneficiaries have continued access to health care. It will also enhance Medicare benefits. Finally, the legislation will provide much needed resources for Hawaii hospitals that care for the uninsured and Medicaid beneficiaries.

This legislation will maintain Medicare physician payment rates for 2008 and provide a slight increase in 2009. If this veto override fails, doctors will be subject to a 10.6-percent cut in Medicare reimbursements for the rest of the year. This severe cut could also restrict access to health care for our troops and their families because TRICARE reimbursement rates are linked to Medicare reimbursement rates. Rising costs and difficulty in recruiting and retaining qualified health professionals make it essential that we improve reimbursements to ensure that Medicare and TRICARE beneficiaries have access to health care services.

The act will make improvements in Medicare benefits. It increases coverage for preventive health care services and makes mental health care more affordable. The legislation will also help low-income seniors to obtain the health care services that they need.

Finally, the legislation will provide vital assistance for Hawaii hospitals. The legislation extends Medicaid disproportionate share DSH, allotments for Hawaii until December 31, 2009. Hawaii hospitals are struggling to meet the increasing demands placed on them by a growing number of uninsured patients and rising costs.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH Program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH Program, which included the establishment of a floor for DSH allotments. States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of

2003 made additional changes to the DSH Program. This included an increase in DSH allotments for low DSH states. Again, States lacking allotments were left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 extended the DSH allotments for Hawaii and Tennessee until June 30, 2008. This provided an additional $7.5 million for a Hawaii DSH allotment.

This additional extension in the Medicare Improvements for Patients and Providers Act of 2008 authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST Program. This act will provide $15 million for Hawaii DSH allotments through December 31, 2009.

All States need to benefit from the DSH Program. This legislation will make sure that Hawaii and Tennessee continue to have Medicaid DSH assistance. I will continue to work with Chairman BAUCUS, Ranking Member GRASSLEY, Senators ALEXANDER, CORKER, and INOUYE to permanently restore allotments for Hawaii and Tennessee. However, we must override the veto to help our struggling hospitals.

Many of our hospitals in Hawaii desperately need resources. Layoffs have been announced and reductions in services are possible. These DSH resources will strengthen the ability of our providers to meet the increasing health care needs of our communities.

Mr. President, we must enact this legislation. It will protect access to health care for seniors, individuals with disabilities, and members of our armed services and their families. The bill will improve Medicare benefits and provide much needed financial assistance for hospitals in Hawaii that care fore the uninsured and Medicaid beneficiaries.

Mr. REID. Mr President, it may have taken just one flourish of a pen to affix the name ''Lyndon Baines Johnson'' to the law that created Medicare in 1965.

But that one pen stroke created a program that has come to reflect a bedrock American principle: That all those seniors who have worked hard—and all those who need a helping hand—will find themselves embraced by the care of our compassionate Nation.

And though Medicare was created by a Democratic Congress and a Democratic President, that principle has always been anchored far too deep in our soil for the roots of partisanship to entangle.

When the program has been threatened, Democrats and Republicans have risen to the occasion to protect it.

So it was last month, when the House of Representatives approved the ''doctor's fix'' by an overwhelming vote of 355–59.

So it was last week, when Senator KENNEDY led a veto-proof majority of all Democrats and 18 Republicans voting yes.

So it was earlier today, when the House voted to override President Bush's veto, 383–41.

So it must be now, as we follow suit to reject the veto and place this legislation into law.

On the July day in 1965 when President Johnson signed the original Medicare bill, he said this:

> Just think, because of this document—and the long years of struggle which so many have put into creating it—in this town, and a thousand other towns like it, there are men and women in pain who will now find ease.
>
> There are those, alone in suffering who will now hear the sound of some approaching footsteps coming to help.
>
> There are those fearing the terrible darkness of despairing poverty—despite their long years of labor and expectation—who will now look up to see the light of hope and realization.

Since the day President Johnson handed the very first Medicare card to President Truman, hundreds of millions of senior citizens and people with disabilities have received their own card.

Each new card issued strengthens our commitment to the health and well-being of our most vulnerable.

Now it is our turn to do our part—to renew the light of hope for those who need our help the most, those people in their golden years, the senior citizens of America who depend on Medicare.

The PRESIDING OFFICER. The question is, shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—70

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Pryor
Biden	Harkin	Reed
Bingaman	Hutchison	Reid
Bond	Inouye	Roberts
Boxer	Isakson	Rockefeller
Brown	Johnson	Salazar
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Chambliss	Leahy	Stabenow
Clinton	Levin	Stevens
Cochran	Lieberman	Tester
Coleman	Lincoln	Voinovich
Collins	Lugar	Webb
Conrad	Martinez	Whitehouse
Corker	McCaskill	Wicker
Cornyn	Menendez	Wyden
Dodd	Mikulski	
Dole	Murkowski	

NAYS—26

Allard	DeMint	Inhofe
Barrasso	Domenici	Kyl
Bennett	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Sununu
Coburn	Gregg	Thune
Craig	Hagel	Vitter
Crapo	Hatch	

NOT VOTING—4

Kennedy	Obama
McCain	Warner

The bill (H.R. 6331) was passed.

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 26. Two-thirds of the Senators voting having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will come to order. Senators will take their conversations off the floor so the Senator from California can be heard.

Mrs. BOXER. Mr. President, I wanted to take some time this early evening to talk a little bit about our energy crisis and gas prices. But I first want to say thank you so much to our leaders, Senator REID in particular, to Senator BAUCUS, to all those who helped score a real victory for the Medicare Program for our senior citizens today. It is not every day that a President has a veto overridden, but this President is just out of touch in so many areas. This was one area. Now I truly think we have saved Medicare for the moment, and that is a good feeling.

ENERGY

Mrs. BOXER. Mr. President, I know you care a lot about the way we move toward addressing our energy crisis,

and I think the American people are very wise about this. I think they want to see action, but they do not want to see phony solutions to a real problem.

I remember when the idea came up for a gas tax holiday and it was put forward by Senator MCCAIN and others, it took a few days for people to understand that our gas tax funds our highway program and we were not about to put our highway program at risk because that program is essential to building the infrastructure of our Nation. That program is essential for hiring millions of workers. The American people are wise. They want to see solutions that are real and that work.

That is why I believe so strongly that as we shine the light of truth on this idea to undo a moratorium we have had on magnificent areas of our coastline, as people shine the light of truth on that, they will understand that this is another phony solution. It doesn't do a thing to lower gas prices. Just as the gas tax holiday put the highway trust fund at risk, this idea puts our national coastal economy at risk, which, as my friend knows, is a $70 billion economy with millions of jobs, many of them in his State of New Jersey and my State of California. It makes no sense to tell the American people that by undoing this very important protection for our coastline, that is going to result in lower prices at the pump. It simply is not going to happen.

There are many things we can do. I am going to outline some of those things for the consideration of colleagues, but I think the important thing for us to note as we reach this election year is that we are going to hear a lot of silly stuff. We are going to see a lot of proposals to try to take the focus off why we are where we are.

Two oil men in the White House for 8 years equals $4 per gallon for gasoline. That is 8 years divided by two oil men in the White House equals $4 per gallon of gasoline.

As my colleagues were coming up with this idea on how to show us where we are—and Senator WHITEHOUSE was one of those—I said to him: We better be careful, because in California we are getting to $5 a gallon gasoline and this math will not work.

But I am happy we did this, because one of the hallmarks of being a mature adult is taking responsibility. And this administration does not want to take responsibility for anything; not for the housing crisis, not for the war in Iraq, not for the deficit, the debt, not for the stock market, not for anything, and certainly not for a 300-percent increase in gas prices that has occurred while we have had two oil men in the White House.

The oil companies have gotten everything they have wanted: record-breaking profits, CEOs taking tens of millions of dollars home in their pockets. And guess what the President's solution is: Give the oil companies more of what they want. Give them access to beautiful land, land in the OCS, the Outer Continental Shelf, that was set aside first by President George Bush, G.W.'s Dad. He did not listen to him on Iraq and he is not listening to him on this either, and then carried forward by President Clinton.

Now, here is the point: Do we need to drill? Do we need to have domestic drilling? No problem. I agree with that. I agree with that. So go to the places where it makes sense. Do not go to the places where you are going to threaten a thriving coastal economy.

That leads me to the next chart which is: Use it or lose it. What do I mean? The oil companies have available to them 68 million acres they have leases on for drilling. Have they drilled there? No, not really. They have not. So I would say, rhetorically, why would the oil companies, in a time of these prices, not go and drill in these acres where they have all of this oil?

Answer—it is easy to answer your own question. Answer: They love the fact that there is a shortage of supply. I have seen in my own State where they tried to shut down a refinery and made up a whole story that it was losing money, that there were no buyers. That was baloney. And now why do you think they want more access to these leases? It is because they can put it on their balance sheet and their stocks can go up and their CEOs can make more money. Even the Bush administration stated very clearly there would be no impact on gas prices if you gave them access to more OCS. So let's go through this again. There are 68 million acres available for the oil companies right now this minute. And they want more, more, more, so they can put it on their balance sheets, get their stocks to go up higher, get their CEOs to earn more money. They are not going to drill. It would be foolhardy to believe this President when it comes to this issue. He said, and I am quoting him almost verbatim—if I do a disservice I am sure I will hear about it because I listened to him say it. He said: There is only one thing standing in the way of lower gas prices, and that is the Congress.

I thought: Well, that is interesting. What does he want us to do? Then he said he wants us to reverse our policy of preserving the pristine areas of our coastline. By the way, 80 percent of our coastline, 80 percent of the resource, is already available for drilling, so this represents 20 percent, so it is not an answer, anyway. His own people tell him it is not, but he is so desperate to detract the flak away from himself and his oil partner, DICK CHENEY, that he comes up with this idea.

I am here on the floor tonight because I am trying to tell the American people the God's honest truth. Here is what you are going to hear. You are going to hear: There were no problems with oil spills after Katrina. My friend from New Jersey, Senator MENENDEZ, is in the chair. I heard him give a little speech about this. He has documented tens of thousands of gallons of spills after Katrina. We have spills in California all the time. We have a lot of offshore oil drilling in our State.

But we know we do not want it expanded, because we count on the quarter million jobs we have in our State in the tourist industry and the fishing industry and the recreation industry. So I say to my friend: What can we do then to push for lower gas prices? There is a whole host of things we can do. I want to say for the 68 million acres available for drilling now: Use it or lose it, oil companies.

There is another 22 million acres in the naval reserve that is off of Alaska. They have only bid for a few million acres there, so they can do that. But do not come into our coasts. They are a gift from God. It is a moral responsibility to protect it, and it is an economic responsibility to protect it, because once you start the drilling, it changes the whole nature of that coast. I know that because I have got part of the coastline that allows drilling and part that does not, and the difference is immeasurable in terms of the activities that go on, in terms of the wildlife, in terms of the scenic value, the beauty, and the pristine feeling you have.

So what can we do? First, tell the oil companies: Drill where you have got leases. Oh, and the other thing you hear, in addition that there were no problems after Katrina, you will hear other stories about how we do not know if there is any oil in those acres. Excuse me, we do, because in the 2005 Energy bill we ordered an inventory to be taken. That inventory was started and we are getting the information. We know there is six times the amount of oil here than in ANWR, the Alaska preserve. So use it or lose it. That is one.

I did a whole study in my office about what it would mean to our imports of foreign oil if we could suddenly have every car on the road get in the high 30s, toward 40 miles per gallon fuel economy. I drive a hybrid. It is very good. One of my hybrid cars, the newest one, gets over 50. So I wanted to know if we all suddenly shifted—we know it is not going to happen, but it was an exercise. If we were able to get 39, 40 miles per gallon, that would save every single bit of import of oil from the Persian Gulf. Can you imagine?

So why are we sitting around being so dour about this? The technology is already there. We know we can do even better. If we can get that fuel efficiency up to 39, up to 40, we will no longer have to import nearly as much foreign oil. That is a very exciting point. So what can we do to lower gas prices and have the impact not be felt on our pocketbook? One way is to lessen the demand. Another way, because that does not always work, as my friend knows, if you get cars that do better so that, yes, you may be paying more at the end of the day but you need less to keep your car running, I would like to see some strong incentives for buying a hybrid car. Those incentives are gone now. We limited them to a certain number of cars. I would like to see that come down here,

and we do not need to give people who earn $200,000 or $300,000 a year those benefits, but I would like to give people who earn $30,000, $40,000 even up to $100,000, $150,000, a break when they buy a hybrid vehicle, an electric vehicle, because families do save up and do make these decisions. And we should incentivize them for purchasing such an automobile.

What else can we do? We have a Strategic Petroleum Reserve. One of the reasons it is set aside is so we can avoid the shock for the economy of high gas prices. Now is the time. I agree with Speaker PELOSI, who has put this out as an idea, to release some of the oil from the SPR. It is 97 percent full. Even if you kept it at 90 percent full, it is the highest it has been in history. That would have a salutary impact by allowing that supply to get right into the market.

And, by the way, if we did it in a swap, and it is complicated here, there are ways we could actually make money on such a plan. So that is another way.

Incentives for conservation, use it or lose it, while we protect our coasts. I am saying to you there are many ways to move.

Speculation. Some experts have said speculation is anywhere from 25 percent of the problem to 50 percent. I do not know where it comes out. But I can tell you this: We ought to go after the speculators. I talked to my friend MARIA CANTWELL from Washington. She and I and Senators FEINSTEIN and MURRAY were so burned on the Enron scandal. Now we have got traders doing the same thing. And we know there are many people playing in the futures market who are unregulated. They go abroad.

So I am hopeful, and Senator REID said he is working on this, he will be able to bring down to this floor a bipartisan measure that goes after the speculators. We can do these things. There are many other things we can do.

Let me tell you, the bottom line in the long run is global warming legislation, which I know my friend was such a strong supporter of. The fact is, we have 54 Senators who said: Yes, let's go forward on this. But we did not have 60, so we were cut short.

The fact is, our next President is going to take this on, and when he does and we work with him, we will unleash the genius of America. Once there is a price on carbon that will probably be set in the private market through a cap-and-trade system, the investments that will be made in cellulosic fuels, in biofuels, all of these things that we need, they are going to happen.

I have been told by Silicon Valley that they are going to spend more, more in finding alternative energy that is clean, that does not have a carbon footprint, than they did in the biotech revolution and in the high-tech revolution. That is pretty remarkable.

What we need to do in the long term is to stand up together, fight global warming, save the planet, have a transition fund to help our consumers get through the early years. We know from our modeling that by the time we get to the outyears, people will be saving money because we will have the alternatives.

So when it comes to energy, efficiency is the name of the game too. You know, if you have a leaky house, meaning that if you do not have double-paned windows, you double-pane them, the difference in your bill is overwhelming. If you are putting in a new air conditioner, and you have to do it, if you go to the high efficiency end, your bills will go down by two-thirds. That is a fact. We cannot drill our way out of this. Anyone who tells you we can is not telling the truth.

Senator BIDEN was saying to me, suppose you opened up every single drop of oil to drilling. It is a tiny percent of the energy we need. Why on Earth would we tell people, therefore, if you just open the coastline, your gas price will go down? That is what the President is saying. It is not true. His own energy people tell him it is not true. It will not have an impact on gas prices. Why don't we do something that will? I think I talked about some of those ideas.

I will close where I started, which is to the oil companies and to this President: Let the oil companies start drilling in the acreage they have access to before we start giving away the crown jewels of our country. We are just not going to do it.

I know the Senator from New Jersey very well. He and I are close friends. We worked hard on coastal protection. We will use every tool at our disposal to make sure that an energy policy we embrace is real, is not phony, does not give away more gifts to the oil companies and these CEOs who are making hundreds of millions of dollars in 1 year. We are not going to allow it. It is not going to happen. It shouldn't happen. What should happen is a balanced approach where we have drilling where it makes sense, where it doesn't endanger our precious coastline.

By the way, to think of the millions of dollars we have put into sanctuaries to protect wildlife and to hear our President say what he said was, to me, extraordinary. I haven't had a note in front of me through this speech because, honestly, I wasn't going to speak about this formally. But I couldn't resist the opportunity to get into the RECORD my dismay at having a President who is an oilman, who has presided over the biggest runup in gas prices we have ever seen. He has not ordered one investigation. He hasn't used any of the tools at the FTC, at the Commodity Futures Trading Commission, not one thing to say to the oil companies: Shape up.

We have proven in California that they are trying to control the supply. All he can do to deflect attention away from 8 years divided by two oilmen in the White House equals $4 per gallon of gasoline, all he can do now is to say: Congress, it is all your fault. It won't work. The American people are too smart.

Where is the President on the renewable energy tax credits we have tried and our Republican friends stopped us every single time? There is so much genius out there. We have the technologies, the solar, the wind, the geothermal. In California, we have 400 new solar companies because we are taking the lead on global warming. Thank God, we do because as the housing market is doing very badly in California and people are laid off of construction, they are going over to work putting solar panels on, building windmills. Thank goodness. That is what we could be doing all over this great Nation if we had a leader in the White House and enough of us here to overcome the status quo, the sucking up to the oil companies. I hate to be crude about it, but I have to say that is what it is like. We don't have an energy policy that works for anybody but the oil companies. It is quite obvious.

I hope the American people watch this debate. I hope they embrace the values we have had for so long, since George Bush's dad was in the White House, when we said there is a value to our unspoiled coast and there is not enough oil there to make a difference overall, so why should we jeopardize the many jobs that come from this unspoiled coast by drilling there when there are so many other places to drill and so many other ways we can work on this problem?

My colleague has been a leader on this issue. In many ways, he has been inspirational to many of us. I hope he has a chance to take the floor of the Senate and make some remarks. Leadership is very necessary.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

40TH ANNIVERSARY OF THE NATIONAL COUNCIL OF LA RAZA

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the largest national Hispanic civil rights and advocacy organization in the United States. The National Council of La Raza and its nearly 300 community-based affiliates across the country have worked for more than 40 years to expand the opportunities of Hispanics in the United States.

The National Council of La Raza is strongly rooted in America's civil

rights movement of the 1960s and has been a critical force in the advancement of the Hispanic community's fight to obtain a voice in the public sphere. Thanks to the fine leadership at NCLR by individuals such as current president and CEO Janet Murguia and past president and CEO Raul Yzaguirre, NCLR has much to celebrate. In its 40 years of service in 41 States, Puerto Rico, and the District of Columbia, the National Council of La Raza has worked ardently to provide a much needed Latino perspective in the policy areas of civil rights, immigration, education, employment, health and asset building. In addition, I recognize NCLR's dedication to encouraging civic participation among Hispanics through its voter registration initiatives.

In the Silver State, NCLR has been a valuable partner in meeting national challenges at the local level through its four Nevada affiliates: the East Las Vegas Community Development Corporation, Housing for Nevada, The Nevada Association of Latin Americans, Inc., NALA, and Nevada Hispanic Services, Inc.

In recent months, Nevadans have endured the highest foreclosure rate in the country and struggled to overcome the challenges of an ailing economy. Unfortunately, the Hispanic community has been especially vulnerable to foreclosure and more susceptible to falling victim to economic decline. I have been comforted to know that local partners in the NCLR affiliate network have been tackling this problem head on by providing homebuyer education programs, assistance for loss of a home due to foreclosure, and counseling for individuals facing mortgage default, among many other services and valuable affordable housing projects.

In addition to these valuable housing services, NCLR's Nevada affiliates also offer programs that focus on job placement, education services, nutrition services, immigration assistance, and important health issues, such as HIV/AIDS prevention and substance abuse prevention. These efforts have been especially important during an economic recession, and I share the gratitude of the many Nevadans who have benefited from the services and programs in Las Vegas, Reno, and throughout the Silver State.

I commend the National Council of La Raza for their 40 years of support to the Hispanic community and to these affiliates in Nevada and around the United States. It is through the hard work of these organizations that we will be able to overcome the challenges of our current economy and of the longer term battles against racial and ethnic disparities in the United States.

REMEMBERING SENATOR JESSE HELMS

Mr. KYL. Mr. President, I wish to pay tribute to my late colleague, Senator Jesse Helms of North Carolina. Other Senators have spoken at length in remembrance of our friend, recalling the man and his many accomplishments in this body. It was wonderful to hear the tributes by friends and family at his services in Raleigh, NC.

It was my good fortune to come to the Senate when Senator Helms was leading a lot of fights for a strong America. Senator Helms took charge of the Foreign Relations Committee at the same time I arrived in the Senate. From that perch as chairman, he steadfastly defended the Nation's interests. Senator Helms relished defending his principles, and I am sure he enjoyed his victories.

One such victory in this body is of particular note to me, for I was privileged to play a part in it. In 1999, in Senator Helms's fifth and final term in office, the Comprehensive Test Ban Treaty was before the Senate, and it was poised for ratification. But, with his support and blessing, I helped secure the votes to defeat the treaty, and it fell far short of the two-thirds vote that had at one time seemed assured.

That is but one of the many victories for U.S. national security in which Jesse Helms was involved in his three decades in the Senate.

Senator Helms fought some of most contentious and courageous fights in the Senate on issues of profound significance. Yet even when the stakes were so high that they involved preserving and safeguarding this Nation, Senator Helms remained unfailingly courteous. He held to his principles even when they were not popular, but he did so in a way that did not damage friendships.

My wife Caryll and I offer our sympathies to Jesse's wife Dot and their family. Senator Helms took the positions he judged to be right and he didn't flinch. He was a kind and gentle man who deeply believed in his country, his family, and his God.

VOTE EXPLANATION

Ms. STABENOW. Mr. President, on Friday, July 11, 2008, I regrettably missed a vote on H.R. 3221 due to a prior commitment in Michigan. If I had been present, I would have voted for RECORD vote No. 173, the motion to disagree to the amendments of the House adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221. This represented the final hurdle in passing the much-needed Housing and Economic Recovery Act of 2008. I strongly support this bipartisan, comprehensive bill to address the root of our economic problems—the housing crisis. This bill would strengthen the regulatory oversight of government sponsored enterprises, GSEs, and provide FHA modernization reforms to help stabilize the housing finance system and begin to restore confidence to the market. The bill's Hope for Homeowners FHA refinancing program would help as many as 400,000 homeowners at risk of losing their homes to foreclosure. It also includes foreclosure counseling for families in desperate need of help, assistance for communities hit by foreclosures, an affordable housing trust fund, provisions to help returning soldiers avoid foreclosure and important tax benefits targeted to help the recovery of the housing market. I am especially pleased that the package includes my provision to allow struggling American businesses to invest in the economy and create jobs here at home. This bill is an important first step in helping struggling families in Michigan and throughout the country. I look forward to the swift enactment of this legislation to provide relief to homeowners and to uphold the American dream for all.

EXPLANATION OF ABSENCE

Mr. WARNER. Mr. President, I have advised the Senate leadership that I will be necessarily absent from the Senate for the balance of this week. This evening, were I able to be present for the vote on the President's veto of the Medicare bill, I would have voted to override.

Following consultation and discussion with my physicians, including the Capitol Physician's Office, I made the decision earlier this summer to treat my atrial fibrillation with a pacemaker, and made arrangement for scheduled admission to Inova Fairfax Hospital. Colleagues will recall that last fall I was treated for this common condition.

This past Saturday doctors implanted a pacemaker, and consistent with the success of the routine procedure, I was released the following day.

This morning I came to the Capitol, handled planned morning appointments, and voted on the floor of the Senate. During a follow-up visit this afternoon, the Capitol Physician's Office and my private doctors made the decision to schedule a readmission to Inova Fairfax Hospital where they will perform a second procedure to adjust the pacemaker, and will keep me for observation.

FURTHER CHANGES TO S. CON. RES. 70

Mr. CONRAD. Mr. President, pursuant to sections 221(f) and 227 of S. Con. Res. 70, I previously filed adjustments to the 2009 budget resolution for H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008. Those adjustments reflected the Congressional Budget Office's estimate at that time of the budgetary effects of H.R. 6331.

CBO has since revised that estimate. While H.R. 6331 still meets the conditions required for the release of the reserve funds under sections 221(f) and 227, including being fully paid for over both the 6- and 11-year time periods, the net effect of CBO's revisions is to

lower the estimated net savings of the legislation.

Consequently, I am revising the adjustments made on July 9 pursuant to sections 221(f) and 227 to both the budgetary aggregates and the allocation provided to the Senate Finance Committee to reflect CBO's revised scoring.

I ask unanimous consent that the following revisions to S. Con. Res. 70 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221(f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH

In billions of dollars

Section 101	
(1)(A) Federal Revenues:	
FY 2008	1,875.401
FY 2009	2,029.653
FY 2010	2,204.695
FY 2011	2,413.285
FY 2012	2,506.063
FY 2013	2,626.571
(1)(B) Change in Federal Revenues:	
FY 2008	-3.999
FY 2009	-67.746
FY 2010	21.297
FY 2011	-14.785
FY 2012	-151.532
FY 2013	-123.648
(2) New Budget Authority:	
FY 2008	2,564.247
FY 2009	2,538.301
FY 2010	2,566.665
FY 2011	2,692.500
FY 2012	2,734.141
FY 2013	2,858.880
(3) Budget Outlays:	
FY 2008	2,466.678
FY 2009	2,573.384
FY 2010	2,625.623
FY 2011	2,711.441
FY 2012	2,719.543
FY 2013	2,852.019

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—-S. CON. RES. 70; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 221(f) DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ECONOMIC RELIEF FOR AMERICAN FAMILIES AND SECTION 227 DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH

In millions of dollars

Current Allocation to Senate Finance Committee	
FY 2008 Budget Authority	1,102,801
FY 2008 Outlays	1,104,781
FY 2009 Budget Authority	1,092,354
FY 2009 Outlays	1,093,724
FY 2009–2013 Budget Authority	6,161,697
FY 2009–2013 Outlays	6,170,295
Adjustments	
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2009–2013 Budget Authority	297
FY 2009–2013 Outlays	193
Revised Allocation to Senate Finance Committee	
FY 2008 Budget Authority	1,102,801
FY 2008 Outlays	1,104,781
FY 2009 Budget Authority	1,092,354
FY 2009 Outlays	1,093,724
FY 2009–2013 Budget Authority	6,161,994
FY 2009–2013 Outlays	6,170,488

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, almost 3 months have passed since I last sought to memorialize our fallen soldiers, and more American troops have lost their lives overseas in Iraq and Afghanistan. I wish to make sure their service and sacrifice is forever remembered by including their names in the CONGRESSIONAL RECORD.

Since I last included the names of our fallen troops on April 28, the Pentagon has announced the deaths of 117 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten and today I submit their names into the RECORD:

MSG Mitchell W. Young, of Jonesboro, GA;

SPC Brian S. Leon Guerrero, of Hagatna, Guam;

SPC Samson A. Mora, of Dededo, Guam;

SFC Steven J. Chevalier, of Flint, MI;

SGT Douglas J. Bull, of Wilkes Barre, PA;

SPC William L. McMillan III, of Lexington, KY;

SFC Anthony L. Woodham, of Rogers, AR;

1LT Daniel Farkas, of Brooklyn, NY;

SPC Estell L. Turner, of Sioux Falls, SD;

SSGT Edgar A. Heredia, of Houston, TX;

SFC Jeffrey M. Rada Morales, of Naranjito, Puerto Rico;

MSG Shawn E. Simmons, of Ashland, MA;

SGT James M. Treber, of Imperial Beach, CA;

SSG Travis K. Hunsberger, of Goshen, IN;

SFC Matthew L. Hilton, of Livonia, MI;

SFC Joseph A. McKay, of Brooklyn, NY;

SPC Mark C. Palmateer, of Poughkeepsie, NY;

Lt Col Max A. Galeai, of Pago Pago, American Samoa;

CPT Philip J. Dykeman, of Brockport, NY;

CPL Marcus W. Preudhomme, of North Miami Beach, FL;

CW5 Robert C. Hammett, of Tucson, AZ;

MAJ Dwayne M. Kelley, of Willingboro, NJ;

SGT Alejandro A. Dominguez, of San Diego, CA;

SPC Joel A. Taylor, of Pinetown, NC;

SPC James M. Yohn, of Highspire, PA;

SPC Joshua L. Plocica, of Clarksville, TN;

PFC Bryan M. Thomas, of Lake Charles, LA;

SSG Christopher D. Strickland, of Labelle, FL;

SGT Ryan J. Connolly, of Vacaville, CA;

CPT Gregory T. Dalessio, of Cherry Hill, NJ;

LTC James J. Walton, of Rockville, MD;

SPC Anthony L. Mangano, of Greenlawn, NY;

SGT Nelson D. Rodriguez Ramirez, of Revere, MA;

SGT Andrew Seabrooks, of Queens, NY;

SSG Du Hai Tran, of Reseda, CA;

SGT Matthew E. Mendoza, of San Antonio, TX;

HN Dustin Kelby Burnett, of Fort Mohave, AZ;

CAPT Eric Daniel Terhune, of Lexington, KY;

LCpl Andrew Francis Whitacre, of Bryant, IN;

SPC Jason N. Cox, of Elyria, OH;

HN Marc A. Retmier, of Hemet, CA;

PO1 Ross L. Toles III, of Davison, MI;

PVT Eugene D. M. Kanakaole, of Maui, HI;

SFC Gerard M. Reed, of Jacksonville Beach, FL;

SGT Michael Toussiant-Hyle Washington, of Tacoma, WA;

LCpl Layton Bradly Crass, of Richmond, IN;

PFC David Pietrek, of Bensenville, IL;

PFC Michael Robert Patton, of Fenton, MO;

LCpl Kelly E. C. Watters, of Virginia Beach, VA;

LCpl Javier Perales Jr., of San Elizario, TX;

SGT John D. Aragon, of Antioch, CA;

SGT Steve A. McCoy, of Moultrie, GA;

SSG Tyler E. Pickett, of Saratoga, WY;

SPC Thomas F. Duncan, III, of Rowlett, TX;

SFC David R. Hurst, of Fort Sill, OK;

CW5 James Carter, of Alabama;

SPC Andre D. McNair, Jr., of Fort Pierce, FL;

SGT Shane P. Duffy, of Taunton, MA;

SPC Jonathan D. A. Emard, of Mesquite, TX;

SGT Cody R. Legg, of Escondido, CA;

MAJ Scott A. Hagerty, of Stillwater, OK;

PFC Derek D. Holland, of Wind Gap, PA;

PFC Joshua E. Waltenbaugh, of Ford City, PA;

SPC Quincy J. Green, of El Paso, TX;

SPC Christopher D. McCarthy, of Virginia Beach, VA;

SPC James M. Finley, of Lebanon, MO;

PFC Andrew J. Shields, of Battleground, WA;

CPL Justin R. Mixon, of Bogalusa, LA;

CPL Christian S. Cotner, of Waterbury, CT;

SFC David Nunez, of Los Angeles, CA;

PFC Chad M. Trimble, of West Covina, CA;

SPC Justin L. Buxbaum, of South Portland, ME;

SPC Christopher Gathercole, of Santa Rosa, CA;

SFC Jason F. Dene, of Castleton, VT;

SGT David L. Leimbach, of Taylors, SC;

SSG Frank J. Gasper, of Merced, CA;

SGT Blake W. Evans, of Rockford, IL;

PFC Kyle P. Norris, of Zanesville, OH;

LT Jeffrey A. Ammon, of Orem, UT;
1LT Jeffrey F. Deprimo, of Pittston, PA;
Lt Col Joseph A. Moore, of Boise, ID;
MSG Davy N. Weaver, of Barnesville, GA;
PVT Branden P. Haunert, of Cincinnati, OH;
CPL William J. L. Cooper, of Eupora, MS;
SGT John K. Daggett, of Phoenix, AZ;
SSG Victor M. Cota, of Tucson, AZ;
CPL Jessica A. Ellis, of Bend, OR;
PVT Matthew W. Brown, of Zelienople, PA;
SGT Joseph A. Ford, of Knox, IN;
PFC Ara T. Deysie, of Parker, AZ;
SPC Mary J. Jaenichen, of Temecula, CA;
SGT Isaac Palomarez, of Loveland, CO;
PFC Aaron J. Ward, of San Jacinto, CA;
SPC Alex D. Gonzalez, of Mission, TX;
LCpl Casey L. Casanova, of McComb, MS;
CPL Miguel A. Guzman, of Norwalk, CA;
LCpl James F. Kimple, of Carroll, OH;
SGT Glen E. Martinez, of Boulder, CO;
CPL Jeremy R. Gullett, of Greenup, KY;
SSG Kevin C. Roberts, of Farmington, NM;
PFC Corey L. Hicks, of Glendale, AZ;
SPC Jeffrey F. Nichols, of Granite Shoals, TX;
SFC Lawrence D. Ezell, of Portland, TX;
SSG Chad A. Caldwell, of Spokane, WA;
SGT Jerry L. DeLoach, of Jackson, GA;
CPT Andrew R. Pearson, of Billings, MT;
SPC Ronald J. Tucker, of Fountain, CO;
SSG Bryan E. Bolander, of Bakersfield, CA;
SGT Merlin German, of Manhattan, NY;
SSG Clay A. Craig, of Mesquite, TX;
PFC Adam L. Marion, of Mount Airy, NC;
SGT Marcus C. Mathes, of Zephyrhills, FL;
SGT Mark A. Stone, of Buchanan Dam, TX;
SPC William T. Dix, of Culver City, CA;
SFC David L. McDowell, of Ramona, CA;
SrA Jonathan A. V. Yelner, of Lafayette, CA;
CPL David P. McCormick, of Fresno, TX;

We cannot forget these men and women and their sacrifice. These brave souls left behind parents and children, siblings, and friends. We want them to know the country pledges to preserve the memory of our lost soldiers who gave their lives for our country.

60TH ANNIVERSARY OF THE BERLIN AIRLIFT

Mr. KOHL. Mr. President, I would like to take a moment to praise the efforts of the innumerable men and women who contributed to the success of the Berlin Airlift as we observe its 60th anniversary this year. The Berlin Airlift began in an effort between British and American forces to supply a post-WWII West Berlin population with the daily food rations necessary to sustain the entire city. In 1948 the Soviets began gradually closing down routes to West Berlin; routes by road, rail, and water were all eventually closed. Ingeniously, American and British commanders discovered the existence of air corridors over West Berlin due to a loophole in a 1945 agreement allowing 20-mile air corridors therefore providing free access to the city.

It was concluded that roughly 3,475 tons of daily supplies would be needed to sustain the city; the supplies included flour, meat, cereal, wheat, fish, milk, potatoes, sugar, coffee, salt, vegetables and cheese. The first supplies were dropped to West Berlin on June 26, 1948, by American C–47 aircraft under the orders of GEN Lucius Clay.

By April 1949 airlift operations had been running with almost flawless efficiency thanks to the perfection of airlift methods by LTG William Tunner after the Black Friday incident. Lt. Gen. Tunner decided to show the capabilities of his airlift operation to boost morale and break the spirits of the opposition at the same time; he decided to break any existing tonnage records. On Easter Sunday 1949, 12,941 tons of coal had been delivered to West Berlin from 1,138 flights without a single accident. This event raised daily airlift tonnage and contributed to the downfall of the Blockade. The Blockade officially ended May 12, 1949 yet airlift operations continued until September 30 of that year. In the struggle to supply the citizens of West Berlin with daily rations of food, 31 Americans lost their lives thus paying the ultimate price for the freedom of others. Mr. President, I would like to honor those men who lost their lives as well as all the men and women who contributed to the Berlin Airlift. They saved two millions lives through their heroic actions and shall never be forgotten.

RECOGNIZING THE ALPHA KAPPA ALPHA SORORITY

Mr. CARPER. Mr. President, I rise today to recognize the Alpha Kappa Alpha Sorority for 100 years of sisterhood and service and for the sorority's commitment to living lives of excellence that can serve as an example for us all.

Founded on the campus of Howard University in Washington, DC, in 1908, Alpha Kappa Alpha Sorority is the oldest Greek organization established by African-American college-trained women. The small group of founders hoped the organization would ensure that their college experiences were as significant and helpful as possible. As the sorority expanded, members emphasized dual themes of the importance of the individual and the strength of an organization of women of ability and courage.

Alpha Kappa Alpha is currently comprised of more than 950 chapters located in the United States, the Caribbean, Germany, Korea, Japan and my home State of Delaware. It includes more than 200,000 women who represent a diverse group including educators, politicians, lawyers, medical professionals, media personalities and decisionmakers of major corporations. They can certainly serve as role models to each of us.

Furthermore, the Alpha Kappa Alpha Sorority is dedicated to service. Currently, members are actively involved in a voter education and registration drive in order to mobilize Americans for the upcoming general election. They are also implementing the Extraordinary Service Program Platforms with activities dedicated to improving the living standards within the Black community, creating opportunities for women entrepreneurs, assisting Black families and improving the mental and physical health of local communities.

I am enormously proud to welcome members of the Delaware chapter of Alpha Kappa Alpha, along with many of their sisters, to Washington, DC, for their 100th anniversary celebration.

With this important anniversary in mind, the women of Alpha Kappa Alpha are to be commended and applauded for their leadership in communities across America, their commitment to service and the outstanding character that they personify.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, 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 heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through 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:

Hello Mike, One of your comments on the topic hit home with me—the fact that, due

to the size of our state, Idahoans are being left with few options in the face of higher gasoline prices. That is, sadly, my personal case.

I have the good fortune to be employed in Moscow for the University of Idaho. My home is up near Sandpoint. It is more than a commute distance, but I do get to go home on the weekends—a two-hour drive through, as I'm sure you're aware, some of the loveliest country anywhere. It is also twice as expensive now as it was when I joined the University in 2003.

Sure, I would love an alternative. But population density in our state does not allow light rail to be competitive, public transportation on that route runs only between such, ah, urban centers as Desmet and Hayden. (That would be greater metropolitan Desmet. If you go through there, do not blink.)

In short, we are stuck. Along the way, I've been noticing quite a few more cars parked near the highway than I used to. Big ones—Tahoes and Suburbans and other 4WD monsters too uneconomical to run under the new energy regime. Cars that offered their owners a measure of safety during the Idaho winters, and you are aware of what the last one was like. (By the way, it snowed in Moscow on the 10th of June. I am not kidding.)

What we are compromising with here in the name of economy is safety. There aren't really any numbers to describe that sort of choice, but it is not unusual in the transportation arena. Mandating a higher mileage requirement for domestic automobiles, for example, runs straight into the safety issue. I'd like people in D.C., to be aware that SUVs aren't necessarily useless affectations, and that choosing an alternative is not quite as easy out here as it is, say, to hop a train on the Boston-Atlanta metropolitan axis.

What to do? Well, it is generally good guidance to advise the government to get the heck out of the way in circumstances such as these. That means reviewing and discarding out-of-date environmental restrictions, for one. Can we really believe in this age of nuclear fuel re-processing that we still need to have swimming pools full of poisonous spent rods when something practical might be done with them? Silliness. It needs to be reviewed and corrected. It means not mandating nationwide speed restrictions when region A has different requirements than region B. It means stopping every state from mandating different gasoline formulae so that the refineries have to guess what and how much to make for where, when. That drives up their cost in the meantime. I'd love the government to ''encourage'' private research into alternate energy, largely by refraining from over-regulation.

Sure, I'd love a cheap, government-subsidized train ride from Moscow to the Canadian border, but I simply cannot countenance robbing my fellow citizens to pay for it. If it cannot stand on its own, let it be.

What I want most of all is for the government to stop flapping mindlessly to the gassy wind coming from the global warming hucksters. Just because it is an international political enthusiasm does not make it backed by valid science. And if we are going to clobber our economy in an effort to choke off carbon dioxide, of all things, we really ought to do so based on something other than computer modeling with more assumptions than data backing it. The government can say ''no'' to that sort of garbage but if it says ''yes'' it better be ready to pay for the damage. And not, I hope, with my money. Thanks for letting me vent, Mike.

TIM, *Moscow*.

SENATOR CRAPO. Thank you for the opportunity to voice my opinion and state my case in this situation.

Oil is the fuel of democracy, and there is no other natural resource available at this time that can replace it. None. I am convinced that unless the Congress acts now, they will be harnessed by the undertakers of historical fact with sabotaging our once-vibrant and globally-dominant economy with fuel prices that will cripple our ability to remain competitive at home and abroad.

[Conservatives] have a real opportunity to take this issue and own it. I cannot fathom a capitalist democracy offering up to investigate the profits of private industry when the government themselves are the only ones clearly guilty of benefiting from a windfall profit. By definition, a windfall profit is benefiting from a market occurrence you had nothing to do with. The government has nothing to do with the profitability of these oil companies, but benefits by levying the taxes and regulations.

Here's an Idahoan's approach to solving this:

1. Suspend the federal taxes immediately—this will not fix a thing, but will give a brief reprieve while you approve more domestic oil exploration.

2. Immediately announce that all [conservatives] will unite to pursue immediate off shore drilling, on shore drilling and especially drilling in remote locations such as the ANWR.

3. Stop corn subsidies to the corn growers for ethanol that has proven to be a political hay-making machine. I see right through this pandering to the early caucus and primary states, and it is wrong. It does not bring down the cost of fuel.

4. Approve more refineries to handle the flow of crude from our own wells and pipelines.

5. Explain to the American public why Iraq fuel is not flowing here yet in an amount that would benefit both nations.

6. Approve more clean energy like nuclear fuel and get Yucca Mountain open.

7. Approve more clean coal-burning power stations in the West. Look at the Navajo Nation!!!!

Most level-headed like-minded Americans will follow your lead in the pursuit of patriotic exploration of oil in our country. We need it. It has been long enough since we last cared about the state of our country in preserving our economy so we can preserve our country and way of life.

I love my way of life and wasted about five minutes calculating my [carbon] footprint on some website. I found out what I already knew—my carbon footprint was ten times larger than the average world citizen. Well, no news flash—the average Idahoan produces ten times more benefit to the world than the average world citizen. That is what makes Idaho great, and I love my state!

Get out front of this wave of frustration and cash in on the patriotic exploration of domestic oil. We will support you. I hate depending on politicians—but I have no choice on this one. I am depending on you to get something fixed.

BEN.

DEAR SENATOR CRAPO. Lowering the price of gasoline will not solve the current crisis for our country. If, by legislation, we were able to gain another source within our country, Americans would return to complacency and fail again to conserve. I believe a better use of legislative power is this:

Actually ask Americans to conserve what we have.

Support those many innovative people now researching alternative fuel (cooking oil, peanut butter, soybeans, hydrogen, whatever) for a sensible, quick and urgent solution—with the same fervor that went into the race to be first on the moon.

Offer incentives to car manufacturers to discontinue gas hogs, or provide an economical conversion option for existing engines; and to begin consistent production of hybrid vehicles with stellar mileage capacity on these alternate fuels.

Reduce dependence upon oil and gas from all sources, whether from unfriendly nations or from our own reserves.

Thank you for asking.

BJ, *Post Falls*.

To Whom It May Concern: The energy prices are of great concern to our family. We budget very conscientiously and always spend less than we make and try our best to pay down our mortgage and invest regularly. Our budget for gasoline has had to double over the past two years from $150/month to $300/month. We are a one-income family, and my husband commutes 50 miles round trip to work every day.

Due to the housing market, moving closer to work would cost us even more over a five to ten-year period, since the value of our house has decreased and the value of housing near his work has managed to stay pretty level. Not to mention that we like where we live and do not want to move. We have a very low fixed interest rate in our current mortgage as well.

As a result of the increasing costs, even camping, as a family vacation, is becoming cost-prohibitive. To manage the increase so far, we have reduced our travel plans and cut some from our regular savings and investment budget. However, with the concurrent grocery price increases and overall inflation, I foresee further cuts across the board for our budget as our costs rise and income stays the same.

Unlike the government, gas pumps, grocery stores, etc., we have no one to pass along our ''cost increase'' to. We have to make do with what we have.

I am infuriated that we allow other countries to drill offshore and yet not ourselves. The U.S. would run a cleaner and more efficient operation offshore than any of the other countries we currently encourage to work there. I am also a supporter of nuclear energy and think we need to keep building refineries for oil, concurrently with nuclear energy plants and other energy sources.

I often look at the policies that are being proposed and it is difficult not to believe the conspiracy theories that there are many in power who want Americans to suffer, who want the dollar's value to keep plummeting, who want energy prices to soar for their own political ends.

I hope my story and my opinion help in your research.

Blessings,

LORNA, *Boise*.

SENATOR CRAPO, I recently completed a complete analysis of sources of alternative energy at my ranch in Swan Valley, Idaho. Fuel and energy costs are now so prohibitive that we cannot sustain our business without passing on those costs or we will have to face the prospect of just shutting down. I looked at wind, water, bio gas and solar and, initially, I did not consider the capital costs required to install them. I used actual history for electricity and propane usage over the past couple of years. We raise beef cattle and registered horses, so I have plenty of possible methane production; we have a pretty constant canyon wind, especially in the summer; and we have a large stream that borders the property and it has a high flow rate in the spring and early summer. I carefully estimated wind days, solar days, flow volumes and efficient, but realistic manure collection. What I found was that for about $300,000 to $500,000 of capital, I could cover no more

than 30 percent of my annual electricity and propane needs! I didn't even start on my diesel and gasoline requirements. My conclusion from this analysis is that we *must* utilize oil, coal and nuclear power to continue to provide the majority of our energy requirements in this country long into the future. It is not just our economy that we need to worry about, but the very fabric of our society is at stake! Renewable energy is a curiosity and may help in small amounts in localized applications, but it is obvious to me that you cannot take small net energy sources and produce big net energy sources from them. Be concerned about ethanol and bio diesel for that very reason. We need to stop this anal conservation lunacy and utilize our natural resources to solve our energy problem! Absolutely, we need to take care of the environment, but we cannot afford to pay these prices (especially as the money goes directly to the Middle East to fund our enemies!). The solution to the problem is obvious—why cannot we set aside political posturing and get this done???

KEN, *Swan Valley*.

I consider Idaho my home. I love the state, the out of doors and, most of all, the people. I have lived here for over ten years having moved here from Bend, Oregon. My career has taken me all over the world. I have lived or traveled through 39 countries in the last twenty years prior to moving here, and there is nowhere else I would rather live. Presently, I live 45 miles north of Boise, near New Plymouth.

For a number of years, I worked for Woodgrain Millwork as manager of one of their testing and coatings sections. When that closed, I transferred to Kelly Moore as the outside Industrial and Commercial Sales Rep. Life has been very enjoyable. However, a large portion of my activity centers around construction, food processing and manufacturing. Each of these sectors has had to restructure a good many of their plans as one might expect.

It is my belief the market in Idaho will recover at some point; however, it is simply a matter of how long the individual can hold out. Commissions, as one would expect, have lagged, and, of course, the cost of living has not. I have a pretty good-sized territory requiring considerable driving. Every two weeks, I have been spending around $250 for gas. Today, I turned in receipts for close to $500. While the company offsets the majority of this, I still bear a portion and, with the increase in the overall cost of living and the decline in commissions, I am having to look for work elsewhere. I have been supplementing the difference out of savings; I cannot keep doing that. The fact of the matter is Friday I fly to Portland for an interview, a bitter pill, but I must get the bleed under control. Given the changes over the last seven to eight months, I see no other choice.

ROGER.

SENATOR CRAPO, Even though I make a good living these gas prices couldn't have hit at a worse time. I am trying to get my bills paid down so that I can afford to retire. It does not look like I'll be retiring anytime soon.

I am very upset with Congress; they should be opening up exploration and drilling in this country. I agree with Newt: Drill here, Drill now, Pay less. Please work towards this goal.

Thank you for asking,

BILL, *Meridian*.

Yeah, gas is too high and it makes the price of everything go up. Food prices are going crazy, produce, it is killing the farmers the truckers and the consumers. Now the electric bill is going up, natural gas going up, but wages not so much.

I make $15.60 an hour, pretty good for Idaho; but if I hadn't already bought into my house eight years ago, I would be out of luck.

I believe transit would help a good deal, but the bus system [is not adequate]. Not enough money to run a real bus system. Federal funding keeps getting cut and cut again. It does not make sense. If you want people to cut consumption of gas, you have to give them options.

Sincerely,

CONNIE, *Boise*.

I would like to respond to your request for comments regarding energy prices and their effect on the people you represent.

Like many people in the greater Boise metro area, I work in downtown Boise but live in communities in the surrounding areas. I work as a software developer, and as such I make what is largely considered to be a comfortable income. I drive a late 80s sedan that I have owned for ten years, and was owned by my parents before me. Unlike many neighbors, I carry no debt outside of my home mortgage, but my mortgage is a significant portion of my after-tax income (greater than 35 percent). My family functions on a very lean budget, not eating out often, producing our own vegetables in our garden, and taking few road trips or vacations.

Lately I have needed to cut back on my driving due to increased fuel costs. My commute now costs me roughly $5.50 per day just in gas. According to the IRS standard vehicle expense deduction, the real cost is $12.12 daily, which includes upkeep and repair as well as fuel costs. Just last year, I was able to function within a $3 per day commute budget. To counteract these increases in cost, I have purchased a road bicycle and am starting to ride in to work the 12 miles one way. Unfortunately, this adds an extra 1.5 hours to my day. So now my workday increased from roughly nine hours away from home to almost eleven hours.

However, I also suffer from severe allergies specifically relating to tree pollen, grasses and weeds, of which our desert climate and river surrounding community has plenty. These allergies cause my eyes to swell shut when pollen levels increase beyond reasonable levels. The Boise valley area has especially bad pollen problems, due to frequent inversions and stale summer air conditions.

So I am faced with the choice of saving money by riding a bicycle, but suffering debilitating allergic reactions, or paying an additional 54 percent in transportation costs, which cuts out monies allocated in our budget to spending time with my family in local restaurants, or for charitable giving to the Rescue Mission. Those businesses and charities, in turn, no doubt, are feeling the pinch from other families in similar situations, so local businesses are suffering as well.

The net result of rising costs of fuel and inadequate public transportation in suburban cities, is a lose-lose situation for both me and my community. Add to this problem the speculative nature of fuel prices due to our nations reliance on fuel imports, and the future becomes even less certain. An uncertain future means less spending. Less spending means economic shortfalls and contraction.

I am entirely in favor of new efforts to expand new domestic oil exploration and refining capacity as well as investments in nuclear energy infrastructure to help reassign valuable fossil fuels like natural gas or oil to transportation uses and away from electrical power generation. And I also am in favor of long term research in alternate energy and alternate transportation but not to the exclusion of shorter term solutions that make use of our nations existing vehicle inventory and infrastructure.

Thank you for your desire to hear from your constituents.

JASON, *Meridian*.

ADDITIONAL STATEMENTS

IN HONOR OF THE HEALTH CENTERS OF DELAWARE

• Mr. CARPER. Mr. President, each year the Nation celebrates National Health Center Week to honor the efforts of the nearly 40,000 medical professionals who strive to provide quality health care to Americans throughout all 50 States. I am pleased to announce that this year National Health Center Week will be held August 10 through 16.

As an annual supporter of this event, I once again commend the work of the Mid-Atlantic Association of Community Centers and the many health centers in my home State for the role they play in delivering quality, affordable health care to lower-income Delawareans.

These health centers are community-run and open to all Americans regardless of their ability to pay. Delaware is fortunate to have a number of these health centers, including Westside Health in Wilmington and Newark, Henrietta Johnson in Wilmington, Delmarva Kent Community Health Center in Dover, and La Red Health Center in Sussex County.

These centers and those across our Nation are extremely valuable, operating in both rural and urban medically underserved areas and providing care that might not be otherwise available to residents.

By serving as a point of access for affordable primary and preventative care, our Nation's health centers allow to patients to stay healthier, or if they are ill to allow them to seek earlier treatment. This prevents patients from relying solely on costly treatments, such as emergency room visits, saving money for them and our health care system as a whole.

Again, I wish to commend the health centers of Delaware for their hard work and dedication. I thank them for all of the valuable services they provide to so many of us who call Delaware home.•

100TH ANNIVERSARY OF MAN MOUND

• Mr. KOHL. Mr. President, I would like to recognize the importance of Man Mound and congratulate the citizens of Sauk County and the Sauk County Historical Society for their extensive and successful preservation efforts.

Hundreds of years ago, before the Europeans came to this land, a band of Native Americans began efforts to alter the landscape by creating effigy mounds. Although the purpose is still unclear, effigy mounds were primarily

used for religious purposes, though some served as burial mounds. Particularly in the Midwest, American Indians often built the earthen mounds in the shape of animals; however, Man Mound, located in Sauk County in Greenfield Township, WI, is the one of the few effigy mounds in the shape of a man. Over 900 mounds once existed in Sauk County, yet over 75 percent of the mounds have been plowed, erased by floods or destroyed by looters and construction. Although the legs of Man Mound were partially destroyed during road construction in the early 1900s, preservation of Man Mound continues and further destruction to the mound has not occurred. Due to the shrinking number of mounds and the rare human shape of the mound in Greenfield Township, Man Mound needs to be recognized as a valuable part of history.

The Sauk County Historical Society dedicated Man Mound Park, the area surrounding the mound, in 1908 and has since made efforts to keep the mound in its original state. The efforts of the people of Sauk County and the Sauk County Historical Society to protect the effigy mound were progressive and laudable. Man Mound is believed to be the best preserved man-shaped Native American effigy mound remaining in the United States, a title only possible through the commitment of the Historical Society and the citizens of Sauk County.

On August 9, 2008, citizens from many parts the State of Wisconsin will gather to celebrate the 100th anniversary of the preservation of the Man Mound. The commemoration will highlight this unique Native American effigy mound, increase awareness of its value as a landmark and allow for further investigation as to whether there are more mounds in the area. Man Mound will serve as an educational resource for the people in Greenfield Township, Sauk County and Wisconsin. The preservation efforts by the people of Sauk County have not gone unnoticed. The Sauk County Historical Society, the Ho-Chunk Nation, the Wisconsin Historical Society, the Wisconsin Archeological Society, the General Federation of Women's Clubs-Wisconsin, the Wisconsin Archeological Survey and the Sauk County UW Extension, Arts and Culture Committee have dedicated valuable time and resources toward the commemoration of Man Mound. The individuals involved deserve recognition, praise and thanks for their hard work.●

RECOGNIZING THE PHILADELPHIA PHILLIES

● Mr. SPECTER. Mr. President, I seek recognition today to express my gratitude to the Philadelphia Phillies for their extraordinary effort during a recent mentoring event at PNC Park in Philadelphia on June 21, 2008. This particular event was the most recent in a series of events that have been an integral part of a youth outreach program.

Since my days as district attorney in Philadelphia, I have devoted a great deal of time and attention to developing ways to reduce violent crime. I believe one of the best ways to reduce the rate of youth crime and violence is to develop mentoring programs with the explicit goal of imbuing the youth of Pennsylvania with ideals such as hard work and civic responsibility. With this goal in mind, I have worked diligently to secure funding for mentoring style programs and have subsequently held events focusing on mentoring and the issues of youth crime and violence throughout Pennsylvania including Philadelphia, Reading, Lancaster, York, Pittsburgh, and Allentown.

The mentoring events in which I have participated are intended to provide the young people of Pennsylvania with a day all their own and, simultaneously, highlight how fun and special mentoring relationships can be for everyone involved. It is my belief that when these young people see that there are positive role models readily available in their community to whom they can turn when searching for someone to emulate, the chance of perpetuating violent patterns of behavior will markedly decline. Specifically, youth involved in a formal mentoring program are 46 percent less likely to start using drugs and alcohol and 33 percent less likely to hit another person. Participants also attended school more regularly and completed their school work more consistently and on time. Finally, the children demonstrated improved peer and family relationships as a result of their involvement in mentoring. These indicators make me hopeful that wide-scale mentoring could have a tremendous impact in this city.

The day with the Philadelphia Phillies was no exception. Between the planning efforts and resources of the Phillies organization and the recommendations of my exceptional staff, the event turned out to be memorable for all those who attended. The accommodations the Phillies afforded the kids were exceptional. They went so far as to honor one young person from their own mentoring program and me, and we had the opportunity to get involved in the ''First Ball'' ceremony. I am sure this is a memory that this young man will carry with him for the rest of his life. I know it is one I will always reflect upon fondly.

In the wake of the numerous scandals plaguing professional athletics, the event on June 21, 2008, reminded all those in attendance how powerful professional athletes can be in serving as positive role models for the children of our communities. There is no doubt that the young people of the great Commonwealth of Pennsylvania will continue to look toward players such as Chase Utley, Tom Gordon, Jimmie Rollins, Pat Burrell, and others in the future when determining who they should emulate.

What I feel is most important to take away from this event is how significantly it reflects the desire of the entire Philadelphia community to become involved in programs that have the potential to effect real change in the lives of our youth. When a group as notable as the Philadelphia Phillies sets aside time and resources to enhance the lives of our youth, it establishes a powerful standard for involvement for the rest of the community. For this program to be a success, it is essential to engage groups of caring professionals. The Phillies, much to my pleasure, have done just that.

I look forward to working further into the future with this great organization and the others that I hope will follow their lead.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1714. An act to clarify the boundaries of the Coastal Barrier Resources System Clam Pass Unit FL–64P.

H.R. 3227. An act to authorize the Secretary of the Interior to allow stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

H.R. 4010. An act 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''.

H.R. 5057. An act to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

H.R. 5464. An act to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

H.R. 5506. An act to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Bishop Ralph E. Brower Post Office Building''.

H.R. 5618. An act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 297. Concurrent resolution recognizing the 60th anniversary of the beginning of the integration of the Armed Forces.

H. Con. Res. 369. Concurrent resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 35th anniversary.

H. Con. Res. 381. Concurrent resolution honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

At 5:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 6331) to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1714. An act to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P; to the Committee on Environment and Public Works.

H.R. 3227. An act to authorize the Secretary of the Interior to allow stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Energy and Natural Resources.

H.R. 4010. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5506. An act to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Bishop Ralph E. Brower Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5618. An act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. Z97. Concurrent resolution recognizing the 60th anniversary of the beginning of the integration of the Armed Forces; to the Committee on Armed Services.

H. Con. Res. 369. Concurrent resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 35th anniversary; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3268. A bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 15, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–410. A letter from the Society for Radiation Oncology Administrators urging the Senate to add certain medical imaging technologies to the list of procedures for which minimum education and credential standards are currently required; to the Committee on Finance.

POM–411. A resolution adopted by the Senate of the State of New Jersey urging Congress to not require purchase of flood insurance based on new flood insurance rate maps; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 74

Whereas, the Federal Emergency Management Agency (FEMA) is charged with reviewing, revising, and updating flood insurance rate maps Under section 1360 of the ''National Flood Insurance Act of 1968'' (42 U.S.C. s.4101); and

Whereas, as part of the this charge, through the National Flood Insurance Program's Map Modernization Program, FEMA is conducting a national reassessment of flood insurance rate maps as authorized and funded by the United States Congress; and

Whereas, FEMA is currently reviewing and revising the maps for the Bayshore area in Monmouth County, and has determined that the existing beach and dune system located along the Raritan Bay in the Borough of Keansburg, Monmouth County, does not comply with the requirements of the National Flood Insurance Program's regulations found at section 65.10 of title 44 of the Code of Federal Regulations concerning FEMA Levee Accreditation; and

Whereas, as a result of FEMA's flood map modernization effort, several thousand residents of the State in the Township of Hazlet, the Borough of Keansburg, the Township of Middletown, and the Borough of Union Beach will be now be required to purchase flood insurance; and

Whereas, the currently effective maps for the affected area are from 1983, prior to the federal regulations established in 1986 which are the basis for the determination that the area is in non-compliance; and

Whereas, H.R. 3121, known as the ''Flood Insurance Reform and Modernization Act of 2007,'' currently pending in the United States Senate, would make a number of changes to the National Flood Insurance Program, including prohibiting FEMA from adjusting the chargeable flood insurance premium rate based on an updated flood insurance rate map, or requiring the purchase of flood insurance for a property not subject to such a purchase requirement before the updating of the map, until such time as an updated map is completed for the entire district of the U.S. Army Corps of Engineers affected by the map: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This House urges the United States Congress to enact legislation that would prohibit the Federal Emergency Management Agency from requiring the purchase of new flood insurance based on revised flood insurance rate maps developed as part of the National Flood Insurance Program's Map Modernization Program so that New Jersey residents do not have to incur the cost of the purchase of flood insurance.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President of the United States, the Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, all members of the United States Congress representing the State of New Jersey, and the Administrator of the Federal Emergency Management Agency.

POM–412. A resolution adopted by the Senate of the State of Michigan urging Congress to reauthorize transportation funding with appropriate recognition of the importance of the Great Lakes' infrastructure to the nation's economy; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 194

Whereas, the future viability of the United States' economy depends on the ability to produce and export marketable products. The state of Michigan is an integral part of the North American manufacturing supply chain, with its international borders and waterways. The Detroit and Port Huron crossings are the busiest land borders in the entire country, bringing $2 trillion in trade value into this country each year; and

Whereas, transportation infrastructure support is necessary to facilitate the movement of products back and forth, across our borders and around the country, thus feeding the United States' economy. Michigan's aging transportation infrastructure carries an enormous amount of heavy truck traffic to that end and is in need of structural upgrades and expansion; and

Whereas, Michigan has been a donor state for transportation dollars for many years. As such, Michigan has subsidized transportation projects in other states to the detriment of state infrastructure and in disproportion to our contribution to the national economy; Now, therefore, be it

Resolved by the Senate, That we memorialize Congress to reauthorize transportation funding with appropriate recognition of the importance of the Great Lakes' infrastructure to the nation's economy; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United House of Representatives, and the members of the Michigan congressional delegation.

POM–413. A concurrent resolution adopted by the House of Representatives of the State of Arizona urging Congress to use as guiding principles the sovereignty of the United States and the best interests of its citizens on matters relating to the adoption of treaties and agreements with foreign governments; to the Committee on Foreign Relations.

HOUSE CONCURRENT MEMORIAL NO. 2003

Whereas, the President and the Congress of the United States during the course of their duties often times enter into treaties and other bilateral and multi-lateral agreements with foreign nations and organizations of foreign nations, such as the Security and Prosperity Partnership of North America: and

Whereas, some treaties and agreements by intent, error or misinterpretation might have adverse negative effects on the sovereignty and best interests of the citizens of the United States; and

Whereas, Congressman Virgil Goode, Jr. and 46 cosponsors have introduced House Concurrent Resolution 40 to express ''the sense of Congress that the United States should not engage in the construction of a North American Free Trade Agreement (NAFTA) Superhighway System or enter into a North American Union with Mexico and Canada''; and

Whereas, the citizens of the United States have historically cherished, fought for and died to protect the sovereignty of the United States; and

Whereas, the guiding principle behind the foreign policy of the United States of America should always be to advance what is in the best interests of the citizens of the United States, politically, socially and economically. Wherefore your memorialist, the House of Representatives of the State of Arizona. the Senate concurring, prays:

1. That, in all matters relating to the adoption of treaties and agreements with foreign governments and organizations of foreign governments, the President and Congress use as guiding principles the maintenance of the historically cherished sovereignty of the United States and the advancement of the best interests of the citizens of the United States, including jobs and wages, in wording that is clear and unequivocal.

2. That the United States not enter into construction of a North American Free Trade Agreement (NAFTA) Superhighway System or enter into a North American Union with Mexico and Canada.

3. That existing treaties and agreements be publicly and thoroughly reevaluated to ensure compliance with the principles of this memorial.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–414. A joint resolution adopted by the House of Representatives of the State of Colorado relative to support for the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION NO. 08–1009

Whereas, the United States supports and has been an active participant in the drafting of, and is a signatory to, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, but the U.S. Senate has failed to ratify the Convention; and

Whereas, the spirit of the Convention is rooted in the goals of the United Nations and the United States, to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women; and

Whereas, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on gender against one-half of the world's population; and

Whereas, although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields during the past century, there is much yet to be accomplished; and

Whereas, through its support, leadership, and prestige, the United States can help create a world in which women are no longer discriminated against and have achieved one of the most fundamental of human rights, equality; and

Whereas, in 1980, President Jimmy Carter signed the Convention and submitted it to the Senate for ratification; and

Whereas, the U.S. is the only country to have signed but not ratified the convention; and

Whereas, ratification of the Convention would entitle the United States to join the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, which monitors reports of progress in the treatment of women from the countries that have ratified the Convention; and

Whereas, as of November, 2007, a total of 185 countries have ratified or acceded to the Convention, and the state legislatures of more than 10 states have endorsed U.S. ratification: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

That the members of the Colorado General Assembly support the continuing goals of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and strongly urge the United States Senate to ratify the Convention; and be it further

Resolved, That copies of this Joint Resolution be sent to the President of the United States, the Secretary of State of the United States, the President and the Secretary of the U.S. Senate, the Speaker and Clerk of the U.S. House of Representatives, the Chair and members of the Senate Foreign Relations Committee, and to each member of the Colorado Congressional delegation.

POM–415. A concurrent resolution adopted by the Senate of the State of New Hampshire urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION

Whereas, an increasing number of elderly and disabled citizens are being cared for in the home, often by family members, and

Whereas, the home care providers of such persons need time to relax and take care of other responsibilities; and

Whereas, there is an acute need for safe and appropriate short-term placements where elderly and disabled citizens can stay while their home caregivers have a period of respite from providing home-based care; and

Whereas, certain nursing homes in New Hampshire would be willing to provide short-term respite care if there was a simplified and streamlined process for such admissions; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the general court of new Hampshire hereby urges Congress to develop a simplified and streamlined process for short-term admissions to nursing homes for the purpose of respite care that minimizes, to the greatest extent possible, paperwork and recordkeeping that needs to be completed prior to and during such admissions; and

That copies of this resolution shall be sent by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the United States Secretary of Health and Human Services, and each member of the New Hampshire congressional delegation.

POM–416. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to provide a federal extension of unemployment benefits for those unemployed workers in the State of Michigan; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 117

Whereas, our nation, the state of Michigan in particular, has been hard hit by the country's recent recession. Although the overall economy has seen improvement, for states reliant on certain industries the recent years have been characterized by an inordinately high level of unemployment. This situation has been especially difficult in our state's manufacturing and other professional sectors; and

Whereas, in recognition of the country's unemployment difficulties, the United States Congress has provided federal 13-week extensions of unemployment benefits. These extensions have been invaluable in helping working men and women provide the necessities for their families while seeking work. It is only fitting that an extension of benefits be provided to our hard working men and women when, through no fault of their own, these workers are faced with extended periods of unemployment; and

Whereas, a host of Michigan workers have exhausted their state employment security benefits. Without a federal extension, these people and their families face tremendous financial hardships. Moreover, spiraling energy costs and a continuing slow job market spell disaster for far too many of Michigan's working families. The economic well-being and human dignity that a federal extension can help provide in these troubled economic times are critical; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide a federal extension of unemployment benefits for those unemployed workers in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–417. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact the Youth Promise Act; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 310

Whereas, among the most effective approaches to reducing juvenile delinquency and criminal street gang activity are those preventing children from turning to crime in the first place—encouraging early childhood home visitation, parental love and education, quality schooling, and proven youth and family development initiatives; and

Whereas, there are many alternatives to incarcerating youth that have been proven to be more effective in reducing crime and violence at the national, state, local, and tribal levels. Failure to provide for such effective alternatives is a pervasive problem that leads to increased youth, and later adult, crime and violence; and

Whereas, research funded by the U.S. Department of Justice indicates that gang membership is short-lived among adolescents—with very few youth remaining gang-involved through their adolescent years. This indicates that there are opportunities for intervention; and

Whereas, over-reliance on incarceration and confinement of youth, particularly in the early stages of delinquent behavior and for nonviolent delinquent behavior, has been shown to increase long-term crime risks; and,

Whereas, Congress has before it the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act, the Youth PROMISE Act, (H.R. 3846), which seeks to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention and to help build individual, family, and community strength to ensure that our youth lead productive, law-abiding, addiction- and gang-free lives; and

Whereas, the Youth PROMISE Act will provide resources to enable communities with the greatest concentration of juvenile delinquency and criminal street gang activity to come together to assess unmet needs and implement research-based prevention and intervention approaches to promote youth success and community safety; and

Whereas, the Youth PROMISE Act creates a PROMISE Advisory Panel, which will help the Office of Juvenile Justice and Delinquency Prevention select PROMISE communities. It will also develop standards for the evaluation of juvenile delinquency and criminal street gang activity prevention and intervention methods carried out under the Youth PROMISE Act. Further, it provides for the collection of data related to the juvenile delinquency and criminal street gang activity prevention and intervention needs and resources in each designated geographic area in order to facilitate the strategic geographic allocation of resources provided under the act; and

Whereas, the Youth PROMISE Act establishes grants to enable local and tribal communities, via PROMISE Coordinating Councils, to conduct an objective assessment regarding juvenile delinquency and criminal street gang activity, resource needs, and community strengths necessary to effectively address juvenile delinquency and criminal street gang activity. Based upon the assessment, the PROMISE Coordinating Councils will develop plans that include a broad array of prevention and intervention programs that are responsive to the specifIcs of the community, account for the cultural and linguistic requirements of the community, and utilize approaches that have been shown effective in reducing the likelihood of a young person becoming involved in or continuing delinquent conduct or criminal street gang activity. Upon completion of the plan, the PROMISE Coordinating Councils may then apply for federal funds to assist with implementation. The act also provides for national evaluations of PROMISE programs and activities; and

Whereas, the Youth PROMISE Act requires that local units of government or Indian tribes receiving grants shall provide from nonfederal funds, in cash or in-kind, 25 percent of the costs of the activities carried out with such grants; and

Whereas, the Youth PROMISE Act establishes a National Center for Proven Practices Research, which will collect and disseminate research to PROMISE Coordinating Councils and to the public (including via an Internet website), as well as other information regarding evidence-based promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. The act also provides the opportunity for regional research partners to assist with developing their assessments and plans; and

Whereas, The Youth PROMISE Act provides for the hiring and training of Youth-Oriented Policing officers to implement strategic activities to minimize youth crime and victimization and reduce the long-term involvement of juveniles in illicit activities, juvenile delinquency, and criminal street gang activity. The act also establishes a Center for Youth-Oriented Policing, which will be responsible for identification, development, and dissemination to law enforcement agencies the best practices for Youth-Oriented Policing techniques and technologies; and

Whereas, the Youth PROMISE Act provides additional improvements to current laws affecting juvenile delinquency and criminal street gang activity, including support for youth victim and witness protection programs and extended and increased authorizations for the Juvenile Accountability Block Grant program: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act, the Youth PROMISE Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–418. A resolution adopted by the House of Representatives of the State of Colorado relative to support for the rotating regional presidential primaries plan; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 08–1006

Whereas, the quadrennial election of the president and vice president of the United States is among the most important civic acts of the voters of the state of Colorado; and

Whereas, the process leading to the nomination of candidates for president and vice president of the United States should be as open and participatory as possible; and

Whereas, voter participation will be enhanced, the political process strengthened, and the rights of all the states and their citizens will be protected with a coordinated, orderly, and defined electoral schedule in place; and

Whereas, the National Association of Secretaries of State (NASS) has created a rotating regional presidential primaries plan that:

(1) Groups the states into eastern, southern, midwestern, and western regions beginning in 2012;

(2) Places Colorado in the western region;

(3) Provides for a lottery to determine which region will begin the sequence of presidential primaries commencing on the first Tuesday in March preceding the presidential election and followed by primaries in each region in numerical order in April, May, and June;

(4) Ensures that in subsequent presidential election years each region moves up in the sequence and that the western region, in which Colorado would be placed, will vote in the first regional presidential primary every sixteen years; and

(5) Ensures that states will be able to determine whether they will conduct their elections by a primary or caucus system; and

Whereas, it would be of great benefit for the state of Colorado to affiliate with the western region and to participate in the NASS rotating regional presidential primary commencing in 2012: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-sixth General Assembly of the State of Colorado, That we, the members of the House of Representatives, support the rotating regional presidential primaries plan endorsed by the National Association of Secretaries of State and encourage Colorado's participation in those regional primaries commencing in 2012; and be it further

Resolved, That copies of this Resolution be sent to the President and Vice President of the United States, each member of Colorado's Congressional delegation, the Colorado Secretary of State, the chairs ofthe Colorado Democratic and Republican parties, and the National Association of Secretaries of State.

POM–419. A joint resolution adopted by the Senate of the State of Tennessee urging Congress to adopt a Veterans Remembered Flag to honor all veterans who have served in our country's Armed Forces; to the Committee on Rules and Administration.

SENATE JOINT RESOLUTION NO. 901

Whereas, there are flags for all branches of the armed services, as well as flags for POWs and MIAs, but there is no flag to honor the millions of former military personnel who have served our nation; and

Whereas, a flag is a symbol of recognition for a group or an ideal; veterans compose a group and certainly represent an ideal, and surely deserve their own symbol; and

Whereas, it is estimated that 20,400,000 veterans have served in our nation's, military, comprising a significant portion of our country's population; and

Whereas, a Veterans Remembered Flag would memorialize and honor all past, present, and future veterans and provide an enduring symbol to support tomorrow's veterans today; and

Whereas, displaying and flying this flag would honor the lives of millions of men and women who have served our country in times of war, peace, and national crisis; and

Whereas, the symbolism of this unique flag's design would be all-inclusive and would pay respect to the history of our nation, to all branches of the military, and would serve to honor those who have served or died in the service of our nation; and

Whereas, in memorializing America's veterans, the Veterans Remembered Flag includes specific symbolism and should be designed in substantially the following form:

(a) It depicts the founding of our Nation through the thirteen stars that emanate from the hoist of the flag and march to the large red star, representing our Nation and the five branches of our country's military that defend her: the Army, Navy, Air Force, Marines, and Coast Guard.

(b) The white star indicates a veteran's dedication to service.

(c) The blue star honors all men and women who have ever served in our country's military.

(d) The gold star memorializes those who fell defending our Nation.

(e) The blue stripe which bears the title of the flag honors the loyalty of veterans to our Nation, flag, and government.

(f) The green field represents the hallowed ground where all rest eternally; and

Whereas, the Veterans Remembered Flag would serve to honor all veterans who have served in our country's Armed Forces: Now, therefore, be it further

Resolved, that an enrolled copy of this resolution be transmitted to the President of the United States, the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and each member of the Tennessee Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

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 (Rept. No. 110–419).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2688. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption (Rept. No. 110–420).

H.R. 1006. A bill to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes (Rept. No. 110–421).

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. BIDEN (for himself and Mr. LUGAR):

S. 3263. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE:

S. 3264. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSON:

S. 3265. A bill to amend title XVIII of the Social Security Act to provide for payment of home health services on a reasonable cost basis; to the Committee on Finance.

By Mr. WARNER:

S. 3266. A bill to require Congress and Federal departments and agencies to reduce the annual consumption of gasoline of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN:

S. 3267. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Mr. DURBIN, Mr. DORGAN, Mrs. MURRAY, and Mr. SCHUMER):

S. 3268. A bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; ordered read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. CRAPO):

S. Con. Res. 93. A concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 626

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1846

At the request of Mr. BOND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2433

At the request of Mr. OBAMA, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors 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.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2433, supra.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Tennessee (Mr. CORKER), the Senator from

Louisiana (Ms. LANDRIEU), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER), the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) 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. 2608

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2608, a bill to make improvements to the Small Business Act.

S. 2795

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Colorado (Mr. SALAZAR) 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. 2932

At the request of Mrs. MURRAY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3047

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 3047, a bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Michigan (Ms. STABENOW) 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. 3155

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3185

At the request of Ms. CANTWELL, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3185, a bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Missouri (Mr. BOND), the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3189

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3189, a bill to amend Public Law 106-392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes.

S. 3197

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3197, a bill to amend title 11, 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.

S. 3245

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3245, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 3257

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3257, a bill to extend immigration programs to promote legal immigration and for other purposes.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S.J. RES. 41

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3263. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am pleased to join Chairman BIDEN in introducing the Enhanced Partnership with Pakistan Act of 2008, important legislation to deepen our engagement with Pakistan over the long term. The Foreign Relations Committee has held an important series of hearings on Pakistan which have allowed Members to review the gamut of challenges there, including the dynamic political and security situation, United States policy options and the resources required to pursue them. We have few more important foreign policy priorities than encouraging stability in Pakistan and throughout the region, and providing sustainable cooperation to fight the terrorists who threaten both our countries.

We worked closely with the State Department's Deputy Secretary Negroponte, as well as officials at USAID, to craft this legislation. This bipartisan effort reflects the important realization that our relations with Pakistan must be broad-based and enduring. As Mr. Negroponte told the committee earlier this year, following the elections that ended military rule, we have ''a strategic opportunity to help the nation consolidate its democratic gains by encouraging development and economic reform.''

This legislation marks a good first step toward seizing that opportunity. Its success will be contingent upon effective progress in good governance by the leaders throughout the Pakistan government, and upon their commitment to combating terrorism within their borders. The U.S. National Intelligence Estimate revealed in June of

last year that al-Qaeda had reestablished its pre–2001 capacity in the tribal areas of Pakistan. This reconstituted capacity across the border from Afghanistan, together with the extreme Taliban leadership based in Pakistan, represents a threat to Pakistan, to the region, and to the United States.

The legislation recognizes that strengthening democracy and countering terrorism go hand in hand. American Defense, intelligence and State Department officials have all said that economic development and improved governance are at least as critical as military action in containing the terrorist threat.

While our bill envisions sustained cooperation with Pakistan for the long haul, it is not a blank check. It calls for tangible progress in a number of areas, including an independent judiciary, greater accountability by the central government, respect for human rights, and civilian control of the levers of power, including the military and the intelligence agencies. It recognizes that Pakistan will need security assistance to fight the terrorists, but it subjects this assistance to a certification that the government is using the money for its intended purpose, namely, to go after the Taliban and al-Qaeda, and that civilian control is maintained. It calls for a comprehensive, cross-border approach to the very difficult situation along the adjoining Afghan and Pakistani tribal areas, combining the economic and security aspects.

This bill represents a lot of hard work by many parties, but we recognize the job is not yet done. Passing it into law will require further efforts, first of all by us on the Senate Foreign Relations Committee. Then we must take it to the floor of the Senate, where I look forward to working with our chairman on advancing the bill.

By Mr. INHOFE:

S. 3264. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing a bill to reauthorize the Economic Development Administration, EDA. EDA was created in 1965 to provide assistance to economically distressed areas, primarily those experiencing substantial and persistent unemployment and poverty. EDA works with partners in local communities to create wealth and minimize poverty by promoting favorable business environments to attract private investment and encourage long-term economic growth.

Studies show that EDA uses Federal dollars efficiently and effectively, creating and retaining long-term jobs at an average cost that is among the lowest in government. Reauthorization gives us an opportunity to ensure the continuation of this good work and to provide the tools necessary to improve performance even further.

The reauthorization bill I am introducing today includes many of the program administration improvements proposed by the President, while reaffirming a commitment to acceptable funding levels. Specifically, the bill reauthorizes the agency for 5 years; allows for increases in the minimum level of funding for planning districts; provides needed resources and reforms to improve administration of the revolving loan fund program; and adds flexibility in addressing grant recipients' changed economic development needs.

In my home State of Oklahoma, we have some communities that struggle with economic distress, and EDA has worked long and hard with those communities to bring in private capital investment and jobs. Durant, Clinton, Oklahoma City, Seminole, Miami, and Elgin are just some of the Oklahoma communities that have made good use of EDA assistance. In fact, over the past 5½ years, EDA grants awarded in my home State have resulted in almost 12,000 jobs being created or saved. With an investment of about $22.7 million, we have leveraged another $24 million in State and local funds and more than $437 million in private sector funds. I would call that a wonderful success story.

The EDA's authorization is set to expire on September 30, 2008. Especially in these times of economic uncertainty, it is imperative not to create uncertainty for this very successful agency and the struggling communities that depend on its assistance by allowing the authorization to lapse. I look forward to working with the administration, as well as my colleagues here in the Senate and in the House of Representatives, to try to reauthorize EDA before that happens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3264

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 ''Economic Development Administration Reauthorization Act of 2008''.

SEC. 2. ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by adding at the end the following:

''(e) EXCELLENCE IN ECONOMIC DEVELOPMENT AWARDS.—

''(1) ESTABLISHMENT OF PROGRAM.—To recognize innovative economic development strategies of national significance, the Secretary may establish and carry out a program, to be known as the 'Excellence in Economic Development Award Program' (referred to in this subsection as the 'program').

''(2) ELIGIBLE ENTITIES.—To be eligible for recognition under the program, an entity shall be an eligible recipient that is not a for-profit organization or institution.

''(3) NOMINATIONS.—Before making an award under the program, the Secretary shall solicit nominations publicly, in accordance with such selection and evaluation procedures as the Secretary may establish in the solicitation.

''(4) CATEGORIES.—The categories of awards under the program shall include awards for—

''(A) urban or suburban economic development;

''(B) rural economic development;

''(C) environmental or energy economic development;

''(D) economic diversification strategies that respond to economic dislocations, including economic dislocations caused by natural disasters and military base realignment and closure actions;

''(E) university-led strategies to enhance economic development;

''(F) community- and faith-based social entrepreneurship;

''(G) historic preservation-led strategies to enhance economic development; and

''(H) such other categories as the Secretary determines to be appropriate.

''(5) PROVISION OF AWARDS.—The Secretary may provide to each entity selected to receive an award under this subsection a plaque, bowl, or similar article to commemorate the accomplishments of the entity.

''(6) FUNDING.—Of amounts made available to carry out this Act, the Secretary may use not more than $2,000 for each fiscal year to carry out this subsection.''.

SEC. 3. ENHANCEMENT OF RECIPIENT FLEXIBILITY TO DEAL WITH PROJECT ASSETS.

(a) REVOLVING LOAN FUND PROGRAM FLEXIBILITY.—Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended by adding at the end the following:

''(5) CONVERSION OF PROJECT ASSETS.—

''(A) REQUEST.—If a recipient determines that a revolving loan fund established using assistance provided under this section is no longer needed, or that the recipient could make better use of the assistance in light of the current economic development needs of the recipient if the assistance was made available to carry out any other project that meets the requirements of this Act, the recipient may submit to the Secretary a request to approve the conversion of the assistance.

''(B) METHODS OF CONVERSION.—A recipient the request to convert assistance of which is approved under subparagraph (A) may accomplish the conversion by—

''(i) selling to a third party any assets of the applicable revolving loan fund; or

''(ii) retaining repayments of principal and interest amounts on loans provided through the applicable revolving loan fund.

''(C) REQUIREMENTS.—

''(i) SALE.—

''(I) IN GENERAL.—Subject to subclause (II), a recipient shall use the net proceeds from a sale of assets under subparagraph (B)(i) to pay any portion of the costs of 1 or more projects that meet the requirements of this Act.

''(II) TREATMENT.—For purposes of subclause (I), a project described in that subclause shall be considered to be eligible under section 301.

''(ii) RETENTION OF REPAYMENTS.—Retention by a recipient of any repayment under subparagraph (B)(ii) shall be carried out in accordance with a strategic reuse plan approved by the Secretary that provides for the increase of capital over time until sufficient amounts (including interest earned on the amounts) are accumulated to fund other

projects that meet the requirements of this Act.

''(D) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions regarding a proposed conversion of the use of assistance under this paragraph as the Secretary determines to be appropriate.

''(E) EXPEDIENCY REQUIREMENT.—The Secretary shall ensure that any assistance intended to be converted for use pursuant to this paragraph is used in an expeditious manner.

''(6) PROGRAM ADMINISTRATION.—The Secretary may allocate not more than 2 percent of the amounts made available for grants under this section for the development and maintenance of an automated tracking and monitoring system to ensure the proper operation and financial integrity of the revolving loan program established under this section.''.

(b) MAINTENANCE OF EFFORT.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211 et seq.) is amended by adding at the end the following:

''SEC. 613. MAINTENANCE OF EFFORT.

''(a) EXPECTED PERIOD OF BEST EFFORTS.—

''(1) ESTABLISHMENT.—To carry out the purposes of this Act, before providing investment assistance for a construction project under this Act, the Secretary shall establish the expected period during which the recipient of the assistance shall make best efforts to achieve the economic development objectives of the assistance.

''(2) TREATMENT OF PROPERTY.—To obtain the best efforts of a recipient during the period established under paragraph (1), during that period—

''(A) any property that is acquired or improved, in whole or in part, using investment assistance under this Act shall be held in trust by the recipient for the benefit of the project; and

''(B) the Secretary shall retain an undivided equitable reversionary interest in the property.

''(3) TERMINATION OF FEDERAL INTEREST.—

''(A) IN GENERAL.—Beginning on the date on which the Secretary determines that a recipient has fulfilled the obligations of the recipient for the applicable period under paragraph (1), taking into consideration the economic conditions existing during that period, the Secretary may terminate the reversionary interest of the Secretary in any applicable property under paragraph (2)(B).

''(B) ALTERNATIVE METHOD OF TERMINATION.—

''(i) IN GENERAL.—On a determination by a recipient that the economic development needs of the recipient have changed during the period beginning on the date on which investment assistance for a construction project is provided under this Act and ending on the expiration of the expected period established for the project under paragraph (1), the recipient may submit to the Secretary a request to terminate the reversionary interest of the Secretary in property of the project under paragraph (2)(B) before the date described in subparagraph (A).

''(ii) APPROVAL.—The Secretary may approve a request of a recipient under clause (i) if—

''(I) in any case in which the request is submitted during the 10-year period beginning on the date on which assistance is initially provided under this Act for the applicable project, the recipient repays to the Secretary an amount equal to 100 percent of the fair market value of the pro rata Federal share of the project; or

''(II) in any case in which the request is submitted after the expiration of the 10-year period described in subclause (I), the recipient repays to the Secretary an amount equal to the fair market value of the pro rata Federal share of the project as if that value had been amortized over the period established under paragraph (1), based on a straight-line depreciation of the project throughout the estimated useful life of the project.

''(b) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions under this section as the Secretary determines to be appropriate, including by extending the period of a reversionary interest of the Secretary under subsection (a)(2)(B) in any case in which the Secretary determines that the performance of a recipient is unsatisfactory.

''(c) PREVIOUSLY EXTENDED ASSISTANCE.—

''(1) IN GENERAL.—With respect to any recipient to which the term of provision of assistance was extended under this Act before the date of enactment of this section, the Secretary may approve a request of the recipient under subsection (a) in accordance with the requirements of this section to ensure uniform administration of this Act, notwithstanding any estimated useful life period that otherwise relates to the assistance.

''(2) CONVERSION OF USE.—If a recipient described in paragraph (1) demonstrates to the Secretary that the intended use of the project for which assistance was provided under this Act no longer represents the best use of the property used for the project, the Secretary may approve a request by the recipient to convert the property to a different use for the remainder of the term of the Federal interest in the property, subject to the condition that the new use shall be consistent with the purposes of this Act.

''(d) STATUS OF AUTHORITY.—The authority of the Secretary under this section is in addition to any authority of the Secretary pursuant to any law or grant agreement in effect on the date of enactment of this section.''.

SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2009'';

(2) in paragraph (2), by striking ''2005'' and inserting ''2010'';

(3) in paragraph (3), by striking ''2006'' and inserting ''2011'';

(4) in paragraph (4), by striking ''2007'' and inserting ''2012''; and

(5) in paragraph (5), by striking ''2008'' and inserting ''2013''.

SEC. 5. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) is amended to read as follows:

''SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''(a) IN GENERAL.—Subject to subsection (b), of the amounts made available under section 701 for each fiscal year, not less than $27,000,000 shall be made available to provide grants under section 203.

''(b) SUBJECT TO TOTAL APPROPRIATIONS.—For any fiscal year, the amount made available pursuant to subsection (a) shall be increased to—

''(1) $28,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $300,000,000;

''(2) $29,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $340,000,000;

''(3) $31,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $380,000,000;

''(4) $32,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $420,000,000; and

''(5) $34,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $460,000,000.''.

By Mr. REID (for himself, Mr. DURBIN, Mr. DORGAN, Mrs. MURRAY, and Mr. SCHUMER):

S. 3268. A bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; ordered read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3268

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Stop Excessive Energy Speculation Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of energy commodity.
Sec. 3. Speculative limits and transparency of off-shore trading.
Sec. 4. Authority of Commodity Futures Trading Commission with respect to certain traders.
Sec. 5. Working group of international regulators.
Sec. 6. Elimination of manipulation and excessive speculation as cause of high oil, gas, and energy prices.
Sec. 7. Large over-the-counter transactions.
Sec. 8. Index traders and swap dealers.
Sec. 9. Disaggregation of index funds and other data in energy markets.
Sec. 10. Additional Commodity Futures Trading Commission employees for improved enforcement.
Sec. 11. Working Group on Energy Markets.
Sec. 12. Study of regulatory framework for energy markets.
Sec. 13. Collection and analysis of information on energy commodities.
Sec. 14. National natural gas market investigation.
Sec. 15. Studies; reports.
Sec. 16. Expedited procedures.

SEC. 2. DEFINITION OF ENERGY COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) a petroleum product; and

''(B) natural gas.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 3. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States, or otherwise subject to the jurisdiction of the Commission, direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy commodity that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade—

''(i) makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the foreign board of trade settles; and

''(ii) promptly notifies the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits, speculation limits, and position accountability provisions that the foreign board of trade will adopt and enforce;

''(III) the position reductions required to prevent manipulation; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions), speculation limits, or position accountability provisions for speculators for the agreement, contract, or transaction that are comparable to the position limits (including related hedge exemption provisions), speculation limits, or position accountability provisions adopted by the registered entity for the 1 or more contracts against which the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation, price distortion, or disruption of delivery or the cash settlement process; and

''(iii) provides information to the Commission regarding the extent of legitimate and nonlegitimate hedge trading in the agreement, contract, or transaction that is comparable to the information that the Commission determines to be necessary to publish the commitments of traders report of the Commission for the 1 or more contracts against which the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission prior to the date of enactment of this subsection until the date that is 180 days after the date of enactment of this subsection.''.

SEC. 4. AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION WITH RESPECT TO CERTAIN TRADERS.

(a) IN GENERAL.—

(1) RESTRICTION OF FUTURES TRADING TO CONTRACT MARKETS OR DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended by inserting after the first sentence the following: ''The Commission may adopt rules and regulations requiring the maintenance of books and records by any person that is located within the United States (including the territories and possessions of the United States) or that enters trades directly into the trade matching system of a foreign board of trade from the United States (including the territories and possessions of the United States).''

(2) EXCESSIVE SPECULATION AS A BURDEN ON INTERSTATE COMMERCE.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(A) in subsection (e), in the second sentence—

(i) by striking ''this Act for any person'' and inserting ''this Act for (1) any person''; and

(ii) by inserting after ''to section 5c(c)(1)'' the following: '', and (2) any person that is located within the United States (including the territories and possessions of the United States) or that enters trades directly into the trade matching system of a foreign board of trade from the United States (including the territories and possessions of the United States) to violate any bylaw, rule, regulation, or resolution of any foreign board of trade or foreign futures authority fixing limits on the amount of trading that may be carried out or positions that may be held under any contract of sale of an energy commodity for future delivery or under any option on such contract or energy commodity, that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity''; and

(B) by adding at the end the following:

''(f) CONSULTATION.—Before taking any action under subsection (e), the Commission shall consult with the appropriate—

''(1) foreign board of trade; and

''(2) foreign futures authority.''.

(3) VIOLATIONS.—Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13(a)) is amended by inserting ''(including any person trading on a foreign board of trade)'' after ''Any person'' each place it appears.

(4) EFFECT.—No amendment made by this subsection limits any of the otherwise applicable authorities of the Commodity Futures Trading Commission.

SEC. 5. WORKING GROUP OF INTERNATIONAL REGULATORS.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) (as amended by section 4(a)(2)(B)) is amended by adding at the end the following:

''(g) WORKING GROUP OF INTERNATIONAL REGULATORS.—Not later than 90 days after the date of enactment of this subsection, the Commission shall convene a working group of international regulators to develop uniform international reporting and regulatory standards to ensure the protection of the energy futures markets from nonlegitimate hedge trading, excessive speculation, manipulation, location shopping, and lowest common dominator regulation, each of which pose systemic risks to all energy futures markets, countries, and consumers.''.

SEC. 6. ELIMINATION OF MANIPULATION AND EXCESSIVE SPECULATION AS CAUSE OF HIGH OIL, GAS, AND ENERGY PRICES.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) (as amended by section 5) is amended by adding at the end the following:

''(h) ELIMINATION OF EXCESSIVE SPECULATION AND NONLEGITIMATE HEDGE TRADING AS A CAUSE OF HIGH OIL, GAS, AND ENERGY PRICES.—

''(1) DEFINITION OF LEGITIMATE HEDGE TRADING.—

''(A) IN GENERAL.—The term 'legitimate hedge trading' means the conduct of trading that involves transactions by commercial producers and purchasers of actual physical petroleum and energy commodities for future delivery and the direct counterparties to such trades (regardless of whether the counterparties are commercial producers or purchasers).

''(B) INCLUSION.—To the extent a commercial producer or purchaser of an actual physical energy commodity for future delivery trades with an intermediary (referred to in this subparagraph as an 'initial trade'), each subsequent trade by the intermediary arising solely due to the initial trade and that directly results from such initial trade (referred to in this subparagraph as a 'follow-on trade') shall be considered to be the conduct of 'legitimate hedge trading' if each follow-on trade executed by the intermediary is—

''(i) done proximate to the initial trade; and

''(ii) in the aggregate, economically the same in size and substance as the initial trade.

''(2) IDENTIFICATION OF LEGITIMATE HEDGE TRADING.—In carrying out this Act, the Commission shall distinguish between—

''(A) legitimate hedge trading; and

''(B) all other trading in energy commodities.

''(3) TYPE OF TRADING.—Notwithstanding any other provision of this Act, the Commission shall modify (or delegate any appropriate entity to modify) such definitions, classifications, and data collection under this Act as are necessary to ensure that all direct and indirect parties and counterparties to all trades in the energy commodities market are clearly identified for all purposes as engaging in—

''(A) legitimate hedge trading; or

''(B) any other type of trading.

''(4) ELIMINATION OF EXCESSIVE SPECULATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Commission shall review all regulations, rules, exemptions, exclusions, guidance, no action letters, orders, and other actions taken by or on behalf of the Commission (including any action or inaction taken pursuant to delegated authority by an exchange, self-regulatory organization, or any other entity) regarding all energy futures market participants or market activity (referred to in this subsection individually as a 'prior action') to ensure that—

''(i) legitimate hedge trading is protected and promoted; and

''(ii) excessive speculation is eliminated.

''(B) PRIOR ACTION.—

''(i) IN GENERAL.—The Commission shall consider modifying or revoking the application after the date of enactment of this subsection of any prior action taken by the Commission (including any prior action taken pursuant to delegated authority by any other entity) with respect to any trade on any market, exchange, foreign board of trade, swap or swap transaction, index or index market participant or trade, hedge fund, pension fund, and any other transaction, trade, trader, or petroleum or energy

futures market activity unless the Commission affirmatively determines that such prior action will protect and promote legitimate hedge trading and does not permit or encourage excessive speculation.

''(ii) REVOCATION.—In carrying out this subparagraph, the Commission shall consider modifying or revoking the results of each prior action that, in whole or in part, has the direct or indirect affect of limiting, reducing, or eliminating the filing of any report or data regarding any direct or indirect trade or trader, including the filing of large trader reports.

''(C) SPECULATIVE POSITION LIMITS APPLICABLE TO NONLEGITIMATE HEDGE TRADING IN ENERGY COMMODITIES AND DERIVATIVES.—

''(i) SPECULATIVE POSITION LIMITS.—

''(I) IN GENERAL.—Not later than 30 days after the date of enactment of this subsection, the Commission shall impose, by rule, regulation, or order, speculative position limits on trading that is not legitimate hedge trading.

''(II) APPLICATION.—The Commission shall apply the limits imposed under subclause (I) to any person who executes accounts, agreements, or transactions involving an energy commodity for the own account of the person and to any person for whom an agent in fact or substance executes accounts, agreements, or transactions involving an energy commodity, on a registered entity or in covered over-the-counter trading.

''(ii) ADVISORY GROUP.—

''(I) IN GENERAL.—Not later than 30 days after the date of enactment of this subsection, the Commission shall convene an advisory group primarily consisting of commercial producers and purchasers of actual physical energy commodities for future delivery.

''(II) RECOMMENDATIONS.—Not later than 60 days after the date on which the advisory group is convened under subclause (I), and annually thereafter, the advisory group shall submit to the Commission recommendations regarding an appropriate level for position limits—

''(aa) that are designed for traders or entities that are not legitimate hedge traders; and

''(bb) to replace the position limits imposed by the Commission under clause (i)(I).

''(III) APPLICABILITY OF FACA.—The advisory group shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(iii) REVIEW OF RECOMMENDATIONS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall—

''(I) analyze and review the recommendations submitted by the advisory group under clause (ii)(II); and

''(II) submit to the appropriate committees of Congress a report describing each recommendation (including each modification to the statutory authority of the Commission that the Commission determines to be necessary to effectuate each recommendation).

''(iv) RULEMAKING.—

''(I) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Commission shall promulgate a final rule that establishes speculative position limits—

''(aa) for any person engaged in nonlegitimate hedge trading of an energy commodity; and

''(bb) that are consistent with this Act.

''(II) EFFECTIVE DATE.—The final rule described in subclause (I) shall take effect on the date that is 30 days after the date on which the Commission promulgates the final rule.

''(v) DEVELOPMENT OF METHODOLOGY.—

''(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Commission shall propose a methodology to determine and set aggregate speculative position limits at the control entity level for all nonlegitimate traders of energy commodities—

''(aa) on designated contract markets;

''(bb) on derivatives transaction execution facilities; and

''(cc) in over-the-counter commodity derivatives.

''(II) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Commission shall submit to the appropriate committees of Congress a report that contains—

''(aa) any recommendations regarding any additional statutory authority that the Commission determines to be necessary for the imposition of the speculative position limits described in subclause (I); and

''(bb) a description of the resources that the Commission considers to be necessary to implement the speculative position limits.

''(D) MAXIMUM LEVEL OF SPECULATIVE POSITION LIMITS.—

''(i) IN GENERAL.—In establishing speculative position limits under this section (including subparagraph (C)(iv)), the Commission shall set the limits at the maximum level practicable—

''(I) to ensure sufficient market liquidity for the conduct of legitimate hedging activities;

''(II) to ensure that price discovery is not disrupted;

''(III) to protect and promote legitimate hedge trading;

''(IV) to minimize nonlegitimate hedge trading; and

''(V) to eliminate excess speculation.

''(ii) EFFECT.—

''(I) IN GENERAL.—Nothing in this subparagraph modifies the spot month position limitation of 3,000 contracts that is designed to prevent a corner or squeeze at the delivery date.

''(II) COMMISSION ACTION.—If the Commission sets position limits under clause (i) that are different from the spot month position limit described in subclause (I), the Commission shall include in the report required under subparagraph (C)(v)(II) an analysis describing the reasons for the position limits.''.

SEC. 7. LARGE OVER-THE-COUNTER TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER TRANSACTIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED OVER-THE-COUNTER TRANSACTION.—The term 'covered over-the-counter transaction' means an over-the-counter transaction the reporting of which is required by the Commission as the result of a determination made under paragraph (3)(C).

''(B) COVERED PERSON.—The term 'covered person' means a person that enters into a covered over-the-counter transaction.

''(C) MAJOR MARKET DISTURBANCE.—The term 'major market disturbance' means any disturbance in a commodity market that disrupts the liquidity and price discovery function of that market from accurately reflecting the forces of supply and demand for a commodity, including—

''(i) a threatened or actual market manipulation or corner;

''(ii) excessive speculation;

''(iii) nonlegitimate hedge trading; and

''(iv) any action of the United States or a foreign government that affects a commodity.

''(D) MARKET DISTURBANCE.—The term 'market disturbance' shall be interpreted in accordance with section 8a(9)).

''(E) OVER-THE-COUNTER TRANSACTION.—The term 'over-the-counter transaction' means a contract, agreement, or transaction in a petroleum or energy commodity that is—

''(i) entered into only between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction;

''(ii) not entered into on a trading facility; and

''(iii) not a sale of any cash commodity for deferred shipment or delivery.

''(2) COMMISSION OVERSIGHT AUTHORITY.—

''(A) IN GENERAL.—In the case of a major market disturbance, as determined by the Commission, the Commission may require any trader subject to the reporting requirements described in paragraph (3) to take such action as the Commission considers to be necessary to maintain or restore orderly trading in any contract listed for trading on a registered entity, including—

''(i) the liquidation of any over-the-counter transaction; and

''(ii) the fixing of any limit that may apply to a market position involving any over-the-counter transaction acquired in good faith before the date of the determination of the Commission.

''(B) JUDICIAL REVIEW.—Any action taken by the Commission under subparagraph (A) shall be subject to judicial review carried out in accordance with section 8a(9).

''(3) REPORTING; RECORDKEEPING.—

''(A) IN GENERAL.—The Commission shall require each covered person to submit to the Commission a report—

''(i) at such time and in such manner as the Commission determines to be appropriate; and

''(ii) containing the information required under subparagraph (B) to assist the Commission in detecting and preventing potential price manipulation of, or excessive speculation in, any contract listed for trading on a registered entity.

''(B) CONTENTS OF REPORT.—A report required under subparagraph (A) shall contain—

''(i) information describing large trading positions of the covered person obtained through 1 or more over-the-counter transactions that involve—

''(I) substantial quantities of a commodity in the cash market; or

''(II) substantial positions, investments, or trades in agreements or contracts relating to the commodity;

''(ii) any other information relating to each covered over-the-counter transaction carried out by the covered person that the Commission determines to be necessary to accomplish the purposes described in subparagraph (A); and

''(iii) information distinguishing legitimate hedge trading from nonlegitimate hedge trading.

''(C) DETERMINATION OF COVERED OVER-THE-COUNTER TRANSACTIONS.—

''(i) IN GENERAL.—The Commission shall identify each large over-the-counter transaction or class of large over-the-counter transactions the reporting of which the Commission determines to be appropriate to assist the Commission in detecting and preventing potential price manipulation of, or excessive speculation in, any contract listed for trading on a registered entity.

''(ii) MANDATORY FACTORS FOR DETERMINATIONS.—

''(I) IN GENERAL.—In carrying out a determination under clause (i), the Commission shall consider the extent to which each factor described in subclause (II) applies.

''(II) FACTORS.—The factors required for carrying out a determination under clause (i) include whether—

''(aa) a standardized agreement is used to execute the over-the-counter transaction;

''(bb) the over-the-counter transaction settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity;

''(cc) the price of the over-the-counter transaction is reported to a third party, published, or otherwise disseminated;

''(dd) the price of the over-the-counter transaction is referenced in any other transaction;

''(ee) there is a significant volume of the over-the-counter transaction or class of over-the-counter transactions; and

''(ff) there is any other factor that the Commission determines to be appropriate.

''(D) RECORDKEEPING.—The Commission, by rule, shall require each covered person—

''(i) in accordance with section 4i, to maintain such records as directed by the Commission for a period of 5 years, or longer, if directed by the Commission; and

''(ii) to provide such records upon request to the Commission or the Department of Justice.

''(4) PROTECTION OF PROPRIETARY INFORMATION.—In carrying out this subsection, the Commission may not—

''(A) require the real-time publication of any proprietary information;

''(B) prohibit the commercial sale or licensing of any real-time proprietary information; and

''(C) except as provided in section 8, publicly disclose any information relating to any market position, business transaction, trade secret, or name of any customer of a covered person.

''(5) APPLICABILITY.—Notwithstanding subsections (g) and (h), and any exemption issued by the Commission for any energy commodity, each over-the-counter transaction shall be subject to this subsection.

''(6) SAVINGS CLAUSE.—Nothing in this subsection modifies or alters—

''(A) the guidance of the Commission; or

''(B) any applicable requirements with respect the disclosure of proprietary information.''.

SEC. 8. INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 3) is amended by adding at the end the following:

''(f) INDEX TRADERS AND SWAP DEALERS.—Not later than 60 days after the date of enactment of this subsection, the Commission shall—

''(1) routinely require detailed reporting from index traders and swap dealers in markets under the jurisdiction of the Commission;

''(2) reclassify the types of traders for regulatory and reporting purposes to distinguish between index traders and swaps dealers;

''(3) review the trading practices for index traders in markets under the jurisdiction of the Commission—

''(A) to ensure that index trading is not adversely impacting the price discovery process; and

''(B) to determine whether different practices or regulations should be implemented; and

''(4) ensure, to the maximum extent practicable, that the reports required under this subsection distinguish between legitimate and nonlegitimate hedge trading.''.

SEC. 9. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 8) is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY MARKETS.—The Commission shall disaggregate and make public monthly—

''(1) the number of positions and total value of index funds and other passive, long-only positions in energy markets; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets.''.

SEC. 10. ADDITIONAL COMMODITY FUTURES TRADING COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this subparagraph, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of enactment of this subparagraph)—

''(i) to increase the public transparency of operations in energy futures markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

SEC. 11. WORKING GROUP ON ENERGY MARKETS.

(a) ESTABLISHMENT.—There is established a Working Group on Energy Markets.

(b) COMPOSITION.—The Working Group shall be composed of—

(1) the Secretary of Energy (referred to in this section as the ''Secretary'');

(2) the Secretary of the Treasury;

(3) the Chairman of the Federal Energy Regulatory Commission;

(4) the Chairman of Federal Trade Commission;

(5) the Chairman of the Securities and Exchange Commission;

(6) the Chairman of the Commodity Futures Trading Commission; and

(7) the Administrator of the Energy Information Administration.

(c) CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—The Secretary shall serve as the Chairperson of the Working Group for the 1-year period beginning on the date of enactment of this Act.

(2) ROTATION OF CHAIRPERSONS.—For each 1-year period following the period described in paragraph (1), each individual described in subsection (b) shall serve as the Chairperson of the Working Group in the order corresponding to which the individual is described in that subsection.

(d) PURPOSE AND FUNCTION.—The Working Group shall—

(1) investigate the effect of speculation in energy commodities on energy prices and the energy security of the United States;

(2) recommend to the President and Congress laws (including regulations) that may be needed to prevent excessive speculation in energy commodities to prevent or minimize the adverse impact of high energy prices on consumers and the economy of the United States; and

(3) review energy security considerations posed by developments in international energy markets.

(e) ADMINISTRATION.—The Secretary shall provide the Working Group with such administrative and support services as may be necessary for the performance of the functions of the Working Group.

(f) COOPERATION OF OTHER AGENCIES.—The heads of Executive departments, agencies, and independent instrumentalities shall, to the extent permitted by law, provide the Working Group with such information as the Working Group requires to carry out this section.

(g) CONSULTATION.—The Working Group shall consult, as appropriate, with representatives of the various exchanges, clearinghouses, self-regulatory bodies, other major market participants, consumers, and the general public.

SEC. 12. STUDY OF REGULATORY FRAMEWORK FOR ENERGY MARKETS.

(a) STUDY.—The Working Group established under section 11(a) shall conduct a study to—

(1) identify the factors that affect the pricing of crude oil and refined petroleum products, including an examination of the effects of market speculation on prices; and

(2) review and assess the roles, missions, and structures of relevant Federal agencies, examine interagency coordination, and identify and assess the gaps that need to be filled for the Federal Government to effectively oversee and regulate markets critical to the energy security of the United States.

(b) ELEMENTS OF STUDY.—The study shall include—

(1) an examination of price formation with respect to crude oil and refined petroleum products;

(2) an examination of relevant international regulatory regimes; and

(3) an examination of the degree to which changes in energy market transparency, liquidity, and structure have influenced or driven abuse, manipulation, excessive speculation, or inefficient price formation.

(c) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides options and the recommendations of the Working Group for appropriate Federal coordination of oversight and regulatory actions to ensure transparency of crude oil and refined petroleum product pricing and the elimination of excessive speculation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 13. COLLECTION AND ANALYSIS OF INFORMATION ON ENERGY COMMODITIES.

(a) ACCURATE AND COMPLETE INFORMATION ON ENERGY PRODUCING COMPANIES.—Section 205(h)(1) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(1)) is amended by adding at the end the following:

''(C) INFORMATION ON ENERGY-PRODUCING COMPANIES.—Notwithstanding any other provision of law, the head of each Federal department or agency shall provide to the Administrator, on the request of the Administrator, such information as the Administrator may require to identify each energy-producing company.''.

(b) ENHANCED DATA ON OWNERSHIP OF CRITICAL ENERGY COMMODITIES.—Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

''(n) COLLECTION OF INFORMATION ON OWNERSHIP OF ENERGY COMMODITIES.—

''(1) IN GENERAL.—To ensure transparency of information with respect to critical energy infrastructure and product ownership in the United States, the Administrator shall collect on a weekly basis information identifying the ownership of all commercially held oil and natural gas inventories in the United States.

''(2) COMPANY-SPECIFIC DATA.—The information shall include company-specific data, including—

''(A) volumes of product under ownership; and

''(B) storage and transportation capacity (including owned and leased capacity).

''(3) PROTECTION OF PROPRIETARY INFORMATION.—Section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply to information collected under this section.

''(o) MONTHLY REPORTING ON ENERGY COMMODITY TRANSACTIONS.—

''(1) IN GENERAL.—In accordance with paragraph (2), to improve the ability to evaluate the energy security of the United States, any person holding or controlling energy futures contracts or energy commodity swaps (as defined in section 202 of the Energy Policy and Conservation Act) at a level to be determined by the Secretary for which the underlying energy commodity is physically delivered within the United States shall report on a monthly basis, with respect to the energy commodities and the byproducts of the energy commodities—

''(A) the quantity of physical stocks owned;

''(B) the quantity of fixed price purchase commitments open;

''(C) the quantity of fixed price sales commitments open;

''(D) the physical storage capacity owned or leased; and

''(E) such other information as the Secretary determines is necessary to provide adequate transparency with respect to entities that control critical energy assets in the United States.

''(2) USE OF DATA.—Any data collected under paragraph (1) shall not be made public in a manner that is inconsistent with this Act.

''(p) FINANCIAL MARKET ANALYSIS OFFICE.—

''(1) ESTABLISHMENT.—There shall be within the Energy Information Administration a Financial Market Analysis Office, headed by a director, who shall report directly to the Administrator of the Energy Information Administration.

''(2) DUTIES.—The Office shall be responsible for analysis of the financial aspects of energy markets.

''(3) ANALYSES.—The Administrator of the Energy Information Administration shall take analyses by the Office into account in conducting analyses and forecasting of energy prices.''.

(c) CONFORMING AMENDMENT.—Section 645 of the Department of Energy Organization Act (42 U.S.C. 7255) is amended by inserting ''(15 U.S.C. 3301 et seq.) and the Natural Gas Act (15 U.S.C. 717 et seq.)'' after ''Natural Gas Policy Act of 1978''.

SEC. 14. NATIONAL NATURAL GAS MARKET INVESTIGATION.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, in order to ensure the integrity of natural gas markets, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') shall commence an investigation into the role of financial institutions in natural gas markets, including—

(1) trends in investment in natural gas storage, transportation capacity, and pipeline infrastructure;

(2) factors contributing to potential effects on wholesale natural gas prices, including the mechanisms covered by physical natural gas supply contracts;

(3) the character and number of positions held in related financial markets; and

(4) any international considerations the Commission considers relevant.

(b) ASSESSMENT.—The Commission may include in the investigation an assessment of real-time market dynamics during the 2008 winter heating season.

(c) REQUIRED DATA.—Each Federal department and agency shall comply with any request from the Commission for records, papers, and information in the possession of the department or agency relating to any agreement, contract, or transaction for the sale of an energy commodity for future delivery in interstate or foreign commerce, or any energy commodity swap.

(d) REPORTS.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings, conclusions, and recommendations of the investigation conducted under this section.

(e) ADDITIONAL INVESTIGATIONS.—On an annual basis and during any other period the Commission determines necessary, the Commission shall—

(1) conduct an investigation that is similar to the investigation required under subsections (a) through (c); and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings, conclusions, and recommendations of the investigation.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 15. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, accountability limits, or other thresholds to detect and prevent price manipulation, excessive speculation, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and noncommercial trading;

(D) agreements and practices for sharing market and trading data among regulatory bodies and among individual regulators and the entities that the bodies and regulators oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report that—

(A) describes the results of the study;

(B) addresses the effects of excessive speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF NONCOMMERCIAL SPECULATORS ON ENERGY FUTURES MARKETS AND ENERGY PRICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of noncommercial speculators on energy futures markets and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on energy futures markets and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and noncommercial speculators—

(i) affect—

(I) the pricing of energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report that describes the results of the study.

(c) REPORTS OF COMMODITY FUTURES TRADING COMMISSION.—

(1) IN GENERAL.—The Commission shall submit to Congress—

(A) not later than 60 days after the date of enactment of this Act, a report that describes in detail the actions the Commission has taken, is taking, and intends to take to carry out this subsection (including any recommended legislative changes that are necessary to carry out this subsection); and

(B) not later than 45 days after the date described in subparagraph (A) and every 45 days thereafter until the date of implementation of this subsection, an update on the report required under subparagraph (A).

(2) ADDITIONAL EMPLOYEES OR RESOURCES.—Not later than 60 days after the date of enactment of this Act, the Commission shall submit to Congress a report that describes the number of additional positions and resources that the Commission determines to be necessary to carry out this subsection (including the specific duty of each additional employee).

SEC. 16. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Subject to subsection (b), the Commodity Futures Trading Commission (referred to in this section as the ''Commission'') shall use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act (including the amendments made by this Act).

(b) REPORT.—If the Commission decides not to use the procedures described in subsection (a) in a specific instance, not later than 30 days after the date of the decision, the Commission shall submit to Congress a detailed report that describes in each instance the reasons for not using the procedures.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 93—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL SUDDEN CARDIAC ARREST AWARENESS MONTH''

Mr. DORGAN (for himself and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. CON. RES. 93

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac arrest takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving the disease a mortality rate of approximately 95 percent;

Whereas to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if administered in time;

Whereas according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting people at risk for sudden cardiac arrest;

Whereas according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double the chances that a victim will survive;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African-Americans are at a higher risk than the general population for dying as a result of sudden cardiac arrest, yet this fact is not well known to people at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas the Heart Rhythm Society and the Sudden Cardiac Arrest Coalition are preparing related public awareness and education campaigns on sudden cardiac arrest to be held each year during the month of October: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month'';

(2) supports efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table.

SA 5081. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2731, supra.

SA 5082. Mr. KYL proposed an amendment to the bill S. 2731, supra.

SA 5083. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2731, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. 502. CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT HIV/AIDS, TUBERCULOSIS AND MALARIA.

(a) SHORT TITLE.—This section may be cited as the ''Accountability for United States Taxpayer Contributions to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria Act''.

(b) DEFINITIONS.—In this section:

(1) GLOBAL FUND.—The term ''Global Fund'' means any Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria agency, commission, conference, council, court, department, forum, fund, institute, office, organization, partnership, program, subsidiary body, tribunal, trust, university or academic body, related organization, or subsidiary body, wherever located, that uses the Global Fund name, or is authorized to use the Global Fund logo, and their funding recipients and subrecipients.

(2) OVERSIGHT INFORMATION.—The term ''oversight information'' includes—

(A) internally and externally commissioned audits, program reviews, performance reports, and evaluations, including reports of the Inspector General of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria;

(B) financial statements, records, and billing systems;

(C) program budgets and program budget implications, including revised estimates and reports produced by or provided to the Executive Director and the Executive Director's agents on budget related matters;

(D) operational plans, budgets, and budgetary analyses;

(E) analyses and reports regarding the scale of current and future resource needs;

(F) databases and other data systems containing financial or programmatic information;

(G) documents or other records alleging or involving improper use of resources, misconduct, mismanagement, or other violations of rules and regulations applicable to the Global Fund;

(H) documentation related to activities of the Global Fund regarding quality, safety and efficacy of pharmaceuticals and medical or public health chemicals and devices eligible for procurement with Global Fund funding or applying for eligibility for such procurement; and

(I) other documentation relevant to the audit and investigative work of the United States Inspector General for Contributions to the Global Fund.

(3) TRANSPARENCY CERTIFICATION.—The term ''Transparency Certification'' means an annual, written affirmation by the Executive Director of the Global Fund that the Global Fund will cooperate with the Inspector General, including by providing the Inspector General, upon request, with full access to oversight information.

(4) UNITED STATES CONTRIBUTION.—The term ''United States contribution'' means a voluntary contribution, whether financial, in-kind, or otherwise, from the United States Government to the Global Fund, including contributions passed through other entities for ultimate use by the Global Fund.

(c) ESTABLISHMENT AND MANAGEMENT OF THE OFFICE OF THE UNITED STATES INSPECTOR GENERAL FOR CONTRIBUTIONS TO THE GLOBAL FUND.—

(1) ESTABLISHMENT.—There is established the Office of the United States Inspector General for Contributions to the Global Fund (referred to in this subsection as the ''Global Fund Contributions Office'').

(2) PURPOSE.—The purpose of this subsection is to facilitate—

(A) independent and objective audits and investigations relating to United States contributions; and

(B) the use of such contributions by the Global Fund—

(i) to eliminate and deter waste, fraud, and abuse in the use of such contributions; and

(ii) to develop greater transparency, accountability, and internal controls throughout the Global Fund.

(3) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Global Fund Contributions Office shall be headed by the Inspector General for Contributions to the Global Fund (referred to in this subsection as the ''Inspector General''), who shall be appointed by the President, not later than 30 days after the date of the enactment of this Act, on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(B) REMOVAL.—The Inspector General may be removed from office by the President, who shall communicate the reasons for any such removal to the Senate and the House of Representatives.

(C) COMPENSATION.—The Inspector General shall be paid at the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(D) RELATIONSHIP TO BOARD.—

(i) IN GENERAL.—Except as provided under clause (ii), the Inspector General shall report directly to, and be under the general supervision of, the Board of Overseers established under paragraph (4).

(ii) INDEPENDENCE.—The Board, any officer of the Board, and any officer of the Federal Government may not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation.

(E) DUTIES.—The Inspector General shall—

(i) conduct, supervise, and coordinate audits and investigations of—

(I) the treatment, handling, expenditure, and use of United States contributions by and to the Global Fund; and

(II) the adequacy of accounting, oversight, quality assurance, and internal control mechanisms at the Global Fund;

(ii) establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties described in clause (i);

(iii) carry out the duties described in clauses (i) and (ii) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.);

(iv) collect and maintain current records regarding Transparency Certifications by the Global Fund; and

(v) fully and promptly inform Congress and the Board of Overseers regarding how the Global Fund is spending United States contributions through reports, testimony, document transfers, and briefings.

(F) REFERRALS.—

(i) TO APPROPRIATE LAW ENFORCEMENT ENTITIES.—The Inspector General shall promptly report to the law enforcement entity of jurisdiction if the Inspector General has reasonable grounds to believe that a criminal law of such jurisdiction has been violated by the Global Fund or by an employee, grantee, contractor, or representative of the Global Fund.

(ii) TO EXECUTIVE DIRECTOR.—The Inspector General shall promptly report to the Executive Director, as appropriate, regarding cases in which the Inspector General reasonably believes that—

(I) mismanagement, misfeasance, or malfeasance is likely to have taken place within the Global Fund; and

(II) disciplinary proceedings are likely justified.

(G) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—The Inspector General may—

(i) select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General;

(ii) obtain services authorized under section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title;

(iii) lease, purchase, or otherwise acquire, improve, and use such real property as may be necessary for carrying out this subsection; and

(iv) to the extent, and in such amounts as may be appropriated in advance—

(I) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(II) make such payments as may be necessary to carry out the duties of the Inspector General.

(H) USE OF DETAILEES.—

(i) IN GENERAL.—Upon request by the Inspector General, the head of an agency may detail any employee of such agency to the Global Fund Contributions Office on a reimbursable basis.

(ii) EFFECT ON BENEFITS.—Any employee detailed pursuant to clause (i) shall remain an employee of the agency from which detailed for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits.

(I) COOPERATION BY FEDERAL GOVERNMENT ENTITIES.—

(i) IN GENERAL.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this subsection, the Inspector General shall receive the cooperation of inspectors general of other Federal agencies.

(ii) INFORMATION AND ASSISTANCE.—Upon request of the Inspector General for information or assistance from any Federal department, agency, or other entity, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(iii) REPORTING REQUIREMENT.—If information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall immediately report the circumstances of such refusal to the Board of Directors and to the appropriate congressional committees.

(J) CONFIRMATION OF TRANSPARENCY BY THE GLOBAL FUND.—

(i) PROMPT NOTICE BY INSPECTOR GENERAL.—If information or assistance requested from the Global Fund by the Inspector General pursuant to a Transparency Certification is, in the opinion of the Inspector General, unreasonably refused or not provided in a timely manner, the Inspector General shall immediately provide written notification of the circumstances of such refusal to—

(I) the Board of Overseers; and

(II) the Executive Director of the Global Fund.

(ii) NOTICE OF COMPLIANCE.—If the information or assistance being sought by the Inspector General in connection with a notification pursuant to clause (i) is provided to the satisfaction of the Inspector General, the Inspector General shall submit written notification of such fact to—

(I) the Global Fund;

(II) the Board of Overseers; and

(III) the appropriate congressional committees.

(iii) NONCOMPLIANCE.—If the information or assistance being sought by the Inspector General in connection with a notification pursuant to clause (i) is not provided to the satisfaction of the Inspector General within 90 days after such notification—

(I) the Global Fund is deemed to be noncompliant with its Transparency Certification; and

(II) the Inspector General shall submit prompt, written notification of that fact to the Board of Overseers, appropriate congressional committees, the Executive Director of the Global Fund and any office or agency of the Federal Government that has provided the Global Fund with any United States contribution during the most recent 2 years.

(iv) RESTORATION OF COMPLIANCE.—

(I) IN GENERAL.—The Board of Overseers may reverse a finding of Transparency Certification noncompliance pursuant to clause (iii) by an affirmative vote of at least 3 of the 4 members of the Board of Overseers listed in clauses (i) through (iv) of paragraph (4)(C).

(II) NOTIFICATION.—Upon reversing a noncompliance finding under subclause (H), the Board of Overseers shall promptly provide notification of such restoration and a description of the basis for such decision, to the Inspector General, appropriate congressional committees, the Executive Director of the Global Fund and the head of any office or agency of the Federal Government that has provided the Global Fund with any United States contribution during the most recent 2 years.

(v) COST REIMBURSEMENT.—The Inspector General may reimburse the Global Fund for the reasonable cost of providing to the Inspector General information or assistance sought pursuant to a Transparency Certification for the purpose of performing the duties described in subparagraph (E).

(K) REPORTS.—

(i) AUDIT AND INVESTIGATION REPORTS.—Promptly upon completion, the Inspector General shall provide copies of each audit and investigation report completed pursuant to subparagraph (F) to the Board of Overseers, the appropriate congressional committees, and, to the extent permissible under Federal law, the Executive Director of the Global Fund.

(ii) SEMIANNUAL REPORTS.—Not later than May 30, 2009, and semiannually thereafter, the Inspector General shall submit a report to the appropriate congressional committees that—

(I) meets the requirements of section 5 of the Inspector General Act of 1978 (5 U.S.C. App.);

(II) includes a list and detailed description of the circumstances surrounding any notification of noncompliance issued pursuant to subparagraph (K)(iii) during the covered time frame; and

(III) describes whether and when Board of Overseers has reversed such finding of noncompliance.

(iii) PROHIBITED DISCLOSURES.—Nothing in this paragraph may be construed to authorize the public disclosure of information that is—

(I) specifically prohibited from disclosure by any other provision of law; or

(II) a part of an ongoing criminal investigation in the United States.

(iv) PRIVACY PROTECTIONS.—The Inspector General shall exempt from public disclosure information received from the Global Fund or developed during an audit or investigation that the Inspector General believes—

(I) constitutes a trade secret or privileged and confidential personal financial information;

(II) accuses a particular person of a crime;

(III) would, if publicly disclosed, constitute a clearly unwarranted invasion of personal privacy; and

(IV) would compromise an ongoing law enforcement investigation or judicial trial in the United States.

(v) PUBLICATION.—Except as provided under clauses (iii) and (iv), the Inspector General shall promptly publish each report under this paragraph on a publicly available and searchable Internet Website.

(4) BOARD OF OVERSEERS.—

(A) ESTABLISHMENT.—The Global Fund Contributions Office shall have a Board of Overseers.

(B) DUTIES.—The Board of Overseers shall—

(i) receive information and reports of audits and investigations from the Global Fund Contributions Office and the Inspector General;

(ii) provide general direction and supervision to the Global Fund Contributions Office and the Inspector General; and

(iii) determine the restoration of compliance by the Global Fund with its Transparency Certification pursuant to paragraph (3)(J)(iv).

(C) MEMBERSHIP.—The Board of Overseers shall be comprised of the following 6 members:

(i) The Secretary of State (or the Secretary's designee).

(ii) The Secretary of Health and Human Services (or the Secretary's designee).

(iii) The Secretary of the Treasury (or the Secretary's designee).

(iv) The Director of the Office of Management and Budget (or the Director's designee).

(v) The Global AIDS Coordinator.

(vi) The Malaria Coordinator.

(D) CHAIRMAN.—The Director of the Office of Management and Budget (or the Director's designee) shall serve as chairman of the Board of Overseers for the 1-year period beginning on the date of the enactment of this Act. The chairmanship shall annual rotate among the members of the Board of Overseers listed in clauses (i) through (iv) of subparagraph (C).

(d) TRANSPARENCY FOR UNITED STATES CONTRIBUTIONS.—

(1) FUNDING PREREQUISITES.—Notwithstanding any other provision of law, no funds made available for use as a United States contribution to the Global Fund may be obligated or expended if—

(A) the Global Fund has not provided to the Inspector General within the preceding year a Transparency Certification; or

(B) the Global Fund is deemed to be noncompliant with its Transparency Certification under subsection (c)(J)(iii).

(2) TREATMENT OF FUNDS WITHHELD FOR NONCOMPLIANCE.—On the last day of each fiscal year, any funds appropriated for use as a United States contribution to the Global Fund during that fiscal year that have not been obligated or expended because of the restrictions described in paragraph (3)—

(A) shall be returned to the United States Treasury;

(B) are not subject to reprogramming for any other use; and

(C) shall not be considered arrears to be repaid to the Global Fund.

(e) ALLOCATION OF APPROPRIATIONS.—For each of the fiscal years 2009 through 2013, not less than 0.5 percent of the amounts otherwise appropriated for United States contributions shall be made available to carry out this section.

SA 5081. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009

through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 38, strike line 15 and all that follows through ''(e)'' on page 40, line 20 and insert the following:''.

(e) INSPECTOR GENERAL.—

(1) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by inserting ''the Coordinator of United States Government Activities to Combat HIV/AIDS Globally;'' after ''Federal Deposit Insurance Corporation;''; and

(B) in paragraph (2), by inserting ''Office of the U.S. Global AIDS Coordinator,'' after ''Nuclear Regulatory Commission,''.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of the fiscal years 2009 through 2013, to carry out the duties of the Inspector General of the Office of the Global AIDS Coordinator.

(f)

SA 5082. Mr. KYL proposed an amendment to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 129, strike line 21 and all that follows through ''(b)'' on page 130, line 3, and insert the following:

(a) IN GENERAL.—Section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) is amended—

(1) in subsection (a), by striking ''$3,000,000,000 for each of the fiscal years 2004 through 2008'' and inserting the following ''—

''(1) $40,000,000,000 for the 4-year period beginning on October 1, 2008; and

''(2) $10,000,000,000 for fiscal year 2013.''; and

(2) by striking subsection (c).

(b) POINT OF ORDER AGAINST ANY APPROPRIATION THAT EXCEEDS THE AMOUNT AUTHORIZED.—

(1) POINT OF ORDER.—Subject to paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains an appropriation to carry out this Act or any amendment made by this Act that exceeds the amount authorized to be appropriated for such purpose under this Act or any amendment made by this Act.

(2) WAIVER AND APPEAL.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(c)

SA 5083. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. 601. SHORT TITLE.

This title may be cited as the ''United States Authorization and Sunset Commission Act of 2008''.

SEC. 602. DEFINITIONS.

In this title—

(1) the term ''Commission'' means the United States Authorization and Sunset Commission established under section 603; and

(2) the term ''Commission Schedule and Review bill'' means the proposed legislation submitted to Congress under section 604(b).

SEC. 603. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this title referred to as the ''members''), as follows:

(1) Four members appointed by the majority leader of the Senate, 1 of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, 1 of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), 4 shall be members of the Senate, not more than 2 of whom may be of the same political party.

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), 4 shall be members of the House of Representatives, not more than 2 of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 5 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 30 months of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, 5 or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this title—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized to provide to the Commission, on a reimbursable basis, administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2018.

SEC. 604. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of programs reauthorized or established under this Act (in this section referred to as the ''Commission Schedule and Review bill'').

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment, if applicable, of—

(A) programs identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) programs identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) CRITERIA AND REVIEW.—The Commission shall review each program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program.

(D) Whether the program has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program.

(E) Ways the program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of programs would better enable the Federal Government to accomplish its missions and goals.

(G) The extent to which the program duplicates or conflicts with other Federal programs, State or local government, or the private sector and if consolidation or streamlining into a single program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF PROGRAMS REAUTHORIZED OR ESTABLISHED UNDER THIS ACT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of only those programs reauthorized or established under this Act; and

(B) abolishes any program 2 years after the date the Commission completes its review of the program, unless the program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 606.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress and the President—

(1) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each program (reauthorized or established under this Act) to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(2) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(3) legislative provisions necessary to implement the Commission's proposal and recommendations.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program reauthorized or established under this Act.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than 5 members of the Commission.

SEC. 605. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 604(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and any appropriate committee of jurisdiction in the Senate and the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—

(A) IN GENERAL.—If, before the passage by 1 House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(i) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under clause (iii);

(ii) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(iii) notwithstanding clause (ii), the vote on final passage shall be on the bill of the other House.

(B) EFFECT OF DISPOSITION.—Upon disposition of a bill that is received by 1 House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the 2 Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferrees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 606. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 604(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and any appropriate committee of jurisdiction in the Senate and the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by 1 House of the Commission Schedule and Review bill that was introduced in such House, such House receives

from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by 1 House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 17, at 10:00 a.m. in room 562 of the Dirksen Senate Office Building to conduct an oversight hearing entitled ''Tracking Sex Offenders in Indian Country: Tribal Implementation of the Adam Walsh Act.''

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

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 the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 24, 2008, at 10:00 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to discuss current policy related to the Strategic Petroleum Reserve.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the committee on Rules and Administration will meet on Wednesday, July 6, 2008, at 10:00 a.m. to hear testimony on the Administration and Management Operations of the United States Capitol Police.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 15, 2008 at 10 a.m., to conduct a hearing entitled ''The Semiannual Monetary Policy Report to the Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 15, 2008 at 11:30 a.m. to conduct a hearing entitled ''Recent Developments in U.S. Financial Markets and Regulatory Responses to Them.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 15, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Determining the Proper Scope of Coverage for the Americans with Disabilities Act'' on Tuesday, July 15, 2008. The hearing will commence at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Google-Yahoo Agreement and the Future of Internet Advertising'' on Tuesday, July 15, 2008, at 10:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

On Friday, July 11, 2008, the Senate passed H.R. 3221, as amended, as follows:

H.R. 3221

Resolved, That on June 25, 2008, the Senate concurs in the House amendment, striking section 1 through title V and inserting certain language, to the Senate amendment to the bill (H.R. 3221) entitled ''An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the

production of renewable energy and energy conservation.'', with an amendment

SENATE AMENDMENT TO HOUSE AMENDMENTS TO SENATE AMENDMENT

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Housing and Economic Recovery Act of 2008''.

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

Sec. 1. Short title; table of contents.

DIVISION A—HOUSING FINANCE REFORM

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

Sec. 1101. Establishment of the Federal Housing Finance Agency.
Sec. 1102. Duties and authorities of the Director.
Sec. 1103. Federal Housing Finance Oversight Board.
Sec. 1104. Authority to require reports by regulated entities.
Sec. 1105. Examiners and accountants; authority to contract for reviews of regulated entities; ombudsman.
Sec. 1106. Assessments.
Sec. 1107. Regulations and orders.
Sec. 1108. Prudential management and operations standards.
Sec. 1109. Review of and authority over enterprise assets and liabilities.
Sec. 1110. Risk-based capital requirements.
Sec. 1111. Minimum capital levels.
Sec. 1112. Registration under the securities laws.
Sec. 1113. Prohibition and withholding of executive compensation.
Sec. 1114. Limit on golden parachutes.
Sec. 1115. Reporting of fraudulent loans.

Subtitle B—Improvement of Mission Supervision

Sec. 1121. Transfer of program approval and housing goal oversight.
Sec. 1122. Assumption by the Director of certain other HUD responsibilities.
Sec. 1123. Review of enterprise products.
Sec. 1124. Conforming loan limits.
Sec. 1125. Annual housing report.
Sec. 1126. Public use database.
Sec. 1127. Reporting of mortgage data.
Sec. 1128. Revision of housing goals.
Sec. 1129. Duty to serve underserved markets.
Sec. 1130. Monitoring and enforcing compliance with housing goals.
Sec. 1131. Affordable housing programs.
Sec. 1132. Financial education and counseling.
Sec. 1133. Transfer and rights of certain HUD employees.

Subtitle C—Prompt Corrective Action

Sec. 1141. Critical capital levels.
Sec. 1142. Capital classifications.
Sec. 1143. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 1144. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 1145. Authority over critically undercapitalized regulated entities.

Subtitle D—Enforcement Actions

Sec. 1151. Cease and desist proceedings.
Sec. 1152. Temporary cease and desist proceedings.
Sec. 1153. Removal and prohibition authority.
Sec. 1154. Enforcement and jurisdiction.
Sec. 1155. Civil money penalties.
Sec. 1156. Criminal penalty.
Sec. 1157. Notice after separation from service.
Sec. 1158. Subpoena authority.

Subtitle E—General Provisions

Sec. 1161. Conforming and technical amendments.
Sec. 1162. Presidentially-appointed directors of enterprises.
Sec. 1163. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 1201. Recognition of distinctions between the enterprises and the Federal Home Loan Banks.
Sec. 1202. Directors.
Sec. 1203. Definitions.
Sec. 1204. Agency oversight of Federal Home Loan Banks.
Sec. 1205. Housing goals.
Sec. 1206. Community development financial institutions.
Sec. 1207. Sharing of information among Federal Home Loan Banks.
Sec. 1208. Exclusion from certain requirements.
Sec. 1209. Voluntary mergers.
Sec. 1210. Authority to reduce districts.
Sec. 1211. Community financial institution members.
Sec. 1212. Public use database; reports to Congress.
Sec. 1213. Semiannual reports.
Sec. 1214. Liquidation or reorganization of a Federal Home Loan Bank.
Sec. 1215. Study and report to Congress on securitization of acquired member assets.
Sec. 1216. Technical and conforming amendments.
Sec. 1217. Study on Federal Home Loan Bank advances.
Sec. 1218. Federal Home Loan Bank refinancing authority for certain residential mortgage loans.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

Sec. 1301. Abolishment of OFHEO.
Sec. 1302. Continuation and coordination of certain actions.
Sec. 1303. Transfer and rights of employees of OFHEO.
Sec. 1304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 1311. Abolishment of the Federal Housing Finance Board.
Sec. 1312. Continuation and coordination of certain actions.
Sec. 1313. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 1314. Transfer of property and facilities.

TITLE IV—HOPE FOR HOMEOWNERS

Sec. 1401. Short title.
Sec. 1402. Establishment of HOPE for Homeowners Program.
Sec. 1403. Fiduciary duty of servicers of pooled residential mortgage loans.
Sec. 1404. Revised standards for FHA appraisers.

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

Sec. 1501. Short title.
Sec. 1502. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 1503. Definitions.
Sec. 1504. License or registration required.
Sec. 1505. State license and registration application and issuance.
Sec. 1506. Standards for State license renewal.
Sec. 1507. System of registration administration by Federal agencies.
Sec. 1508. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 1509. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 1510. Fees.
Sec. 1511. Background checks of loan originators.
Sec. 1512. Confidentiality of information.
Sec. 1513. Liability provisions.
Sec. 1514. Enforcement under HUD backup licensing system.
Sec. 1515. State examination authority.
Sec. 1516. Reports and recommendations to Congress.
Sec. 1517. Study and reports on defaults and foreclosures.

TITLE VI—MISCELLANEOUS

Sec. 1601. Study and reports on guarantee fees.
Sec. 1602. Study and report on default risk evaluation.
Sec. 1603. Conversion of HUD contracts.
Sec. 1604. Bridge depository institutions.
Sec. 1605. Sense of the Senate.

DIVISION B—FORECLOSURE PREVENTION

Sec. 2001. Short title.
Sec. 2002. Emergency designation.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 2101. Short title.

Subtitle A—Building American Homeownership

Sec. 2111. Short title.
Sec. 2112. Maximum principal loan obligation.
Sec. 2113. Cash investment requirement and prohibition of seller-funded down payment assistance.
Sec. 2114. Mortgage insurance premiums.
Sec. 2115. Rehabilitation loans.
Sec. 2116. Discretionary action.
Sec. 2117. Insurance of condominiums.
Sec. 2118. Mutual Mortgage Insurance Fund.
Sec. 2119. Hawaiian home lands and Indian reservations.
Sec. 2120. Conforming and technical amendments.
Sec. 2121. Insurance of mortgages.
Sec. 2122. Home equity conversion mortgages.
Sec. 2123. Energy efficient mortgages program.
Sec. 2124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 2125. Homeownership preservation.
Sec. 2126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 2127. Post-purchase housing counseling eligibility improvements.
Sec. 2128. Pre-purchase homeownership counseling demonstration.
Sec. 2129. Fraud prevention.
Sec. 2130. Limitation on mortgage insurance premium increases.
Sec. 2131. Savings provision.
Sec. 2132. Implementation.
Sec. 2133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 2141. Short title.
Sec. 2142. Purposes.
Sec. 2143. Exception to limitation on financial institution portfolio.
Sec. 2144. Insurance benefits.
Sec. 2145. Maximum loan limits.
Sec. 2146. Insurance premiums.
Sec. 2147. Technical corrections.
Sec. 2148. Revision of underwriting criteria.
Sec. 2149. Prohibition against kickbacks and unearned fees.
Sec. 2150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 2201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 2202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.

Sec. 2203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.
TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES
Sec. 2301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 2302. Nationwide distribution of resources.
Sec. 2303. Limitation on use of funds with respect to eminent domain.
Sec. 2304. Limitation on distribution of funds.
Sec. 2305. Counseling intermediaries.
TITLE IV—HOUSING COUNSELING RESOURCES
Sec. 2401. Housing counseling resources.
Sec. 2402. Credit counseling.
TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT
Sec. 2501. Short title.
Sec. 2502. Enhanced mortgage loan disclosures.
Sec. 2503. Community development investment authority for depository institutions.
TITLE VI—VETERANS HOUSING MATTERS
Sec. 2601. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 2602. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 2603. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 2604. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 2605. Increase in specially adapted housing benefits for disabled veterans.
Sec. 2606. Report on specially adapted housing for disabled individuals.
Sec. 2607. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 2608. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 2609. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.
TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT
Sec. 2701. Short title.
Sec. 2702. Public housing agency plans for certain qualified public housing agencies.
TITLE VIII—FORECLOSURE RESCUE FRAUD PROTECTION
Sec. 2801. Short title.
Sec. 2802. Definitions.
Sec. 2803. Mortgage rescue fraud protection.
Sec. 2804. Warnings to homeowners of foreclosure rescue scams.
Sec. 2805. Civil liability.
Sec. 2806. Administrative enforcement.
Sec. 2807. Limitation.
Sec. 2808. Preemption.
DIVISION C—TAX-RELATED PROVISIONS
Sec. 3000. Short title; etc.
TITLE I—HOUSING TAX INCENTIVES
Subtitle A—Multi-Family Housing
PART I—LOW-INCOME HOUSING TAX CREDIT
Sec. 3001. Temporary increase in volume cap for low-income housing tax credit.
Sec. 3002. Determination of credit rate.
Sec. 3003. Modifications to definition of eligible basis.
Sec. 3004. Other simplification and reform of low-income housing tax incentives.
Sec. 3005. Treatment of military basic pay.
PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES
Sec. 3007. Recycling of tax-exempt debt for financing residential rental projects.
Sec. 3008. Coordination of certain rules applicable to low-income housing credit and qualified residential rental project exempt facility bonds.
PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS
Sec. 3009. Hold harmless for reductions in area median gross income.
Sec. 3010. Exception to annual current income determination requirement where determination not relevant.
Subtitle B—Single Family Housing
Sec. 3011. First-time homebuyer credit.
Sec. 3012. Additional standard deduction for real property taxes for nonitemizers.
Subtitle C—General Provisions
Sec. 3021. Temporary liberalization of tax-exempt housing bond rules.
Sec. 3022. Repeal of alternative minimum tax limitations on tax-exempt housing bonds, low-income housing tax credit, and rehabilitation credit.
Sec. 3023. Bonds guaranteed by Federal home loan banks eligible for treatment as tax-exempt bonds.
Sec. 3024. Modification of rules pertaining to FIRPTA nonforeign affidavits.
Sec. 3025. Modification of definition of tax-exempt use property for purposes of the rehabilitation credit.
Sec. 3026. Extension of special rule for mortgage revenue bonds for residences located in disaster areas.
TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS
Subtitle A—Foreign Currency and Other Qualified Activities
Sec. 3031. Revisions to REIT income tests.
Sec. 3032. Revisions to REIT asset tests.
Sec. 3033. Conforming foreign currency revisions.
Subtitle B—Taxable REIT Subsidiaries
Sec. 3041. Conforming taxable REIT subsidiary asset test.
Subtitle C—Dealer Sales
Sec. 3051. Holding period under safe harbor.
Sec. 3052. Determining value of sales under safe harbor.
Subtitle D—Health Care REITs
Sec. 3061. Conformity for health care facilities.
Subtitle E—Effective Dates
Sec. 3071. Effective dates.
TITLE III—REVENUE PROVISIONS
Subtitle A—General Provisions
Sec. 3081. Election to accelerate amt and r and d credits in lieu of bonus depreciation.
Sec. 3082. Certain GO Zone incentives.
Subtitle B—Revenue Offsets
Sec. 3091. Returns relating to payments made in settlement of payment card and third party network transactions.
Sec. 3092. Gain from sale of principal residence allocated to nonqualified use not excluded from income.
Sec. 3093. Increase in information return penalties.
Sec. 3094. Increase in penalty for failure to file S corporation returns.
Sec. 3095. Increase in penalty for failure to file partnership returns.
Sec. 3096. Increase in minimum penalty on failure to file a return of tax.
DIVISION A—HOUSING FINANCE REFORM

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Federal Housing Finance Regulatory Reform Act of 2008''.

SEC. 1002. DEFINITIONS.

(a) FEDERAL SAFETY AND SOUNDNESS ACT DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (8), (9), (10), and (19), by striking ''Secretary'' each place that term appears and inserting ''Director'';

(2) by redesignating paragraphs (16) through (19) as paragraphs (21) through (24), respectively;

(3) by striking paragraphs (13) through (15) and inserting the following:

''(19) OFFICE OF FINANCE.—The term 'Office of Finance' means the Office of Finance of the Federal Home Loan Bank System (or any successor thereto).

''(20) REGULATED ENTITY.—The term 'regulated entity' means—

''(A) the Federal National Mortgage Association and any affiliate thereof;

''(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

''(C) any Federal Home Loan Bank.'';

(4) by redesignating paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(5) by redesignating paragraph (7) as paragraph (12);

(6) by redesignating paragraphs (8) through (10) as paragraphs (14) through (16), respectively;

(7) in paragraph (5)—

(A) by striking ''(5)'' and inserting ''(9)''; and

(B) by striking ''Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Federal Housing Finance Agency'';

(8) by redesignating paragraph (6) as paragraph (10);

(9) by redesignating paragraphs (2) through (4) as paragraphs (5) through (7), respectively;

(10) by inserting after paragraph (7), as redesignated, the following:

''(8) DEFAULT; IN DANGER OF DEFAULT.—

''(A) DEFAULT.—The term 'default' means, with respect to a regulated entity, any adjudication or other official determination by any court of competent jurisdiction, or the Agency, pursuant to which a conservator, receiver, limited-life regulated entity, or legal custodian is appointed for a regulated entity.

''(B) IN DANGER OF DEFAULT.—The term 'in danger of default' means a regulated entity with respect to which, in the opinion of the Agency—

''(i) the regulated entity is not likely to be able to pay the obligations of the regulated entity in the normal course of business; or

''(ii) the regulated entity—

''(I) has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

''(II) there is no reasonable prospect that the capital of the regulated entity will be replenished.'';

(11) by inserting after paragraph (1) the following:

''(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency established under section 1311.

''(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

''(A) the Federal National Mortgage Association Charter Act;

''(B) the Federal Home Loan Mortgage Corporation Act; and

''(C) the Federal Home Loan Bank Act.

''(4) BOARD.—The term 'Board' means the Federal Housing Finance Oversight Board established under section 1313A.'';

(12) by inserting after paragraph (10), as redesignated by this section, the following:

''(11) ENTITY-AFFILIATED PARTY.—The term 'entity-affiliated party' means—

''(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

''(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, provided that a member of a Federal Home Loan Bank shall not be deemed to have participated in the affairs of that Bank solely by virtue of being a shareholder of, and obtaining advances from, that Bank;

''(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

''(i) the independent contractor knowingly or recklessly participates in—

''(I) any violation of any law or regulation;

''(II) any breach of fiduciary duty; or

''(III) any unsafe or unsound practice; and

''(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity;

''(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity; and

''(E) the Office of Finance.'';

(13) by inserting after paragraph (12), as redesignated by this section, the following:

''(13) LIMITED-LIFE REGULATED ENTITY.—The term 'limited-life regulated entity' means an entity established by the Agency under section 1367(i) with respect to a Federal Home Loan Bank in default or in danger of default or with respect to an enterprise in default or in danger of default.''; and

(14) by adding at the end the following:

''(25) VIOLATION.—The term 'violation' includes any action (alone or in combination with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.''.

(b) REFERENCES IN THIS ACT.—As used in this Act, unless otherwise specified—

(1) the term ''Agency'' means the Federal Housing Finance Agency;

(2) the term ''Director'' means the Director of the Agency; and

(3) the terms ''enterprise'', ''regulated entity'', and ''authorizing statutes'' have the same meanings as in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Act.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

SEC. 1101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

''(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

''(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

''(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

''(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, THE FEDERAL HOME LOAN BANKS, AND THE OFFICE OF FINANCE.—The Director shall have general regulatory authority over each regulated entity and the Office of Finance, and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (b).

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Agency, who shall be the head of the Agency.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

''(2) TERM.—The Director shall be appointed for a term of 5 years, unless removed before the end of such term for cause by the President.

''(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), during the period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and ending on the date on which the Director is appointed and confirmed, the person serving as the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on that effective date shall act for all purposes as, and with the full powers of, the Director.

''(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of mortgage securities markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

''(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of the Federal Home Loan Bank System and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal Home Loan Banks as the Director shall prescribe.

''(e) DEPUTY DIRECTOR FOR HOUSING MISSION AND GOALS.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing Mission and Goals, who shall be designated by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director for Housing Mission and Goals shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal Home Loan Banks, as the Director shall prescribe.

''(3) CONSIDERATIONS.—In exercising such functions, powers, and duties, the Deputy Director for Housing Mission and Goals shall consider the differences between the enterprises and the Federal Home Loan Banks, including those described in section 1313(f).

''(f) ACTING DIRECTOR.—In the event of the death, resignation, sickness, or absence of the Director, the President shall designate either the Deputy Director of the Division of Enterprise Regulation, the Deputy Director of the Division of Federal Home Loan Bank Regulation, or the Deputy Director for Housing Mission and Goals, to serve as acting Director until the return of the Director, or the appointment of a successor pursuant to subsection (b).

''(g) LIMITATIONS.—The Director and each of the Deputy Directors may not—

''(1) have any direct or indirect financial interest in any regulated entity or entity-affiliated party;

''(2) hold any office, position, or employment in any regulated entity or entity-affiliated party; or

''(3) have served as an executive officer or director of any regulated entity or entity-affiliated party at any time during the 3-year period preceding the date of appointment or designation of such individual as Director or Deputy Director, as applicable.''.

SEC. 1102. DUTIES AND AUTHORITIES OF THE DIRECTOR.

(a) IN GENERAL.—Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

''(A) to oversee the prudential operations of each regulated entity; and

''(B) to ensure that—

''(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

''(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

''(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes;

''(iv) each regulated entity carries out its statutory mission only through activities that are authorized under and consistent with this title and the authorizing statutes; and

''(v) the activities of each regulated entity and the manner in which such regulated entity is operated are consistent with the public interest.

''(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

''(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in a regulated entity; and

''(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

''(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Agency any of the functions, powers, or duties of the Director, as the Director considers appropriate.

''(c) LITIGATION AUTHORITY.—

''(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

''(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.''.

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking ''the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 1103. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313 the following:

''SEC. 1313A. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established the Federal Housing Finance Oversight Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

''(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

''(c) COMPOSITION.—The Board shall be comprised of 4 members, of whom—

''(1) 1 member shall be the Secretary of the Treasury;

''(2) 1 member shall be the Secretary of Housing and Urban Development;

''(3) 1 member shall be the Chairman of the Securities and Exchange Commission; and

''(4) 1 member shall be the Director, who shall serve as the Chairperson of the Board.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

''(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury, the Secretary of Housing and Urban Development, or the Chairman of the Securities and Exchange Commission may, upon giving written notice to the Director, require a special meeting of the Board.

''(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

''(1) the safety and soundness of the regulated entities;

''(2) any material deficiencies in the conduct of the operations of the regulated entities;

''(3) the overall operational status of the regulated entities;

''(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(5) operations, resources, and performance of the Agency; and

''(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.''.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4521(a)) is amended—

(1) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(2) by striking ''enterprises'' each place that term appears and inserting ''regulated entities'';

(3) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(4) in paragraph (4), by striking ''1994.'' and inserting ''1994; and''; and

(5) by adding at the end the following:

''(5) the assessment of the Board or any of its members with respect to—

''(A) the safety and soundness of the regulated entities;

''(B) any material deficiencies in the conduct of the operations of the regulated entities;

''(C) the overall operational status of the regulated entities; and

''(D) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(6) operations, resources, and performance of the Agency; and

''(7) such other matters relating to the Agency and the fulfillment of its mission.''.

SEC. 1104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

(a) IN GENERAL.—Section 1314 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(3) by striking ''the enterprise'' and inserting ''the regulated entity'';

(4) in subsection (a)—

(A) by striking the subsection heading and all that follows through ''and operations'' in paragraph (1) and inserting the following:

''(a) REGULAR AND SPECIAL REPORTS.—

''(1) REGULAR REPORTS.—The Director may require, by general or specific orders, a regulated entity to submit regular reports, including financial statements determined on a fair value basis, on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate''; and

(B) in paragraph (2)—

(i) by inserting '', by general or specific orders,'' after ''may also require''; and

(ii) by striking ''whenever'' and inserting ''on any of the topics specified in paragraph (1) or any other relevant topics, if''; and

(5) by adding at the end the following:

''(c) PENALTIES FOR FAILURE TO MAKE REPORTS.—

''(1) VIOLATIONS.—It shall be a violation of this section for any regulated entity—

''(A) to fail to make, transmit, or publish any report or obtain any information required by the Director under this section, section 309(k) of the Federal National Mortgage Association Charter Act, section 307(c) of the Federal Home Loan Mortgage Corporation Act, or section 20 of the Federal Home Loan Bank Act, within the period of time specified in such provision of law or otherwise by the Director; or

''(B) to submit or publish any false or misleading report or information under this section.

''(2) PENALTIES.—

''(A) FIRST TIER.—

''(i) IN GENERAL.—A violation described in paragraph (1) shall be subject to a penalty of not more than $2,000 for each day during which such violation continues, in any case in which—

''(I) the subject regulated entity maintains procedures reasonably adapted to avoid any inadvertent error and the violation was unintentional and a result of such an error; or

''(II) the violation was an inadvertent transmittal or publication of any report which was minimally late.

''(ii) BURDEN OF PROOF.—For purposes of this subparagraph, the regulated entity shall have the burden of proving that the error was inadvertent or that a report was inadvertently transmitted or published late.

''(B) SECOND TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $20,000 for each day during which such violation continues or such false or misleading information is not corrected, in any case that is not addressed in subparagraph (A) or (C).

''(C) THIRD TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $1,000,000 per day for each day during which such violation continues or such false or misleading information is not corrected, in any case in which the subject regulated entity committed such violation knowingly or with reckless disregard for the accuracy of any such information or report.

''(3) ASSESSMENTS.—Any penalty imposed under this subsection shall be in lieu of a penalty under section 1376, but shall be assessed and collected by the Director in the manner provided in section 1376 for penalties imposed under that section, and any such assessment (including the determination of the amount of the penalty) shall be otherwise subject to the provisions of section 1376.

''(4) HEARING.—A regulated entity against which a penalty is assessed under this section shall be afforded an agency hearing if the regulated entity submits a request for a hearing not later than 20 days after the date of the issuance of the notice of assessment. Section 1374 shall apply to any such proceedings.''.

(b) CONFORMING AMENDMENT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1327 and 1328.

SEC. 1105. EXAMINERS AND ACCOUNTANTS; AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES; OMBUDSMAN.

(a) IN GENERAL.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(2) in subsection (b)—

(A) by inserting ''of a regulated entity'' after ''under this section''; and

(B) by striking ''to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness'' and inserting ''or appropriate'';

(3) in subsection (c), in the second sentence, by inserting before the period ''to conduct examinations under this section'';

(4) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(5) by inserting after subsection (c) the following:

''(d) INSPECTOR GENERAL.—There shall be within the Agency an Inspector General, who shall be appointed in accordance with section 3(a) of the Inspector General Act of 1978.''.

(b) DIRECT HIRE AUTHORITY TO HIRE ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(h) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section shall apply with respect to any position of examiner, accountant, economist, and specialist in financial markets and in technology at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.''.

(c) AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''; the Director of the Federal Housing Finance Agency'' after ''Social Security Administration''; and

(2) in paragraph (2), by inserting '', the Federal Housing Finance Agency'' after ''Social Security Administration''.

(d) AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended—

(1) in the section heading, by striking ''**ENTERPRISES BY RATING ORGANIZATION**'' and inserting ''**REGULATED ENTITIES**''; and

(2) by striking ''enterprises'' and inserting ''regulated entities''.

(e) OFFICE OF THE OMBUDSMAN.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(i) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman within the Agency, which shall be responsible for considering complaints and appeals, from any regulated entity and any person that has a business relationship with a regulated entity, regarding any matter relating to the regulation and supervision of such regulated entity by the Agency. The regulation issued by the Director under this subsection shall specify the authority and duties of the Office of the Ombudsman.''.

SEC. 1106. ASSESSMENTS.

Section 1316 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs (including administrative costs) and expenses of the Agency, including—

''(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

''(2) the expenses of obtaining any reviews and credit assessments under section 1319;

''(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

''(4) the windup of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Regulatory Reform Act of 2008.'';

(2) in subsection (b)—

(A) by realigning the margins of paragraph (2) two ems from the left, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) SEPARATE TREATMENT OF FEDERAL HOME LOAN BANK AND ENTERPRISE ASSESSMENTS.—Assessments collected from the enterprises shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the enterprises. Assessments collected from the Federal Home Loan Banks shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the Federal Home Loan Banks.'';

(3) by striking subsection (c) and inserting the following:

''(c) INCREASED COSTS OF REGULATION.—

''(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

''(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

''(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.'';

(4) in subsection (d), by striking ''If'' and inserting ''Except with respect to amounts collected pursuant to subsection (a)(3), if''; and

(5) by striking subsections (e) through (g) and inserting the following:

''(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

''(f) TREATMENT OF ASSESSMENTS.—

''(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes of the United States (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

''(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

''(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

''(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and any amounts remaining from assessments on the Federal Home Loan Banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

''(6) TREASURY INVESTMENTS.—

''(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amounts received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

''(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in Government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of the Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) BUDGET AND FINANCIAL MANAGEMENT.—

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts, as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations, as prepared by the Director in the ordinary course of the Agency's operations.

''(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of—

''(A) assets and liabilities and surplus or deficit;

''(B) income and expenses; and

''(C) sources and application of funds.

''(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that—

''(A) comply substantially with Federal financial management systems requirements and applicable Federal accounting standards; and

''(B) use a general ledger system that accounts for activity at the transaction level.

''(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

''(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

''(h) AUDIT OF AGENCY.—

''(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the United States generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working

papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

''(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

''(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 1107. REGULATIONS AND ORDERS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AUTHORITY.—The Director shall issue any regulations, guidelines, or orders necessary to carry out the duties of the Director under this title or the authorizing statutes, and to ensure that the purposes of this title and the authorizing statutes are accomplished.''; and

(2) by striking subsection (c).

SEC. 1108. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by this Act, the following new section:

''SEC. 1313B. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

''(a) STANDARDS.—The Director shall establish standards, by regulation or guideline, for each regulated entity relating to—

''(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

''(2) independence and adequacy of internal audit systems;

''(3) management of interest rate risk exposure;

''(4) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

''(5) adequacy and maintenance of liquidity and reserves;

''(6) management of asset and investment portfolio growth;

''(7) investments and acquisitions of assets by a regulated entity, to ensure that they are consistent with the purposes of this title and the authorizing statutes;

''(8) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events;

''(9) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

''(10) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity; and

''(11) such other operational and management standards as the Director determines to be appropriate.

''(b) FAILURE TO MEET STANDARDS.—

''(1) PLAN REQUIREMENT.—

''(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

''(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

''(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

''(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

''(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

''(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

''(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

''(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

''(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

''(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

''(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

''(ii) Require the regulated entity—

''(I) in the case of an enterprise, to increase its ratio of core capital to assets.

''(II) in the case of a Federal Home Loan Bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

''(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

''(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

''(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

''(B) the regulated entity has not corrected the deficiency; and

''(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

''(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.''.

SEC. 1109. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

''Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities'';

and

(2) by adding at the end the following new section:

''SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

''(a) IN GENERAL.—The Director shall, by regulation, establish criteria governing the portfolio holdings of the enterprises, to ensure that the holdings are backed by sufficient capital and consistent with the mission and the safe and sound operations of the enterprises. In establishing such criteria, the Director shall consider the ability of the enterprises to provide a liquid secondary market through securitization activities, the portfolio holdings in relation to the overall mortgage market, and adherence to the standards specified in section 1313B.

''(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

''(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date of this Act, the Director shall issue regulations pursuant to section 1369E(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 1110. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

''SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

''(a) IN GENERAL.—

''(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

''(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal Home Loan Banks.

''(b) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal Home Loan Banks to ensure that the Federal Home Loan Banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal Home Loans Banks.''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)''.

SEC. 1111. MINIMUM CAPITAL LEVELS.

Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''; and

(2) by striking subsection (b) and inserting the following:

''(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal Home Loan Bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

''(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal Home Loan Banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal Home Loan Banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

''(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis, when the Director determines that such an increase is necessary and consistent with the prudential regulation and the safe and sound operations of a regulated entity.

''(2) RESCISSION.—The Director shall rescind any temporary minimum capital level established under paragraph (1) when the Director determines that the circumstances or facts no longer justify the temporary minimum capital level.

''(3) REGULATIONS REQUIRED.—The Director shall issue regulations establishing—

''(A) standards for the imposition of a temporary increase in minimum capital under paragraph (1);

''(B) the standards and procedures that the Director will use to make the determination referred to in paragraph (2); and

''(C) a reasonable time frame for periodic review of any temporary increase in minimum capital for the purpose of making the determination referred to in paragraph (2).

''(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PURPOSES.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any product or activity of a regulated entity, as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

''(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal Home Loan Banks, and the minimum capital levels established for such regulated entities pursuant to this section.''.

SEC. 1112. REGISTRATION UNDER THE SECURITIES LAWS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 38. FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN MORTGAGE CORPORATION, FEDERAL HOME LOAN BANKS.

''(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION.—No class of equity securities of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be treated as an exempted security for purposes of section 12, 13, 14, or 16.

''(b) FEDERAL HOME LOAN BANKS.—

''(1) REGISTRATION.—Each Federal Home Loan Bank shall register a class of its common stock under section 12(g), not later than 120 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and shall thereafter maintain such registration and be treated for purposes of this title as an 'issuer', the securities of which are required to be registered under section 12, regardless of the number of members holding such stock at any given time.

''(2) STANDARDS RELATING TO AUDIT COMMITTEES.—Each Federal Home Loan Bank shall comply with the rules issued by the Commission under section 10A(m).

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERAL HOME LOAN BANK; MEMBER.—The terms 'Federal Home Loan Bank' and 'member', have the same meanings as in section 2 of the Federal Home Loan Bank Act.

''(2) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—The term 'Federal National Mortgage Association' means the corporation created by the Federal National Mortgage Association Charter Act.

''(3) FEDERAL HOME LOAN MORTGAGE CORPORATION.—The term 'Federal Home Loan Mortgage Corporation' means the corporation created by the Federal Home Loan Mortgage Corporation Act.''.

SEC. 1113. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking ''**OF EXCESSIVE**'' and inserting ''**AND WITHHOLDING OF EXECUTIVE**'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

''(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal Home Loan Bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 1114. LIMIT ON GOLDEN PARACHUTES.

Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended by adding at the end the following:

''(e) AUTHORITY TO REGULATE OR PROHIBIT CERTAIN FORMS OF BENEFITS TO AFFILIATED PARTIES.—

''(1) GOLDEN PARACHUTES AND INDEMNIFICATION PAYMENTS.—The Director may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment.

''(2) FACTORS TO BE TAKEN INTO ACCOUNT.—The Director shall prescribe, by regulation, the factors to be considered by the Director in taking any action pursuant to paragraph (1), which may include such factors as—

''(A) whether there is a reasonable basis to believe that the affiliated party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the regulated entity that has had a material effect on the financial condition of the regulated entity;

''(B) whether there is a reasonable basis to believe that the affiliated party is substantially responsible for the insolvency of the regulated entity, the appointment of a conservator or receiver for the regulated entity, or the troubled condition of the regulated entity (as defined in regulations prescribed by the Director);

''(C) whether there is a reasonable basis to believe that the affiliated party has materially violated any applicable provision of Federal or State law or regulation that has had a material effect on the financial condition of the regulated entity;

''(D) whether the affiliated party was in a position of managerial or fiduciary responsibility; and

''(E) the length of time that the party was affiliated with the regulated entity, and the degree to which—

''(i) the payment reasonably reflects compensation earned over the period of employment; and

''(ii) the compensation involved represents a reasonable payment for services rendered.

''(3) CERTAIN PAYMENTS PROHIBITED.—No regulated entity may prepay the salary or any liability or legal expense of any affiliated party if such payment is made—

''(A) in contemplation of the insolvency of such regulated entity, or after the commission of an act of insolvency; and

''(B) with a view to, or having the result of—

''(i) preventing the proper application of the assets of the regulated entity to creditors; or

''(ii) preferring one creditor over another.

''(4) GOLDEN PARACHUTE PAYMENT DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'golden parachute payment' means any payment (or any agreement to make any payment) in the nature of compensation by any regulated entity for the benefit of any affiliated party pursuant to an obligation of such regulated entity that—

''(i) is contingent on the termination of such party's affiliation with the regulated entity; and

''(ii) is received on or after the date on which—

''(I) the regulated entity became insolvent;

''(II) any conservator or receiver is appointed for such regulated entity; or

''(III) the Director determines that the regulated entity is in a troubled condition (as defined in the regulations of the Director).

''(B) CERTAIN PAYMENTS IN CONTEMPLATION OF AN EVENT.—Any payment which would be a golden parachute payment but for the fact that such payment was made before the date referred to in subparagraph (A)(ii) shall be treated as a golden parachute payment if the payment was made in contemplation of the occurrence of an event described in any subclause of such subparagraph.

''(C) CERTAIN PAYMENTS NOT INCLUDED.—For purposes of this subsection, the term 'golden parachute payment' shall not include—

''(i) any payment made pursuant to a retirement plan which is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986, or other nondiscriminatory benefit plan;

''(ii) any payment made pursuant to a bona fide deferred compensation plan or arrangement which the Director determines, by regulation or order, to be permissible; or

''(iii) any payment made by reason of the death or disability of an affiliated party.

''(5) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INDEMNIFICATION PAYMENT.—Subject to paragraph (6), the term 'indemnification payment' means any payment (or any agreement to make any payment) by any regulated entity for the benefit of any person who is or was an affiliated party, to pay or reimburse such person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Agency which results in a final order under which such person—

''(i) is assessed a civil money penalty;

''(ii) is removed or prohibited from participating in conduct of the affairs of the regulated entity; or

''(iii) is required to take any affirmative action to correct certain conditions resulting from violations or practices, by order of the Director.

''(B) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

''(i) any legal or other professional expense incurred in connection with any claim, proceeding, or action;

''(ii) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

''(iii) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

''(C) PAYMENT.—The term 'payment' includes—

''(i) any direct or indirect transfer of any funds or any asset; and

''(ii) any segregation of any funds or assets for the purpose of making, or pursuant to an agreement to make, any payment after the date on which such funds or assets are segregated, without regard to whether the obligation to make such payment is contingent on—

''(I) the determination, after such date, of the liability for the payment of such amount; or

''(II) the liquidation, after such date, of the amount of such payment.

''(6) CERTAIN COMMERCIAL INSURANCE COVERAGE NOT TREATED AS COVERED BENEFIT PAYMENT.—No provision of this subsection shall be construed as prohibiting any regulated entity from purchasing any commercial insurance policy or fidelity bond, except that, subject to any requirement described in paragraph (5)(A)(iii), such insurance policy or bond shall not cover any legal or liability expense of the regulated entity which is described in paragraph (5)(A).''.

SEC. 1115. REPORTING OF FRAUDULENT LOANS.

Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 1379E. REPORTING OF FRAUDULENT LOANS.

''(a) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument, or suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. The Director shall require each regulated entity to establish and maintain procedures designed to discover any such transactions.

''(b) PROTECTION FROM LIABILITY FOR REPORTS.—Any regulated entity that, in good faith, makes a report pursuant to subsection (a), and any entity-affiliated party, that, in good faith, makes or requires another to make any such report, shall not be liable to any person under any provision of law or regulation, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement) for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other persons identified in the report.''.

Subtitle B—Improvement of Mission Supervision

SEC. 1121. TRANSFER OF PROGRAM APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the heading for the part and inserting the following:

''PART 2—ADDITIONAL AUTHORITIES OF THE DIRECTOR'';

and

(2) by striking sections 1321 and 1322.

SEC. 1122. ASSUMPTION BY THE DIRECTOR OF CERTAIN OTHER HUD RESPONSIBILITIES.

(a) IN GENERAL.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking ''Secretary'' each place that term appears and inserting ''Director'' in each of sections 1323, 1326, 1327, 1328, and 1336; and

(2) by striking sections 1338 and 1349 (12 U.S.C. 4562 note and 4589).

(b) RETENTION OF FAIR HOUSING RESPONSIBILITIES.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4545) is amended in the matter preceding paragraph (1), by inserting ''of Housing and Urban Development'' after ''The Secretary''.

SEC. 1123. REVIEW OF ENTERPRISE PRODUCTS.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting before section 1323 the following:

''SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS.

''(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

''(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

''(1) in the case of a product of the Federal National Mortgage Association, the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b), 1719);

''(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

''(3) the product is in the public interest; and

''(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system.

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

''(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

''(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

''(4) OFFERING OF PRODUCT.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

''(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), then the enterprise may offer the product.

''(C) TEMPORARY APPROVAL.—The Director may, subject to the rules of the Director, provide for temporary approval of the offering of a product without a public comment period, if the Director finds that the existence of exigent circumstances makes such delay contrary to the public interest.

''(d) CONDITIONAL APPROVAL.—If the Director approves the offering of any product by an enterprise, the Director may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

''(e) EXCLUSIONS.—

''(1) IN GENERAL.—The requirements of subsections (a) through (d) do not apply with respect to—

''(A) the automated loan underwriting system of an enterprise in existence as of the date of

enactment of the Federal Housing Finance Regulatory Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system;

''(B) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise, provided that such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing; or

''(C) any other activity that is substantially similar, as determined by rule of the Director to—

''(i) the activities described in subparagraphs (A) and (B); and

''(ii) other activities that have been approved by the Director in accordance with this section.

''(2) EXPEDITED REVIEW.—

''(A) ENTERPRISE NOTICE.—For any new activity that an enterprise considers not to be a product, the enterprise shall provide written notice to the Director of such activity, and may not commence such activity until the date of receipt of a notice under subparagraph (B) or the expiration of the period described in subparagraph (C). The Director shall establish, by regulation, the form and content of such written notice.

''(B) DIRECTOR DETERMINATION.—Not later than 15 days after the date of receipt of a notice under subparagraph (A), the Director shall determine whether such activity is a product subject to approval under this section. The Director shall, immediately upon so determining, notify the enterprise.

''(C) FAILURE TO ACT.—If the Director fails to determine whether such activity is a product within the 15-day period described in subparagraph (B), the enterprise may commence the new activity in accordance with subparagraph (A).

''(f) NO LIMITATION.—Nothing in this section may be construed to restrict—

''(1) the safety and soundness authority of the Director over all new and existing products or activities; or

''(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of an enterprise.''.

SEC. 1124. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking the 7th and 8th sentences and inserting the following new sentences: ''Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.''.

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking the 6th and 7th sentences and inserting the following new sentences: ''Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.''.

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established under this Act.

(d) HOUSING PRICE INDEX.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting after section 1321 (as added by section 1123 of this Act) the following new section:

''SEC. 1322. HOUSING PRICE INDEX.

''The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.''.

SEC. 1125. ANNUAL HOUSING REPORT.

(a) REPEAL.—Section 1324 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1323 the following:

''SEC. 1324. ANNUAL HOUSING REPORT.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Director shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

''(b) CONTENTS.—The report required under subsection (a) shall—

''(1) discuss—

''(A) the extent to and manner in which—

''(i) each enterprise is achieving the annual housing goals established under subpart B;

''(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

''(iii) each enterprise is complying with section 1337;

''(iv) each enterprise received credit towards achieving each of its goals resulting from a transaction or activity pursuant to section 1331(b)(2); and

''(v) each enterprise is achieving the purposes of the enterprise established by law; and

''(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

''(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime and nontraditional loans;

''(5) compare the characteristics of subprime and nontraditional loans both purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise; and

''(6) compare the characteristics of high-cost loans purchased and securitized, where such securities are not held on portfolio to loans purchased and securitized, where such securities are either retained on portfolio or repurchased by the enterprise, including such characteristics as—

''(A) the purchase price of the property that secures the mortgage;

''(B) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(C) the terms of the mortgage;

''(D) the creditworthiness of the borrower; and

''(E) any other relevant data, as determined by the Director.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b), the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

''(B) the characteristics of individual subprime and nontraditional mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the creditworthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

''(C) such other matters as the Director determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data—

''(A) is not released in an identifiable form; and

''(B) is not otherwise obtainable from other publicly available data sets.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

SEC. 1126. PUBLIC USE DATABASE.

Section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking ''(a) IN GENERAL.—The Secretary'' and inserting the following:

''(a) AVAILABILITY.—

''(1) IN GENERAL.—The Director''; and

(B) by adding at the end the following new paragraph:

''(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''or with subsection (a)(2)''; and

(3) by adding at the end the following new subsection:

''(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.''.

SEC. 1127. REPORTING OF MORTGAGE DATA.

Section 1326 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546) is amended—

(1) in subsection (a), by striking ''The Director'' and inserting ''Subject to subsection (d), the Director''; and

(2) by adding at the end the following:

''(d) MORTGAGE INFORMATION.—Subject to privacy considerations, as described in section 304(j) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(j)), the Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public, in order to make available to the public—

''(1) the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act of 1975; and

''(2) information collected by the Director under section 1324(b)(6).''.

SEC. 1128. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1335 the following:

''SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Director shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and each year thereafter, annual housing goals, as described under this subpart, with respect to the mortgage purchases by the enterprises.

''(b) SPECIAL COUNTING REQUIREMENTS.—

''(1) IN GENERAL.—The Director shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

''(2) CONSIDERATIONS.—In making any determination under paragraph (1), the Director shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

''(c) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Director shall require the enterprises to disclose appropriate information to allow the Director to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

''(2) REPORT TO CONGRESS ON DISPARITIES.—Upon a finding by the Director that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Director shall—

''(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

''(B) forward the report prepared under subparagraph (A) to any other appropriate regulatory or enforcement agency.

''(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Director shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

''(d) TIMING.—The Director shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

''SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—

''(1) REVIEW.—The Director shall review the appropriateness of each goal established pursuant to this subpart at least once during each year to assure that given current market conditions that each such goal is feasible.

''(2) PETITION TO REDUCE.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—

''(1) 30-DAY PERIOD.—If an enterprise submits a petition for reduction to the Director under subsection (a)(2), the Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition.

''(2) EXTENSION.—The Director may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Director requests additional information from the enterprise.

''SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) ESTABLISHMENT OF GOALS.—

''(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgage purchases of the enterprise.

''(b) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

''(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise in such year that serve such families, meets or exceeds the

target established under subsection (c) for the year for such type of family.

''(c) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

''(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

''(A) national housing needs;

''(B) economic, housing, and demographic conditions;

''(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available;

''(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

''(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

''(G) the need to maintain the sound financial condition of the enterprises.

''(3) HIGH-COST LOANS AND INAPPROPRIATE LENDING PRACTICES.—In establishing annual targets under paragraph (1), the Director shall not consider segments of the market determined to be unacceptable or contrary to good lending practices pursuant to section 1331(b)(2).

''(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

''(f) CONSIDERATION OF PROPERTIES WITH RENTAL UNITS.—Mortgages financing 1-to-4 unit owner-occupied properties shall count toward the achievement of the single-family housing goal under this section, if such properties otherwise meet the requirements under this section notwithstanding the use of 1 or more units for rental purposes.

''SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

''(a) PREPAYMENT OF EXISTING LOANS.—

''(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

''(b) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

''(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

''(c) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

''(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

''(A) national housing needs;

''(B) economic, housing, and demographic conditions;

''(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available;

''(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

''(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

''(G) the need to maintain the sound financial condition of the enterprises.

''(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

''SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish, by regulation, by unit, dollar volume, or percentage of multifamily activity, as determined by the Director, an annual goal for the purchase by each enterprise of—

''(A) mortgages that finance dwelling units affordable to very low-income families; and

''(B) mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

''(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the housing goal established under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Director), or with mortgages of up to $5,000,000 (as adjusted by the Director).

''(3) FACTORS.—The Director shall establish the goal and additional requirements under this section taking into consideration—

''(A) national multifamily mortgage credit needs;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market, including the size of the small multifamily mortgage market;

''(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other reliable data as may be available regarding multifamily mortgages;

''(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

''(i) small multifamily projects;

''(ii) multifamily properties in need of preservation and rehabilitation; and

''(iii) multifamily properties located in rural areas; and

''(F) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing projects that otherwise qualify under such goal and that are financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

''(1) are secured by a guarantee of the enterprise; or

''(2) are not investment grade and are purchased by the enterprise.

''(c) USE OF TENANT RENT LEVEL.—

''(1) IN GENERAL.—The Director shall monitor the performance of each enterprise in meeting the goal established under this section and shall evaluate such performance (for purposes of section 1336) based on whether the rent levels are affordable to low-income and very low-income families.

''(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal described under subsection (a) for a year only if the multifamily mortgage purchases of the enterprise meet or exceed the goal for the year established under subsection (a).

''(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing the goal under this section, the Director may take into consideration the number of housing units financed by any mortgage purchased by an enterprise on single-family rental housing that is not owner-occupied.

''(f) REMOVING CREDIT.—The Director shall subtract from the units or mortgages counted toward the goal established under this section in a current year any units or mortgages credited toward such goal in a prior year if an enterprise requires a lender to repurchase, or reimburse for losses, or indemnify the enterprise against potential losses on such units or mortgages.

''(g) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (d) regarding compliance of an enterprise for a year with the housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the goal for the year under subsection (a).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.''.

(c) CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart''; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''.

(d) DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) by striking paragraph (24), as so designated by section 1002 of this Act, and inserting the following:

''(24) VERY LOW-INCOME.—

''(A) IN GENERAL.—The term 'very low-income' means—

''(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

''(B) RULE OF CONSTRUCTION.—For purposes of section 1338 and 1339, the term 'very low-income' means—

''(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.''; and

(2) by adding at the end the following:

''(26) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the applicable dollar limitation, in effect at the time of such origination, under—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

''(27) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

''(28) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

''(29) MINORITY CENSUS TRACT.—The term 'minority census tract' means a census tract that has a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.

''(30) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Director that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(31) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Director that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

''(ii) the number of extremely low- and very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.''.

SEC. 1129. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting ''***DUTY TO SERVE UNDERSERVED MARKETS AND***'' before ''***OTHER***'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets by purchasing or securitizing mortgage investments.

''(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

''(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Director identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area.''; and

(5) by adding at the end the following new subsection:

''(c) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—Not later than 6 months after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products and more flexible underwriting guidelines;

''(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

''(C) the volume of loans purchased in each of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.''.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets,'' before ''as provided in this section''; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 1130. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) IN GENERAL.—Section 1336 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566) is amended by striking subsections (b) and (c) and inserting the following:

''(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

''(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

''(2) RESPONSE PERIOD.—

''(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

''(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

''(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

''(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

''(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

''(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

''(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

''(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

''(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant information submitted by the enterprise during the response period.

''(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period, to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

''(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

''(ii) each final determination that the achievement of a housing goal was or is feasible; and

''(iii) the reasons for each such final determination.

''(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan, or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7).

''(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

''(A) a feasible plan describing the specific actions the enterprise will take—

''(i) to achieve the goal for the next calendar year; and

''(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

''(B) sufficiently specific to enable the Director to monitor compliance periodically.

''(3) DEADLINE FOR SUBMISSION.—The Director shall establish a deadline for an enterprise to comply with any remedial action or submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

''(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

''(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

''(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 15 days after such disapproval, or such longer period that the Director determines is in the public interest.

''(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may—

''(A) seek other actions when an enterprise fails to meet a goal; and

''(B) exercise appropriate enforcement authority available to the Director under this Act.''.

(b) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

(c) CEASE AND DESIST PROCEEDINGS .—

(1) REPEAL.—Section 1341 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581) is hereby repealed.

(2) CEASE AND DESIST PROCEEDINGS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1342 the following:

''SEC. 1341. CEASE AND DESIST PROCEEDINGS.

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, or section 1337 of this title;

''(4) the enterprise has violated any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(5) the enterprise has failed to submit a housing plan or perform its responsibilities under a remedial order that substantially complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).

''(b) PROCEDURE.—

''(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

''(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

''(A) comply with the goals;

''(B) submit a report under section 1327;

''(C) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with the housing plan in compliance with section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

''(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date

of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director or otherwise, as provided in this subpart.''.

(d) CIVIL MONEY PENALTIES.—

(1) REPEAL.—Section 1345 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4585) is hereby repealed.

(2) CIVIL MONEY PENALTIES.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1344 the following:

''SEC. 1345. CIVIL MONEY PENALTIES.

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(5) submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

''(c) PROCEDURES.—

''(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

''(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

''(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

''(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

''(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

''(A) the gravity of the offense;

''(B) any history of prior offenses;

''(C) ability to pay the penalty;

''(D) injury to the public;

''(E) benefits received;

''(F) deterrence of future violations;

''(G) the length of time that the enterprise should reasonably take to achieve the goal; and

''(H) such other factors as the Director may determine, by regulation, to be appropriate.

''(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

''(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

''(f) DEPOSIT OF PENALTIES.—The Director shall use any civil money penalties collected under this section to help fund the Housing Trust Fund established under section 1338.''.

(e) DIRECTOR AUTHORITY.—

(1) AUTHORITY TO BRING A CIVIL ACTION.—Section 1344(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4584) is amended by striking ''The Secretary may request the Attorney General of the United States to bring a civil action'' and inserting ''The Director may bring a civil action''.

(2) SUBPOENA ENFORCEMENT.—Section 1348(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting ''may bring an action or'' before ''may request''.

(3) CONFORMING AMENDMENTS.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking ''Secretary'' each place that term appears and inserting ''Director'' in each of—

(A) section 1342 (12 U.S.C. 4582);

(B) section 1343 (12 U.S.C. 4583);

(C) section 1346 (12 U.S.C. 4586);

(D) section 1347 (12 U.S.C. 4587); and

(E) section 1348 (12 U.S.C. 4588).

SEC. 1131. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Section 1337 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4567) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.) is amended by inserting after section 1336 the following:

''SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

''(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

''(1) the Federal Home Loan Mortgage Corporation shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of the unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

''(2) the Federal National Mortgage Association shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

''(b) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Director that such allocations—

''(1) are contributing, or would contribute, to the financial instability of the enterprise;

''(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

''(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''(e) REQUIRED AMOUNT FOR HOPE RESERVE FUND.—Of the aggregate amount allocated under subsection (a), 25 percent shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

''(f) LIMITATION.—No funds under this title may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, for purposes of this section, public use shall not be construed to include economic development that primarily benefits any private entity.

''SEC. 1338. HOUSING TRUST FUND.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall establish and manage a Housing Trust Fund, which shall be funded with amounts allocated by the enterprises under section 1337 and any amounts as are or may be appropriated, transferred, or credited to such Housing Trust Fund under any other provisions of law. The purpose of the Housing Trust Fund under this section is to provide grants to States for use—

''(1) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

''(2) to increase homeownership for extremely low- and very low-income families.

''(b) ALLOCATIONS FOR HOPE BOND PAYMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c), to help address the mortgage crisis, of the amounts allocated pursuant to clauses (i) and (ii) of section 1337(a)(1)(B) and clauses (i) and (ii) of section 1337(a)(2)(B) in excess of amounts described in section 1337(e)—

''(A) 100 percent of such excess shall be used to reimburse the Treasury for payments made pursuant to section 257(w)(1)(C) of the National Housing Act in calendar year 2009;

''(B) 50 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2010; and

''(C) 25 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2011.

''(2) EXCESS FUNDS.—At the termination of the HOPE for Homeowners Program established under section 257 of the National Housing Act, if amounts used to reimburse the Treasury under paragraph (1) exceed the total net cost to the Government of the HOPE for Homeowners Program, such amounts shall be used for their original purpose, as described in paragraphs (1)(B) and (2)(B) of section 1337(a).

''(3) TREASURY FUND.—The amounts referred to in subparagraphs (A) through (C) of paragraph (1) shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

''(c) ALLOCATION FOR HOUSING TRUST FUND IN FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—

''(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall distribute the amounts allocated for the Housing Trust Fund under this section to provide affordable housing as described in this subsection.

''(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

''(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

''(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula within 12 months of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

''(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

''(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

''(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

''(iii) The ratio of extremely low-income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

''(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

''(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

''(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

''(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

''(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

''(4) ALLOCATION OF GRANT AMOUNTS.—

''(A) NOTICE.—Not later than 60 days after the date that the Secretary determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

''(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2009, the Secretary shall make a grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

''(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

''(5) ALLOCATION PLANS REQUIRED.—

''(A) IN GENERAL.—For each year that a State or State designated entity receives a grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

''(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

''(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

''(iii) comply with paragraph (6); and

''(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

''(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

''(i) notify the public of the establishment of the plan;

''(ii) provide an opportunity for public comments regarding the plan;

''(iii) consider any public comments received regarding the plan; and

''(iv) make the completed plan available to the public.

''(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

''(i) a description of the eligible activities to be conducted using such assistance; and

''(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(6) SELECTION OF ACTIVITIES FUNDED USING HOUSING TRUST FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

''(A) are eligible under paragraph (7) for such use;

''(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

''(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

''(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

''(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that not less than 75 percent of such grant amounts shall be used for the benefit only of extremely low-income families and not more than 25 percent for the benefit only of very low-income families; and

''(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as down payment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

''(i) is available for purchase only for use as a principal residence by families that qualify both as—

''(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

''(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of independent financial education and counseling from an eligible organization that meets the requirements of section 132 of the Federal Housing Finance Regulatory Reform Act of 2008.

''(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

''(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

''(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

''(iii) provide forms of assistance, such as down payments, closing costs, or interest rate buy-downs for purchasers;

''(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

''(9) LIMITATIONS ON USE.—

''(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

''(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

''(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide

a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a grant amount authorized under this subsection.

''(D) PROHIBITED USES.—The Secretary shall, by regulation—

''(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

''(I) political activities;

''(II) advocacy;

''(III) lobbying, whether directly or through other parties;

''(IV) counseling services;

''(V) travel expenses; and

''(VI) preparing or providing advice on tax returns;

''(ii) provide that, except as provided in clause (iii), grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

''(I) the State or State designated entity; or

''(II) any other recipient of such grant amounts; and

''(iii) limit the amount of any grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection, including home ownership counseling, to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

''(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any grant amounts used under this section for eligible activities under paragraph (7). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

''(1) except as provided in paragraph (2)—

''(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

''(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

''(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Secretary shall—

''(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

''(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

''(II) the Secretary does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

''(I) describes the activities funded under this section during such year with such grant amounts; and

''(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

''(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of grant amounts which were not used in accordance with this section;

''(ii) require the State or State designated entity to repay the Secretary any amount of the grant which was not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the State or State designated entity.

''(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

''(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

''(ii) the number of very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

''(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Secretary ensure that the use of grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

''(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

''(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with grant amounts under this section, which shall provide for priority in funding to be based upon—

''(i) geographic diversity;

''(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

''(v) the extent to which the application makes use of other funding sources; and

''(vi) the merits of an applicant's proposed eligible activity;

''(D) requirements to ensure that grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

''(E) requirements and standards for establishment, by a State or State designated entity, for use of grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

''(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

''(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

''SEC. 1339. CAPITAL MAGNET FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

''(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

''(1) any amounts transferred to the Fund pursuant to section 1337; and

''(2) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

''(1) the development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

''(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

''(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Capital Magnet Fund shall be considered to be Federal financial assistance.

''(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

''(1) a Treasury certified community development financial institution; or

''(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

''(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

''(1) To provide loan loss reserves.

''(2) To capitalize a revolving loan fund.

''(3) To capitalize an affordable housing fund.

''(4) To capitalize a fund to support activities described in subsection (c)(2).

''(5) For risk-sharing loans.

''(g) APPLICATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

''(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

''(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

''(B) the types, sources, and amounts of other funding for such projects; and

''(C) the expected time frame of any grant used for such project.

''(h) GRANT LIMITATION.—

''(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

''(2) GEOGRAPHIC DIVERSITY.—

''(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

''(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

''(i) the percentage of low-income families or the extent of poverty;

''(ii) the rate of unemployment or underemployment;

''(iii) extent of blight and disinvestment;

''(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

''(v) any other criteria designated by the Secretary of the Treasury.

''(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

''(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

''(5) LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

''(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of the enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Director of the Federal Housing Finance Agency may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Director of the Federal Housing Finance Agency shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(7) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Secretary any amount of the Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(i) PERIODIC REPORTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

''(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

''(j) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

''(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section; and

''(C) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

''(i) funds be fairly distributed to urban, suburban, and rural areas; and

''(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

''(I) the ability to use such funds to generate additional investments;

''(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

''(III) ability to obligate amounts and undertake activities so funded in a timely manner.''.

SEC. 1132. FINANCIAL EDUCATION AND COUNSELING.

(a) GOALS.—Financial education and counseling under this section shall have the goal of—

(1) increasing the financial knowledge and decision making capabilities of prospective homebuyers;

(2) assisting prospective homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce their debt, improve their financial stability, and set and reach their financial goals;

(3) helping prospective homebuyers to improve their credit scores by understanding the relationship between their credit histories and their credit scores; and

(4) educating prospective homebuyers about the options available to build savings for short- and long-term goals.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall make grants to eligible organizations to enable such organizations to provide a range of financial education and counseling services to prospective homebuyers.

(2) SELECTION.—The Secretary shall select eligible organizations to receive assistance under this section based on their experience and ability to provide financial education and counseling services that result in documented positive behavioral changes.

(c) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''eligible organization'' means an organization that is—

(A) certified in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)); or

(B) certified by the Office of Financial Education of the Department of the Treasury for purposes of this section, in accordance with paragraph (2).

(2) OFE CERTIFICATION.—To be certified by the Office of Financial Education for purposes of this section, an eligible organization shall be—

(A) a housing counseling agency certified by the Secretary of Housing and Urban Development under section 106(e) of the Housing and Urban Development Act of 1968;

(B) a State, local, or tribal government agency;

(C) a community development financial institution (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)) or a credit union; or

(D) any collaborative effort of entities described in any of subparagraphs (A) through (C).

(d) AUTHORITY FOR PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall authorize not more than 5 pilot project grants to eligible organizations under subsection (c) in order to—

(A) carry out the services under this section; and

(B) provide such other services that will improve the financial stability and economic condition of low- and moderate-income and low-wealth individuals.

(2) GOAL.—The goal of the pilot project grants under this subsection is to—

(A) identify successful methods resulting in positive behavioral change for financial empowerment; and

(B) establish program models for organizations to carry out effective counseling services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section and for the provision of additional financial educational services.

(f) STUDY AND REPORT ON EFFECTIVENESS AND IMPACT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effectiveness and impact of the grant program established under this section. Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF STUDY.—The study required under paragraph (1) shall include an evaluation of the following:

(A) The effectiveness of the grant program established under this section in improving the financial situation of homeowners and prospective homebuyers served by the grant program.

(B) The extent to which financial education and counseling services have resulted in positive behavioral changes.

(C) The effectiveness and quality of the eligible organizations providing financial education and counseling services under the grant program.

(g) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to implement and administer the grant program authorized by this section.

SEC. 1133. TRANSFER AND RIGHTS OF CERTAIN HUD EMPLOYEES.

(a) TRANSFER.—Each employee of the Department of Housing and Urban Development whose position responsibilities primarily involve the establishment and enforcement of the housing goals under subpart B of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 et seq.) shall be transferred to the Federal Housing Finance Agency for employment, not later than the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policy-making, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee described under subsection (a) accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on such effective date, if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Department of Housing and Urban Development and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

Subtitle C—Prompt Corrective Action

SEC. 1141. CRITICAL CAPITAL LEVELS.

(a) IN GENERAL.—Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by striking ''For'' and inserting ''(a) ENTERPRISES.—FOR''; and

(2) by adding at the end the following new subsection:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal Home Loan Bank shall be such amount of capital as the Director shall, by regulation, require.

''(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital

level under paragraph (1) for the Federal Home Loan Banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section) establishing the critical capital level under such section.

SEC. 1142. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking ''In General'' and inserting ''Enterprises'';

(2) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by striking ''enterprises'' and inserting ''regulated entities''; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

''(A) establish the capital classifications specified under paragraph (2) for the Federal Home Loan Banks;

''(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

''(C) shall classify the Federal Home Loan Banks according to such capital classifications.

''(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

''(A) adequately capitalized;

''(B) undercapitalized;

''(C) significantly undercapitalized; and

''(D) critically undercapitalized.

''(c) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or the value of collateral pledged as security has decreased significantly or that the value of the property subject to any mortgage held by the regulated entity (or securitized in the case of an enterprise) has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may classify a regulated entity—

''(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.''; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

''(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

''(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section), relating to capital classifications for the Federal Home Loan Banks.

SEC. 1143. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(2) by striking ''An enterprise'' each place that term appears and inserting ''A regulated entity'';

(3) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(4) in subsection (a)—

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

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

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any undercapitalized regulated entity;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized regulated entity under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by adding at the end the following:

''(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized regulated entity shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity;

''(B) any increase in total assets is consistent with the capital restoration plan; and

''(C) the ratio of tangible equity to assets of the regulated entity increases during the calendar quarter at a rate sufficient to enable the regulated entity to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized regulated entity shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity, the regulated entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this subtitle.'';

(5) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY'';

(B) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(C) in paragraph (2)—

(i) by striking ''make, in good faith, reasonable efforts necessary to''; and

(ii) by striking the period at the end and inserting ''in any material respect.''; and

(6) by striking subsection (c) and inserting the following:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized regulated entity, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized regulated entity, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 1144. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking ''undercapitalized enterprise'' and inserting ''undercapitalized'';

(2) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(3) by striking ''An enterprise'' each place that term appears and inserting ''A regulated entity'';

(4) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(5) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY'' and inserting ''SPECIFIC'';

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, 1 or more'';

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

''(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the regulated entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(F) by adding at the end the following:

''(7) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection.''; and

(6) by striking subsection (c) and inserting the following:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

''(1) pay any bonus to any executive officer; or

''(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became significantly undercapitalized.''.

SEC. 1145. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

''SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

''(a) APPOINTMENT OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Agency as conservator or receiver for a regulated entity in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Agency acting as conservator or receiver.

''(2) DISCRETIONARY APPOINTMENT.—The Agency may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

''(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any regulated entity under paragraph (2) are as follows:

''(A) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

''(i) any violation of any provision of Federal or State law; or

''(ii) any unsafe or unsound practice.

''(B) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(C) CEASE AND DESIST ORDERS.—Any willful violation of a cease and desist order that has become final.

''(D) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

''(E) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

''(F) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

''(G) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

''(i) cause insolvency or substantial dissipation of assets or earnings; or

''(ii) weaken the condition of the regulated entity.

''(H) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(I) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

''(i) has no reasonable prospect of becoming adequately capitalized;

''(ii) fails to become adequately capitalized, as required by—

''(I) section 1365(a)(1) with respect to a regulated entity; or

''(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

''(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

''(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

''(J) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

''(K) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

''(4) MANDATORY RECEIVERSHIP.—

''(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

''(i) the assets of the regulated entity are, and during the preceding 60 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

''(ii) the regulated entity is not, and during the preceding 60 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

''(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

''(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

''(ii) at least once during each succeeding 30-calendar day period.

''(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

''(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Agency as receiver of a regulated entity under this section shall immediately terminate any conservatorship established for the regulated entity under this title.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

''(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

''(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

''(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

''(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

''(2) GENERAL POWERS.—

''(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

''(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

''(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

''(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

''(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

''(ii) collect all obligations and money due the regulated entity;

''(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver;

''(iv) preserve and conserve the assets and property of the regulated entity; and

''(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

''(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

''(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

''(i) necessary to put the regulated entity in a sound and solvent condition; and

''(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

''(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Agency is acting as receiver, the Agency shall place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity in such manner as the Agency deems appropriate, including through the sale of assets, the transfer of assets to a limited-life regulated entity established under subsection (i), or the exercise of any other rights or privileges granted to the Agency under this paragraph.

''(F) ORGANIZATION OF NEW ENTERPRISE.—The Agency shall, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

''(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

''(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity that are due and payable at the time of the appointment of the Agency as conservator or receiver, in accordance with the prescriptions and limitations of this section.

''(I) SUBPOENA AUTHORITY.—

''(i) IN GENERAL.—

''(I) AGENCY AUTHORITY.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

''(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

''(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

''(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379B.

''(J) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

''(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

''(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

''(K) OTHER PROVISIONS.—

''(i) SHAREHOLDERS AND CREDITORS OF FAILED REGULATED ENTITY.—Notwithstanding any other provision of law, the appointment of the Agency as receiver for a regulated entity pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the regulated entity may have against the assets or charter of the regulated entity or the Agency arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

''(ii) ASSETS OF REGULATED ENTITY.—Notwithstanding any other provision of law, for purposes of this section, the charter of a regulated entity shall not be considered an asset of the regulated entity.

''(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

''(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

''(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

''(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

''(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

''(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

''(i) at the last address of the creditor appearing in such books; or

''(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity, within 30 days after the discovery of such name and address.

''(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

''(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

''(A) DETERMINATION PERIOD.—

''(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

''(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

''(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

''(I) on the books of the regulated entity;

''(II) in the claim filed by the claimant; or

''(III) in documents submitted in proof of the claim.

''(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

''(I) a statement of each reason for the disallowance; and

''(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

''(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

''(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

''(D) AUTHORITY TO DISALLOW CLAIMS.—

''(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

''(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

''(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

''(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

''(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

''(I) any extension of credit from any Federal Reserve Bank, Federal Home Loan Bank, or the United States Treasury; or

''(II) any security interest in the assets of the regulated entity securing any such extension of credit.

''(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim.

''(F) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

''(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

''(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

''(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

''(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

''(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

''(7) REVIEW OF CLAIMS.—

''(A) OTHER REVIEW PROCEDURES.—

''(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

''(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

''(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

''(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

''(8) EXPEDITED DETERMINATION OF CLAIMS.—

''(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

''(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

''(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

''(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

''(i) determine—

''(I) whether to allow or disallow such claim; or

''(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

''(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

''(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

''(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

''(ii) the date on which the Agency denies the claim.

''(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of

the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

''(E) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

''(9) PAYMENT OF CLAIMS.—

''(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

''(i) allowed by the receiver;

''(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

''(iii) determined by the final judgment of any court of competent jurisdiction.

''(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing and executed by an authorized officer or representative of the regulated entity.

''(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

''(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of the regulated entity, following satisfaction by the receiver of the principal amount of all creditor claims.

''(10) SUSPENSION OF LEGAL ACTIONS.—

''(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

''(i) 45 days, in the case of any conservator; and

''(ii) 90 days, in the case of any receiver.

''(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

''(11) ADDITIONAL RIGHTS AND DUTIES.—

''(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

''(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver—

''(i) shall have all of the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

''(ii) shall not be required to post any bond in order to pursue such remedies.

''(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of a regulated entity for which the Agency has been appointed receiver.

''(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

''(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any regulated entity for which the Agency has been appointed receiver; or

''(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

''(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which—

''(i) maximizes the net present value return from the sale or disposition of such assets;

''(ii) minimizes the amount of any loss realized in the resolution of cases; and

''(iii) ensures adequate competition and fair and consistent treatment of offerors.

''(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

''(i) in the case of any contract claim, the longer of—

''(I) the 6-year period beginning on the date on which the claim accrues; or

''(II) the period applicable under State law; and

''(ii) in the case of any tort claim, the longer of—

''(I) the 3-year period beginning on the date on which the claim accrues; or

''(II) the period applicable under State law.

''(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

''(i) the date of the appointment of the Agency as conservator or receiver; or

''(ii) the date on which the cause of action accrues.

''(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

''(A) IN GENERAL.—In the case of any tort claim described under clause (ii) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

''(B) CLAIMS DESCRIBED.—A tort claim referred to under clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

''(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

''(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

''(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

''(15) FRAUDULENT TRANSFERS.—

''(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of an entity-affiliated party, or any person determined by the conservator or receiver to be a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

''(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

''(i) the initial transferee of such transfer or the entity-affiliated party or person for whose benefit such transfer was made; or

''(ii) any immediate or mediate transferee of any such initial transferee.

''(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

''(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

''(ii) any immediate or mediate good faith transferee of such transferee.

''(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

''(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

''(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

''(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise

any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

''(19) GENERAL EXCEPTIONS.—

''(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

''(B) MORTGAGES HELD IN TRUST.—

''(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by a regulated entity for the benefit of any person other than the regulated entity shall not be available to satisfy the claims of creditors generally, except that nothing in this clause shall be construed to expand or otherwise affect the authority of any regulated entity.

''(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

''(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with the regulations of the Director.

''(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Unsecured claims against a regulated entity, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any other general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) or (D).

''(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

''(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

''(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

''(A) the Director determines that such action is necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

''(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

''(3) DEFINITION.—As used in this subsection, the term 'administrative expenses of the receiver' includes—

''(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed regulated entity or liquidating or otherwise resolving the affairs of a failed regulated entity; and

''(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

''(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

''(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

''(A) to which such regulated entity is a party;

''(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

''(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

''(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

''(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

''(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

''(i) limited to actual direct compensatory damages; and

''(ii) determined as of—

''(I) the date of the appointment of the conservator or receiver; or

''(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

''(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

''(i) punitive or exemplary damages;

''(ii) damages for lost profits or opportunity; or

''(iii) damages for pain and suffering.

''(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

''(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

''(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

''(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

''(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

''(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

''(i) be entitled to the contractual rent accruing before the later of the date on which—

''(I) the notice of disaffirmance or repudiation is mailed; or

''(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

''(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

''(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

''(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

''(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

''(i) treat the lease as terminated by such repudiation; or

''(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

''(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

''(i) the lessee—

''(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

''(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

''(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

''(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

''(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

''(i) treat the contract as terminated by such repudiation; or

''(ii) remain in possession of such real property.

''(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

''(i) the purchaser—

''(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

''(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

''(ii) the conservator or receiver shall—

''(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

''(II) deliver title to the purchaser in accordance with the provisions of the contract; and

''(III) have no obligation under the contract other than the performance required under subclause (II).

''(C) ASSIGNMENT AND SALE ALLOWED.—

''(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

''(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

''(7) SERVICE CONTRACTS.—

''(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

''(i) a claim to be paid in accordance with subsections (b) and (e); and

''(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

''(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

''(i) the other party shall be paid under the terms of the contract for the services performed; and

''(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

''(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

''(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

''(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

''(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

''(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

''(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

''(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

''(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

''(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

''(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date

certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

''(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

''(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

''(A) transfer to 1 person—

''(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

''(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

''(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

''(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

''(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

''(10) NOTIFICATION OF TRANSFER.—

''(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

''(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity; and

''(ii) such transfer includes any qualified financial contract.

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

''(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the regulated entity in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

''(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

''(13) AUTHORITY TO ENFORCE CONTRACTS.—

''(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or a regulated entity bond, entered into by the regulated entity.

''(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or regulated entity bond under other applicable law.

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

''(I) 45 days after the date of appointment of a conservator; or

''(II) 90 days after the date of appointment of a receiver.

''(ii) EXCEPTIONS.—This subparagraph shall not—

''(I) apply to a contract for liability insurance for an officer or director;

''(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

''(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

''(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

''(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

''(A) any extension of credit from any Federal Home Loan Bank or Federal Reserve Bank to any regulated entity; or

''(B) any security interest in the assets of the regulated entity securing any such extension of credit.

''(e) VALUATION OF CLAIMS IN DEFAULT.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

''(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Agency had liquidated the assets and liabilities of the regulated entity without exercising the authority of the Agency under subsection (i).

''(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

''(g) LIABILITY OF DIRECTORS AND OFFICERS.—

''(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Agency, and prosecuted wholly or partially for the benefit of the Agency—

''(A) acting as conservator or receiver of such regulated entity; or

''(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

''(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

''(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Agency under other applicable law.

''(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

''(i) LIMITED-LIFE REGULATED ENTITIES.—

''(1) ORGANIZATION.—

''(A) PURPOSE.—The Agency, as receiver appointed pursuant to subsection (a)—

''(i) may, in the case of a Federal Home Loan Bank, organize a limited-life regulated entity with those powers and attributes of the Federal Home Loan Bank in default or in danger of default as the Director determines necessary, subject to the provisions of this subsection, and the Director shall grant a temporary charter to that limited-life regulated entity, and that limited-life regulated entity shall operate subject to that charter; and

''(ii) shall, in the case of an enterprise, organize a limited-life regulated entity with respect to that enterprise in accordance with this subsection.

''(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

''(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the regulated entity to the limited-life regulated entity;

''(ii) purchase such assets of the regulated entity that is in default, or in danger of default as the Agency may, in its discretion, determine to be appropriate; and

''(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

''(2) CHARTER AND ESTABLISHMENT.—

''(A) TRANSFER OF CHARTER.—

''(i) FANNIE MAE.—If the Agency is appointed as receiver for the Federal National Mortgage Association, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

''(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

''(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

''(ii) FREDDIE MAC.—If the Agency is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

''(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

''(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

''(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF REGULATED ENTITY IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

''(i) a limited-life regulated entity shall assume, acquire, or succeed to the assets or liabilities of a regulated entity only to the extent that such assets or liabilities are transferred by the Agency to the limited-life regulated entity in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

''(ii) a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity; and

''(iii) no shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to subparagraph (A).

''(C) LIMITED-LIFE REGULATED ENTITY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

''(D) MANAGEMENT.—Upon its establishment, a limited-life regulated entity shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

''(E) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

''(3) CAPITAL STOCK.—

''(A) NO AGENCY REQUIREMENT.—The Agency is not required to pay capital stock into a limited-life regulated entity or to issue any capital stock on behalf of a limited-life regulated entity established under this subsection.

''(B) AUTHORITY.—If the Director determines that such action is advisable, the Agency may cause capital stock or other securities of a limited-life regulated entity established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

''(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal reserve bank.

''(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

''(6) WINDING UP.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Agency shall wind up the affairs of a limited-life regulated entity.

''(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life regulated entity for 3 additional 1-year periods.

''(C) TERMINATION OF STATUS AS LIMITED-LIFE REGULATED ENTITY.—

''(i) IN GENERAL.—Upon the sale by the Agency of 80 percent or more of the capital stock of a limited-life regulated entity, as defined in clause (iv), to 1 or more persons (other than the Agency)—

''(I) the status of the limited-life regulated entity as such shall terminate; and

''(II) the entity shall cease to be a limited-life regulated entity for purposes of this subsection.

''(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

''(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life regulated entity is terminated pursuant to clause (i), the Agency shall sell to 1 or more persons (other than the Agency) any remaining capital stock of the former limited-life regulated entity.

''(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

''(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Agency shall not be required to sell the capital stock of an enterprise or a limited-life regulated entity established with respect to an enterprise.

''(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life regulated entity that is established with respect to an enterprise.

''(7) TRANSFER OF ASSETS AND LIABILITIES.—

''(A) IN GENERAL.—

''(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with and subject to the restrictions of paragraph (1).

''(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of the regulated entity in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

''(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default or in danger of default to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

''(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Agency shall treat all creditors of a regulated entity in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Agency under this subsection to transfer any assets or liabilities of the regulated entity to the limited-life regulated entity established with respect to such regulated entity, except that the Agency may take actions (including making payments) that do not comply with this clause, if—

''(I) the Director determines that such actions are necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

''(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

''(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a regulated entity that are transferred to, or assumed by, a limited-life regulated entity may not exceed the aggregate amount of assets of the regulated entity that are transferred to, or purchased by, the limited-life regulated entity.

''(8) REGULATIONS.—The Agency may promulgate such regulations as the Agency determines to be necessary or appropriate to implement this subsection.

''(9) POWERS OF LIMITED-LIFE REGULATED ENTITIES.—

''(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

''(i) the Agency may—

''(I) remove the directors of a limited-life regulated entity;

''(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity; and

''(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

''(ii) the board of directors of a limited-life regulated entity—

''(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

''(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

''(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

''(10) NO FEDERAL STATUS.—

''(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

''(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

''(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

''(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

''(11) AUTHORITY TO OBTAIN CREDIT.—

''(A) IN GENERAL.—A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

''(B) INABILITY TO OBTAIN CREDIT.—If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity—

''(i) with priority over any or all of the obligations of the limited-life regulated entity;

''(ii) secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien; or

''(iii) secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life regulated entity that is secured by a senior or equal lien on property of the limited-life regulated entity that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

''(I) the limited-life regulated entity is unable to otherwise obtain such credit or issue such debt; and

''(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

''(D) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

''(12) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

''(j) OTHER AGENCY EXEMPTIONS.—

''(1) APPLICABILITY.—The provisions of this subsection shall apply with respect to the Agency in any case in which the Agency is acting as a conservator or a receiver.

''(2) TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

''(3) PROPERTY PROTECTION.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

''(4) PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

''(k) PROHIBITION OF CHARTER REVOCATION.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1368 (12 U.S.C. 4618)—

(A) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(B) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(2) in section 1369C (12 U.S.C. 4622), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(3) in section 1369D (12 U.S.C. 4623)—

(A) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(B) in subsection (a)(1), by striking ''An enterprise'' and inserting ''A regulated entity''; and

(4) by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 1151. CEASE AND DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS.—

''(1) AUTHORITY OF DIRECTOR.—If, in the opinion of the Director, a regulated entity or any entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or the Office of Finance, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or the Office of Finance or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or entity-affiliated party a notice of charges in respect thereof.

''(2) LIMITATION.—The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of subsection (a).'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: '', unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease and desist order''; and

(B) in paragraph (2)—

(i) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(ii) by inserting ''or entity-affiliated party'' before ''consents'';

(3) in each of subsections (c), (d), and (e)—

(A) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(B) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(C) by striking ''conduct'' each place that term appears and inserting ''practice'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(ii) by inserting ''to require a regulated entity or entity-affiliated party'' after ''includes the authority'';

(B) in paragraph (1)—

(i) by striking ''to require an executive officer or a director to''; and

(ii) by striking ''loss'' and all that follows through ''person'' and inserting ''loss, if'';

(iii) in subparagraph (A), by inserting ''such entity or party or finance facility'' before ''was''; and

(iv) by striking subparagraph (B) and inserting the following:

''(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;''; and

(C) in paragraph (4), by inserting ''loan or'' before ''asset'';

(5) in subsection (e), by inserting ''or entity-affiliated party''—

(A) before ''or any executive''; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking ''enterprise'' and inserting ''regulated entity, finance facility,''; and

(B) by striking ''or director'' and inserting ''director, or entity-affiliated party''.

SEC. 1152. TEMPORARY CEASE AND DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GROUNDS FOR ISSUANCE.—

''(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon a regulated entity or any entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that entity, or is likely to weaken the condition of that entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

''(A) issue a temporary order requiring that regulated entity or entity-affiliated party to cease and desist from any such violation or practice; and

''(B) require that regulated entity or entity-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

''(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).'';

(2) in subsection (b)—

(A) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(B) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(3) in subsection (c), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(4) in subsection (d)—

(A) by striking ''or director'' each place that term appears and inserting ''director, or entity-affiliated party''; and

(B) by striking ''An enterprise'' and inserting ''A regulated entity''; and

(5) in subsection (e)—

(A) by striking ''request the Attorney General of the United States to''; and

(B) by striking ''or may, under the direction and control of the Attorney General, bring such action''.

SEC. 1153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—

''(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Office of Finance a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the regulated entity.

''(2) APPLICABILITY.—A party described in this paragraph is an entity-affiliated party or any officer, director, or management of the Office of Finance, if the Director determines that—

''(A) that party, officer, or director has, directly or indirectly—

''(i) violated—

''(I) any law or regulation;

''(II) any cease and desist order which has become final;

''(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(IV) any written agreement between such regulated entity and the Director;

''(ii) engaged or participated in any unsafe or unsound practice in connection with any regulated entity or business institution; or

''(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(B) by reason of the violation, practice, or breach described in subparagraph (A)—

''(i) such regulated entity or business institution has suffered or will probably suffer financial loss or other damage; or

''(ii) such party has received financial gain or other benefit; and

''(C) the violation, practice, or breach described in subparagraph (A)—

''(i) involves personal dishonesty on the part of such party; or

''(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity or business institution.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

''(A) determines that such action is necessary for the protection of the regulated entity; and

''(B) serves such party with written notice of the order.

''(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

''(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued under subsection (b).

''(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—

''(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

''(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

''(A) the party receiving such notice, and good cause is shown; or

''(B) the Attorney General of the United States.

''(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

''(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

''(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

''(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

''(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant regulated entity and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any regulated entity or the Office of Finance;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as an entity-affiliated party of a regulated entity or as an officer or director of the Office of Finance.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or the Office of Finance, or prohibited from participating in the conduct of the affairs of a regulated entity or the Office of Finance, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity or the Office of Finance.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of a regulated entity or the Office of Finance, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity or such Office of Finance described in the written consent. Any such consent shall be publicly disclosed.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

''(g) STAY OF SUSPENSION AND PROHIBITION OF ENTITY-AFFILIATED PARTY.—Not later than 10 days after the date on which any entity-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

''(h) SUSPENSION OR REMOVAL OF ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant regulated entity.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant regulated entity, at which time the entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of a regulated entity pursuant to subsection (a) or (b).

''(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

''(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

''(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—

''(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the entity-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity, or threaten to impair public confidence in the regulated entity.

''(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the entity-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

''(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the entity-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

''(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking ''section 1379B'' and inserting ''section 1379D'';

(B) in section 1373(a)—

(i) in paragraph (1), by striking ''or 1376(c)'' and inserting '', 1376(c), or 1377'';

(ii) in paragraph (2), by inserting ''or 1377'' after'' 1371''; and

(iii) in paragraph (4), by inserting ''or removal or prohibition'' after ''cease and desist''; and

(C) in section 1374(a)—

(i) by striking ''or 1376'' and inserting ''1313B, 1376, or 1377''; and

(ii) by striking ''such section'' and inserting ''this title''.

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking ''The'' and inserting ''Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the''.

SEC. 1154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or

order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1313B, 1376, or 1377''.

SEC. 1155. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any regulated entity or any entity-affiliated party. The Director shall not impose a civil penalty in accordance with this section on any regulated entity or any entity-affiliated party for any violation that is addressed under section 1345(a).'';

(2) by striking subsection (b) and inserting the following:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—A regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such regulated entity or party—

''(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director.

''(2) SECOND TIER.—Notwithstanding paragraph (1), a regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

''(A) the regulated entity or entity-affiliated party, respectively—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to the regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity or entity-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such regulated entity or entity-affiliated party—

''(A) knowingly—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of the regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to the regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

''(A) in the case of any entity-affiliated party, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)—

(A) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(B) by inserting ''or entity-affiliated party'' before ''in writing''; and

(C) by inserting ''or entity-affiliated party'' before ''has been given'';

(4) in subsection (d)—

(A) by striking ''or director'' each place such term appears and inserting ''director, or entity-affiliated party'';

(B) by striking ''an enterprise'' and inserting ''a regulated entity'';

(C) by striking ''the enterprise'' and inserting ''the regulated entity'';

(D) by striking ''request the Attorney General of the United States to'';

(E) by inserting '', or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located,'' after ''District of Columbia'';

(F) by striking '', or may, under the direction and control of the Attorney General of the United States, bring such an action''; and

(G) by striking ''and section 1374''; and

(5) in subsection (g), by striking ''An enterprise'' and inserting ''A regulated entity''.

SEC. 1156. CRIMINAL PENALTY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377, as added by this Act, the following:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1379 (as so designated by this Act)—

(A) by striking ''an enterprise'' and inserting ''a regulated entity''; and

(B) by striking ''the enterprise'' and inserting ''the regulated entity'';

(2) in section 1379A (as so designated by this Act), by striking ''an enterprise'' and inserting ''a regulated entity'';

(3) in section 1379B(c) (as so designated by this Act), by striking ''enterprise'' and inserting ''regulated entity''; and

(4) in section 1379D (as so designated by this Act), by striking ''enterprise'' and inserting ''regulated entity''.

SEC. 1157. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Act, is amended—

(1) by striking ''2-year'' and inserting ''6-year'';

(2) by striking ''a director or executive officer of an enterprise'' and inserting ''an entity-affiliated party'';

(3) by striking ''director or officer'' each place that term appears and inserting ''entity-affiliated party''; and

(4) by striking ''enterprise.'' and inserting ''regulated entity.''.

SEC. 1158. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''administrative'';

(ii) by inserting '', examination, or investigation'' after ''proceeding'';

(iii) by striking ''subtitle'' and inserting ''title''; and

(iv) by inserting ''or any designated representative thereof, including any person designated to conduct any hearing under this subtitle'' after ''Director''; and

(B) in paragraph (4), by striking ''issued by the Director'';

(2) in subsection (b), by inserting ''or in any territory or other place subject to the jurisdiction of the United States'' after ''State'';

(3) by striking subsection (c) and inserting the following:

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

''(2) POWER OF COURT.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1).'';

(4) in subsection (d), by inserting ''enterprise-affiliated party'' before ''may allow''; and

(5) by adding at the end the following:

''(e) PENALTIES.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

''(1) attend court;

''(2) testify in court;

''(3) answer any lawful inquiry; or

''(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.''.

Subtitle E—General Provisions

SEC. 1161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) by striking ''(a) OFFICE PERSONNEL.—The'' and inserting ''(a) IN GENERAL.—Subject to title III of the Federal Housing Finance Regulatory Reform Act of 2008, the''; and

(ii) by striking ''the Office'' each place that term appears and inserting ''the Agency'';

(B) in subsection (c), by striking ''the Office'' and inserting ''the Agency'';

(C) in subsection (e), by striking ''the Office'' and inserting ''the Agency'';

(D) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(E) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking ''(a) IN GENERAL.—''; and

(B) by striking subsection (b);

(3) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(4) by striking section 1383 (12 U.S.C. 1451 note);

(5) in each of sections 1319D, 1319E, and 1319F (12 U.S.C. 4523, 4524, 4525) by striking ''the Office'' each place that term appears and inserting ''the Agency''; and

(6) in each of sections 1319B and 1369(a)(3) (12 U.S.C. 4521, 4619(a)(3)), by striking ''Committee on Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Committee on Financial Services''.

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) in each of sections 303(c)(2) (12 U.S.C. 1718(c)(2)), 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)), and 309(k)(1) (12 U.S.C. 1723a(k)(1)), by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears, and inserting ''Director of the Federal Housing Finance Agency''; and

(2) in section 309—

(A) in subsection (m) (12 U.S.C. 1723a(m))—

(i) in paragraph (1), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(ii) in paragraph (2), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director'';

(B) in subsection (n) (12 U.S.C. 1723a(n))—

(i) in paragraph (1), by striking ''and the Secretary'' and inserting ''and the Director of the Federal Housing Finance Agency''; and

(ii) in paragraph (2), by striking ''Secretary'' each place that term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(C) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Federal Housing Finance Agency''.

(c) AMENDMENTS TO FREDDIE MAC CHARTER ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) in each of sections 303(b)(2) (12 U.S.C. 1452(b)(2)), 303(h)(2) (12 U.S.C. 1452(h)(2)), and section 307(c)(1) (12 U.S.C. 1456(c)(1)), by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears, and inserting ''Director of the Federal Housing Finance Agency'';

(2) in section 306 (12 U.S.C. 1455)—

(A) in subsection (c)(2), by inserting ''the'' after ''Secretary of'';

(B) in subsection (i)—

(i) by striking ''section 1316(c)'' and inserting ''section 306(c)''; and

(ii) by striking ''section 106'' and inserting ''section 1316''; and

(C) in subsection (j)(2), by striking ''of substantially'' and inserting ''or substantially''; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(ii) in paragraph (2), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''and the Secretary'' and inserting ''and the Director of the Federal Housing Finance Agency'';

(ii) in paragraph (2), by striking ''the Secretary'' each place that term appears and inserting ''the Director of the Federal Housing Finance Agency''; and

(iii) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Federal Housing Finance Agency''.

(d) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Federal Housing Finance Agency''.

(e) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Federal Housing Finance Agency''.

(f) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(g) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Federal Housing Finance Agency.''; and

(2) in section 3132(a)(1)—

(A) in subparagraph (B), by striking '',, and'' and inserting '', and'';

(B) in subparagraph (D)—

(i) by striking ''the Federal Housing Finance Board'';

(ii) by striking ''the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''the Federal Housing Finance Agency''; and

(iii) by striking ''or or'' at the end;

(C) in subparagraph (E), as added by section 8(d)(1)(B)(iii) of Public Law 107–123, by adding ''or'' at the end; and

(D) by redesignating subparagraph (E), as added by section 10702(c)(1)(C) of Public Law 107–171, as subparagraph (F).

(h) AMENDMENT TO SARBANES-OXLEY ACT.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)(II)) is amended by inserting ''and the Director of the Federal Housing Finance Agency,'' after ''Commission,''.

(i) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following:

''(vii) Federal Housing Finance Agency.''.

SEC. 1162. PRESIDENTIALLY-APPOINTED DIRECTORS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking ''eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom'' and inserting ''13 persons, or such other number that the Director determines appropriate, who'';

(B) in the second sentence, by striking ''appointed by the President'';

(C) in the third sentence—

(i) by striking ''appointed or''; and

(ii) by striking '', except that any such appointed member may be removed from office by the President for good cause'';

(D) in the fourth sentence, by striking ''elective''; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom'' and inserting ''13 persons, or such other number as the Director determines appropriate, who''; and

(ii) in the second sentence, by striking ''appointed by the President of the United States'';

(B) in subparagraph (B)—

(i) by striking ''such or''; and

(ii) by striking '', except that any appointed member may be removed from office by the President for good cause''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking ''elective''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

SEC. 1163. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title and the amendments made by this title shall take effect on, and shall apply beginning on, the date of enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 1201. RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.

Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended by adding at the end the following:

''(f) RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.—Prior to promulgating any regulation or taking any other formal or informal agency action of general applicability relating to the Federal Home Loan Banks, including the issuance of an advisory document or examination guidance, the Director shall consider the differences between the Federal Home Loan Banks and the enterprises with respect to—

''(1) the Banks'—

''(A) cooperative ownership structure;

''(B) the mission of providing liquidity to members;

''(C) affordable housing and community development mission;

''(D) capital structure; and

''(E) joint and several liability; and

''(2) any other differences that the Director considers appropriate.''.

SEC. 1202. DIRECTORS.

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), the management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate.

''(2) BOARD MAKEUP.—The board of directors of each Bank shall be comprised of—

''(A) member directors, who shall comprise at least the majority of the members of the board of directors; and

''(B) independent directors, who shall comprise not fewer than ⅔ of the members of the board of directors.

''(3) SELECTION CRITERIA.—

''(A) IN GENERAL.—Each member of the board of directors shall be—

''(i) elected by plurality vote of the members, in accordance with procedures established under this section; and

''(ii) a citizen of the United States.

''(B) INDEPENDENT DIRECTOR CRITERIA.—

''(i) IN GENERAL.—Each independent director that is not a public interest director under clause (ii) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

''(ii) PUBLIC INTEREST.—Not fewer than 2 of the independent directors shall have more than 4 years of experience in representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

''(iii) CONFLICTS OF INTEREST.—No independent director may, during the term of service on the board of directors, serve as an officer of any Federal Home Loan Bank or as a director, officer, or employee of any member of a Bank, or of any person that receives advances from a Bank.

''(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) INDEPENDENT DIRECTOR.—The terms 'independent director' and 'independent directorship' mean a member of the board of directors of a Federal Home Loan Bank who is a bona fide resident of the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.

''(B) MEMBER DIRECTOR.—The terms 'member director' and 'member directorship' mean a member of the board of directors of a Federal Home Loan Bank who is an officer or director of a member institution that is located in the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.'';

(2) by striking ''elective'' each place that term appears, other than in subsections (d), (e), and (f), and inserting ''member'';

(3) in subsection (b)—

(A) by striking the subsection heading and all that follows through ''Each elective directorship'' and inserting the following:

''(b) DIRECTORSHIPS.—

''(1) MEMBER DIRECTORSHIPS.—Each member directorship''; and

(B) by adding at the end the following:

''(2) INDEPENDENT DIRECTORSHIPS.—

''(A) ELECTIONS.—Each independent director—

''(i) shall be elected by the members entitled to vote, from among eligible persons nominated, after consultation with the Advisory Council of the Bank, by the board of directors of the Bank; and

''(ii) shall be elected by a plurality of the votes of the members of the Bank at large, with each member having the number of votes for each such directorship as it has under paragraph (1) in an election to fill member directorships.

''(B) CRITERIA.—Nominees shall meet all applicable requirements prescribed in this section.

''(C) NOMINATION AND ELECTION PROCEDURES.—Procedures for nomination and election of independent directors shall be prescribed by the bylaws of each Federal Home Loan Bank, in a manner consistent with the rules and regulations of the Agency.'';

(4) in subsection (c)—

(A) by striking ''elective'' each place that term appears and inserting ''member'', except—

(i) in the second sentence, the second place that term appears; and

(ii) each place that term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting ''(A) except as provided in clause (B) of this sentence,'' before ''if at any time''; and

(ii) by inserting before the period at the end the following: '', and (B) clause (A) of this sentence shall not apply to the directorships of any Federal Home Loan Bank resulting from the merger of any 2 or more such Banks'';

(5) in subsection (d)—

(A) in the first sentence—

(i) by striking '', whether elected or appointed,''; and

(ii) by striking ''3 years'' and inserting ''4 years'';

(B) in the second sentence—

(i) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Federal Housing Finance Regulatory Reform Act of 2008'';

(ii) by striking ''⅓'' and inserting ''¼''; and

(iii) by striking ''or appointed''; and

(C) in the third sentence—

(i) by striking ''an elective'' each place that term appears and inserting ''a''; and

(ii) by striking ''in any elective directorship or elective directorships'';

(6) in subsection (f)—

(A) by striking paragraph (2);

(B) by striking ''appointed or'' each place that term appears; and

(C) in paragraph (3)—

(i) by striking ''(3) ELECTED BANK DIRECTORS.—'' and inserting ''(2) ELECTION PROCESS.—''; and

(ii) by striking ''elective'' each place that term appears;

(7) in subsection (i)—

(A) in paragraph (1), by striking ''Subject to paragraph (2), each'' and inserting ''Each''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ANNUAL REPORT.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal Home Loan Banks to the directors on the boards of directors of the Banks.''; and

(8) by adding at the end the following:

''(l) TRANSITION RULE.—Any member of the board of directors of a Bank elected or appointed in accordance with this section prior to the date of enactment of this subsection may continue to serve as a member of that board of directors for the remainder of the existing term of service.''.

SEC. 1203. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

''(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

''(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

SEC. 1204. AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) by striking section 18 (12 U.S.C. 1438) and inserting the following:

''SEC. 18. ADMINISTRATIVE PROVISIONS.

''(a) ACQUISITION AUTHORITY.—The Director of the Office of Thrift Supervision, utilizing the services of the Administrator of General Services (hereinafter referred to as the 'Administrator'), and subject to any limitation hereon which may hereafter be imposed in appropriation Acts, is hereby authorized—

''(1) to acquire, in the name of the United States, real property in the District of Columbia, for the purposes set forth in this section;

''(2) to construct, develop, furnish, and equip such buildings thereon and such facilities as in its judgment may be appropriate to provide, to such extent as the Director of the Office of Thrift Supervision may deem advisable, suitable and adequate quarters and facilities for the Director of the Office of Thrift Supervision and the agencies under its administration or supervision;

''(3) to enlarge, remodel, or reconstruct any of the same; and

''(4) to make or enter into contracts for any of the foregoing.

''(b) ADVANCES.—The Director of the Office of Thrift Supervision may require of the respective banks, and they shall make to the Director of the Office of Thrift Supervision, such advances of funds for the purposes set out in subsection (a) as in the sole judgment of the Director of the Office of Thrift Supervision may from time to time be advisable. Such advances shall be apportioned by the Director of the Office of Thrift Supervision among the banks in proportion to the total assets of the respective banks, determined in such manner and as of such times as the Director of the Office of Thrift Supervision may prescribe. Each such advance shall bear interest at the rate of 4½ per centum per annum from the date of the advance and shall be repaid by the Director of the Office of Thrift Supervision in such installments and over such period, not longer than twenty-five years from the making of the advance, as the Director of the Office of Thrift Supervision may determine. Payments of interest and principal upon such advances shall be made from receipts of the Director of the Office of Thrift Supervision or from other sources which may from time to time be available to the Director of the Office of Thrift Supervision. The obligation of the Director of the Office of Thrift Supervision to make any such payment shall not be regarded as an obligation of the United States. To such extent as the Director of the Office of Thrift Supervision may prescribe any such obligation shall be regarded as a legal investment for the purposes of subsections (g) and (h) of section 11 and for the purposes of section 16.

''(c) PLANS AND DESIGNS.—The plans and designs for such buildings and facilities and for any such enlargement, remodeling, or reconstruction shall, to such extent as the chairperson of the Director of the Office of Thrift Supervision may request, be subject to the approval of the Director.

''(d) CUSTODY, MANAGEMENT AND CONTROL.—Upon the making of arrangements mutually agreeable to the Director of the Office of Thrift Supervision and the Administrator, which arrangements may be modified from time to time by mutual agreement between them and may include but shall not be limited to the making of payments by the Director of the Office of Thrift Supervision and such agencies to the Administrator and by the Administrator to the Director of the Office of Thrift Supervision, the custody, management, and control of such buildings and facilities and of such real property shall be vested in the Administrator in accordance therewith. Until the making of such arrangements, such custody, management, and control, including the assignment and allotment and the reassignment and reallotment of building and other space, shall be vested in the Director of the Office of Thrift Supervision.

''(e) PROCEEDS.—Any proceeds (including advances) received by the Director of the Office of Thrift Supervision in connection with this subsection, and any proceeds from the sale or other disposition of real or other property acquired by the Director of the Office of Thrift Supervision under this section, shall be considered as receipts of the Director of the Office of Thrift Supervision, and obligations and expenditures of the Director of the Office of Thrift Supervision and such agencies in connection with this section shall not be considered as administrative expenses. As used in this section, the term 'property' shall include interests in property.

''(f) BUDGET PROGRAM.—

''(1) IN GENERAL.—With respect to its functions under this section, the Director of the Office of Thrift Supervision shall—

''(A) annually prepare and submit a budget program as provided in title I of the Government Corporation Control Act with regard to wholly owned Government corporations, and for purposes of this paragraph, the terms 'wholly

owned Government corporations' and 'Government corporations', wherever used in such title, shall include the Director of the Office of Thrift Supervision; and

''(B) maintain an integral set of accounts which shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions, as provided in such title, and no other settlement or adjustment shall be required with respect to transactions under this section or with respect to claims, demands, or accounts by or against any person arising thereunder.

''(2) MISCELLANEOUS PROVISIONS.—The first budget program shall be for the first full fiscal year beginning on or after the date of enactment of this subsection. Except as otherwise provided in this section or by the Director of the Office of Thrift Supervision, the provisions of this section and the functions thereby or thereunder subsisting shall be applicable and exercisable notwithstanding and without regard to the Act of June 20, 1938 (D.C. Code, secs. 5–413—5–428), except that the proviso of section 16 thereof shall apply to any building constructed under this section, and section 306 of the Act of July 30, 1947 (61 Stat. 584), or any other provision of law relating to the construction, alteration, repair, or furnishing of public or other buildings or structures or the obtaining of sites therefor, but any person or body in whom any such function is vested may provide for delegation or redelegation of the exercise of such function.

''(g) LIMITATION.—No obligation shall be incurred and no expenditure, except in liquidation of obligation, shall be made pursuant to paragraphs (1) and (2) of subsection (a), if the total amount of all obligations incurred pursuant thereto would thereupon exceed $13,200,000, or such greater amount as may be provided in an appropriations Act or other law.''.

(3) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking ''The Board'' and inserting ''The Office of Finance, as agent for the Banks,''; and

(II) by striking ''the Board'' and inserting ''such Office''; and

(ii) in the second and fourth sentences, by striking ''the Board'' each place such term appears and inserting ''the Office of Finance'';

(B) in subsection (c)—

(i) by striking ''the Board'' the first place such term appears and inserting ''the Office of Finance, as agent for the Banks,''; and

(ii) by striking ''the Board'' the second place such term appears and inserting ''such Office''; and

(C) in subsection (f)—

(i) by striking the 2 commas after ''permit'' and inserting ''or''; and

(ii) by striking the comma after ''require'';

(4) in section 6 (12 U.S.C. 1426)—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''Finance Board approval'' and inserting ''approval by the Director''; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking ''Finance Board regulations'' each place that term appears and inserting ''regulations of the Director'';

(5) in section 10(b) (12 U.S.C. 1430(b))—

(A) in the subsection heading, by striking ''FORMAL BOARD RESOLUTION'' and inserting ''APPROVAL OF DIRECTOR''; and

(B) by striking ''by formal resolution'';

(6) in section 21(b)(5) (12 U.S.C. 1441(b)(5)), by striking ''Chairperson of the Federal Housing Finance Board'' and inserting ''Director'';

(7) in section 15 (12 U.S.C. 1435), by inserting ''or the Director'' after ''the Board'';

(8) by striking ''the Board'' each place that term appears and inserting ''the Director'';

(9) by striking ''The Board'' each place that term appears and inserting ''The Director'';

(10) by striking ''the Finance Board'' each place that term appears and inserting ''the Director'';

(11) by striking ''The Finance Board'' each place that term appears and inserting ''The Director''; and

(12) by striking ''Federal Housing Finance Board'' each place that term appears and inserting ''Director''.

SEC. 1205. HOUSING GOALS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by inserting after section 10b the following new section:

''SEC. 10C. HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish housing goals with respect to the purchase of mortgages, if any, by the Federal Home Loan Banks. Such goals shall be consistent with the goals established under sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

''(b) CONSIDERATIONS.—In establishing the goals required by subsection (a), the Director shall consider the unique mission and ownership structure of the Federal Home Loan Banks.

''(c) TRANSITION PERIOD.—To facilitate an orderly transition, the Director shall establish interim target goals for purposes of this section for each of the 2 calendar years following the date of enactment of this section.

''(d) MONITORING AND ENFORCEMENT OF GOALS.—The requirements of section 1336 of the Federal Housing Enterprises Safety and Soundness Act of 1992, shall apply to this section, in the same manner and to the same extent as that section applies to the Federal housing enterprises.

''(e) ANNUAL REPORT.—The Director shall annually report to Congress on the performance of the Banks in meeting the goals established under this section.''.

SEC. 1206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

Section 4(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)(1)) is amended—

(1) by inserting after ''savings bank,'' the following: ''community development financial institution,''; and

(2) in subparagraph (B), by inserting after ''United States,'' the following: ''or, in the case of a community development financial institution, is certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994.''.

SEC. 1207. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

''SEC. 20A. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

''(a) INFORMATION ON FINANCIAL CONDITION.—In order to enable each Federal Home Loan Bank to evaluate the financial condition of one or more of the other Federal Home Loan Banks individually and the Federal Home Loan Bank System (including any risks associated with the issuance or repayment of consolidated Federal Home Loan Bank bonds and debentures or other borrowings and the joint and several liabilities of the Banks incurred due to such borrowings), as well as to comply with any of its obligations under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Director shall make available to the Banks such reports, records, or other information as may be available, relating to the condition of any Federal Home Loan Bank.

''(b) SHARING OF INFORMATION.—

''(1) IN GENERAL.—The Director shall promulgate regulations to facilitate the sharing of information made available under subsection (a) directly among the Federal Home Loan Banks.

''(2) LIMITATION.—Notwithstanding paragraph (1), a Federal Home Loan Bank responding to a request from another Bank or from the Director for information pursuant to this section may request that the Director determine that such information is proprietary and that the public interest requires that such information not be shared.

''(c) LIMITATION.—Nothing in this section shall affect the obligations of any Federal Home Loan Bank under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the regulations issued by the Securities and Exchange Commission thereunder.''.

SEC. 1208. EXCLUSION FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), and 14(c) of the Securities Exchange Act of 1934, and related Commission regulations;

(2) section 15 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to transactions in the capital stock of a Federal Home Loan Bank;

(3) section 17A of the Securities Exchange Act of 1934, and related Commission regulations, with respect to the transfer of the securities of a Federal Home Loan Bank; and

(4) the Trust Indenture Act of 1939.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Bank System shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to ownership of or transactions in the capital stock of the Federal Home Loan Banks by such members.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) exempted securities, within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934, except to the extent provided in section 38 of that Act.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) government securities, within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934; and

(C) government securities, within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(3) BROKERS AND DEALERS.—A person (other than a Federal Home Loan Bank effecting transactions for members of the Federal Home Loan Bank System) that effects transactions in the capital stock or other obligations of a Federal Home Loan Bank, for the account of others or for that person's own account, as applicable, is a broker or dealer, as those terms are defined in paragraphs (4) and (5), respectively, of section 3(a) of the Securities Exchange Act of 1934, but is excluded from the definition of—

(A) the term ''government securities broker'' under section 3(a)(43) of the Securities Exchange Act of 1934; and

(B) the term ''government securities dealer'' under section 3(a)(44) of the Securities Exchange Act of 1934.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements under the securities laws pertaining to the disclosure of—

(1) related party transactions that occur in the ordinary course of the business of the Banks with members; and

(2) the unregistered sales of equity securities.

(e) TENDER OFFERS.—Commission rules relating to tender offers shall not apply in connection with transactions in the capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—

(1) IN GENERAL.—The Commission shall promulgate such rules and regulations as may be

necessary or appropriate in the public interest or in furtherance of this section and the exemptions provided in this section.

(2) CONSIDERATIONS.—In issuing regulations under this section, the Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating—

(A) the accounting treatment with respect to the payment to the Resolution Funding Corporation;

(B) the role of the combined financial statements of the Federal Home Loan Banks;

(C) the accounting classification of redeemable capital stock; and

(D) the accounting treatment related to the joint and several nature of the obligations of the Banks.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''Bank'', ''Federal Home Loan Bank'', ''member'', and ''Federal Home Loan Bank System'' have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(2) the term ''Commission'' means the Securities and Exchange Commission; and

(3) the term ''securities laws'' has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 1209. VOLUNTARY MERGERS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) by adding at the end the following:

''(b) VOLUNTARY MERGERS AUTHORIZED.—

''(1) IN GENERAL.—Any Federal Home Loan Bank may, with the approval of the Director and of the boards of directors of the Banks involved, merge with another Bank.

''(2) REGULATIONS REQUIRED.—The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any voluntary merger described in paragraph (1), including the procedures for Bank member approval.''.

SEC. 1210. AUTHORITY TO REDUCE DISTRICTS.

Section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking ''As soon'' and inserting ''(a) IN GENERAL.—As soon''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO REDUCE DISTRICTS.—Notwithstanding subsection (a), the number of districts may be reduced to a number less than 8—

''(1) pursuant to a voluntary merger between Banks, as approved pursuant to section 26(b); or

''(2) pursuant to a decision by the Director to liquidate a Bank pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

SEC. 1211. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking ''$500,000,000'' each place such term appears and inserting ''$1,000,000,000''.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and''; and

(B) by inserting '', and community development activities'' before the period at the end;

(2) in paragraph (3)(E), by inserting ''or community development activities'' after ''agriculture,''; and

(3) in paragraph (6)—

(A) by striking ''and''; and

(B) by inserting '', and 'community development activities'' before ''shall''.

SEC. 1212. PUBLIC USE DATABASE; REPORTS TO CONGRESS.

Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(1) in subsection (j)(12)—

(A) by striking subparagraph (C) and inserting the following:

''(C) REPORTS.—The Director shall annually report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the collateral pledged to the Banks, including an analysis of collateral by type and by Bank district.''; and

(B) by adding at the end the following:

''(D) SUBMISSION TO CONGRESS.—The Director shall submit the reports under subparagraphs (A) and (C) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 180 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008.''; and

(2) by adding at the end the following:

''(k) PUBLIC USE DATABASE.—

''(1) DATA.—Each Federal Home Loan Bank shall provide to the Director, in a form determined by the Director, census tract level data relating to mortgages purchased, if any, including—

''(A) data consistent with that reported under section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

''(B) data elements required to be reported under the Home Mortgage Disclosure Act of 1975; and

''(C) any other data elements that the Director considers appropriate.

''(2) PUBLIC USE DATABASE.—

''(A) IN GENERAL.—The Director shall make available to the public, in a form that is useful to the public (including forms accessible electronically), and to the extent practicable, the data provided to the Director under paragraph (1).

''(B) PROPRIETARY INFORMATION.—Notwithstanding subparagraph (A), the Director may not provide public access to, or disclose to the public, any information required to be submitted under this subsection that the Director determines is proprietary or that would provide personally identifiable information and that is not otherwise publicly accessible through other forms, unless the Director determines that it is in the public interest to provide such information.''.

SEC. 1213. SEMIANNUAL REPORTS.

Section 21B of the Federal Home Loan Bank Act is amended in subsection (f)(2)(C), by adding at the end the following:

''(v) SEMIANNUAL REPORTS.—The Director shall report semiannually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the projected date for the completion of contributions required by this section.''.

SEC. 1214. LIQUIDATION OR REORGANIZATION OF A FEDERAL HOME LOAN BANK.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by adding at the end the following: ''At least 30 days prior to liquidating or reorganizing any Bank under this section, the Director shall notify the Bank of its determination and the facts and circumstances upon which such determination is based. The Bank may contest that determination in a hearing before the Director, in which all issues shall be determined on the record pursuant to section 554 of title 5, United States Code.''.

SEC. 1215. STUDY AND REPORT TO CONGRESS ON SECURITIZATION OF ACQUIRED MEMBER ASSETS.

(a) STUDY.—The Director shall conduct a study on securitization of home mortgage loans purchased or to be purchased from member financial institutions under the Acquired Member Assets programs. In conducting the study, the Director shall establish a process for the formal submission of comments.

(b) ELEMENTS.—The study shall encompass—

(1) the benefits and risks associated with securitization of Acquired Member Assets;

(2) the potential impact of securitization upon liquidity in the mortgage and broader credit markets;

(3) the ability of the Federal Home Loan Bank or Banks in question to manage the risks associated with such a program;

(4) the impact of such a program on the existing activities of the Banks, including their mortgage portfolios and advances; and

(5) the joint and several liability of the Banks and the cooperative structure of the Federal Home Loan Bank System.

(c) CONSULTATIONS.—In conducting the study under this section, the Director shall consult with the Federal Home Loan Banks, the Banks' fiscal agent, representatives of the mortgage lending industry, practitioners in the structured finance field, and other experts as needed.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress on the results of the study conducted under subsection (a), including policy recommendations based on the analysis of the Director of the feasibility of mortgage-backed securities issuance by a Federal Home Loan Bank or Banks and the risks and benefits associated with such program or programs.

(e) DEFINITIONS.—As used in this section, the terms ''member'', ''Bank'', and ''Federal Home Loan Bank'' have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422).

SEC. 1216. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''; and

(2) by striking ''Federal Housing Finance Board's'' and inserting ''Federal Housing Finance Agency's''.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking ''Federal Housing Finance Board'' each place such term appears in each of sections 212, 657, 1006, and 1014, and inserting ''Federal Housing Finance Agency''.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking ''Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) FIRREA.—Section 1216 of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1833e) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) the Federal Housing Finance Agency;'';

(2) in subsection (b), by striking ''Federal National Mortgage Association'' and inserting ''Federal Home Loan Banks, the Federal National Mortgage Association,''; and

(3) in subsection (c), by striking ''Finance Board'' and inserting ''Finance Agency''.

SEC. 1217. STUDY ON FEDERAL HOME LOAN BANK ADVANCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House or Representatives on the extent to which loans and securities used as collateral to support Federal Home Loan Bank advances are consistent with the interagency guidance on nontraditional mortgage products.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall—

(1) consider and recommend any additional regulations, guidance, advisory bulletins, or other administrative actions necessary to ensure that the Federal Home Loan Banks are not supporting loans with predatory characteristics; and

(2) include an opportunity for the public to comment on any recommendations made under paragraph (1).

SEC. 1218. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.''.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

SEC. 1301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) shall manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Office of Federal Housing Enterprise Oversight, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act;

(iii) the Federal Home Loan Mortgage Corporation Act; or

(iv) any other provision of law applicable with respect to such Office; and

(B) existed on the day before the date of abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 1302. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director or the Secretary of Housing and Urban Development, as the case may be, until modified, terminated, set aside, or superseded in accordance with applicable law by the Director or the Secretary, as the case may be, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described in this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development, and relates to the authority of the Secretary under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act, with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act, with respect to the Federal Home Loan Mortgage Corporation; or

(C) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1301(a).

SEC. 1303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1301(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policy-making, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1301(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 1301(a), if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Office of Federal Housing Enterprise Oversight and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of its abolishment under section 1301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Agency.

Subtitle B—Federal Housing Finance Board

SEC. 1311. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the ''Board'') is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1313; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of the Board as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1313.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Board to perform functions which have been transferred to the Director, for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Board, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred under this Act to the Director shall abate by reason of the enactment of this Act, except that the Director shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 1312. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director until modified, terminated, set aside, or superseded in accordance with applicable law by the Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1311(a).

SEC. 1313. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1311(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, if the employee is a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1), to the extent that such authority relates to a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1311(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 1311(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1314. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 1311(a), all property of the Board shall transfer to the Agency.

TITLE IV—HOPE FOR HOMEOWNERS

SEC. 1401. SHORT TITLE.

This title may be cited as the ''HOPE for Homeowners Act of 2008''.

SEC. 1402. ESTABLISHMENT OF HOPE FOR HOMEOWNERS PROGRAM.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following:

''SEC. 257. HOPE FOR HOMEOWNERS PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Federal Housing Administration a HOPE for Homeowners Program.

''(b) PURPOSE.—The purpose of the HOPE for Homeowners Program is—

''(1) to create an FHA program, participation in which is voluntary on the part of homeowners and existing loan holders to insure refinanced loans for distressed borrowers to support long-term, sustainable homeownership;

''(2) to allow homeowners to avoid foreclosure by reducing the principle balance outstanding, and interest rate charged, on their mortgages;

''(3) to help stabilize and provide confidence in mortgage markets by bringing transparency to the value of assets based on mortgage assets;

''(4) to target mortgage assistance under this section to homeowners for their principal residence;

''(5) to enhance the administrative capacity of the FHA to carry out its expanded role under the HOPE for Homeowners Program;

''(6) to ensure the HOPE for Homeowners Program remains in effect only for as long as is necessary to provide stability to the housing market; and

''(7) to provide servicers of delinquent mortgages with additional methods and approaches to avoid foreclosure.

''(c) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—

''(1) DUTIES OF THE BOARD.—In order to carry out the purposes of the HOPE for Homeowners Program, the Board shall—

''(A) establish requirements and standards for the program; and

''(B) prescribe such regulations and provide such guidance as may be necessary or appropriate to implement such requirements and standards.

''(2) DUTIES OF THE SECRETARY.—In carrying out any of the program requirements or standards established under paragraph (1), the Secretary may issue such interim guidance and mortgagee letters as the Secretary determines necessary or appropriate.

''(d) INSURANCE OF MORTGAGES.—The Secretary is authorized upon application of a mortgagee to make commitments to insure or to insure any eligible mortgage that has been refinanced in a manner meeting the requirements under subsection (e).

''(e) REQUIREMENTS OF INSURED MORTGAGES.—To be eligible for insurance under this section, a refinanced eligible mortgage shall comply with all of the following requirements:

''(1) LACK OF CAPACITY TO PAY EXISTING MORTGAGE.—

''(A) BORROWER CERTIFICATION.—

''(i) IN GENERAL.—The mortgagor shall provide certification to the Secretary that the mortgagor has not intentionally defaulted on the mortgage or any other debt, and has not knowingly, or

willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining any eligible mortgage.

''(ii) PENALTIES.—

''(I) FALSE STATEMENT.—Any certification filed pursuant to clause (i) shall contain an acknowledgment that any willful false statement made in such certification is punishable under section 1001, of title 18, United States Code, by fine or imprisonment of not more than 5 years, or both.

''(II) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Federal Housing Administration any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Secretary.

''(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Board determines appropriate).

''(2) DETERMINATION OF PRINCIPAL OBLIGATION AMOUNT.—The principal obligation amount of the refinanced eligible mortgage to be insured shall—

''(A) be determined by the reasonable ability of the mortgagor to make his or her mortgage payments, as such ability is determined by the Secretary pursuant to section 203(b)(4) or by any other underwriting standards established by the Board; and

''(B) not exceed 90 percent of the appraised value of the property to which such mortgage relates.

''(3) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment or refinancing of the eligible mortgage, and all fees and penalties related to default or delinquency on the eligible mortgage, shall be waived or forgiven.

''(4) EXTINGUISHMENT OF SUBORDINATE LIENS.—

''(A) REQUIRED AGREEMENT.—All holders of outstanding mortgage liens on the property to which the eligible mortgage relates shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under the eligible mortgage, and all encumbrances related to such eligible mortgage shall be removed. The Secretary may take such actions, subject to standards established by the Board under subparagraph (B), as may be necessary and appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages.

''(B) SHARED APPRECIATION.—

''(i) IN GENERAL.—The Board shall establish standards and policies that will allow for the payment to the holder of any existing subordinate mortgage of a portion of any future appreciation in the property secured by such eligible mortgage that is owed to the Secretary pursuant to subsection (k).

''(ii) FACTORS.—In establishing the standards and policies required under clause (i), the Board shall take into consideration—

''(I) the status of any subordinate mortgage;

''(II) the outstanding principal balance of and accrued interest on the existing senior mortgage and any outstanding subordinate mortgages;

''(III) the extent to which the current appraised value of the property securing a subordinate mortgage is less than the outstanding principal balance and accrued interest on any other liens that are senior to such subordinate mortgage; and

''(IV) such other factors as the Board determines to be appropriate.

''(C) VOLUNTARY PROGRAM.—This paragraph may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

''(5) TERM OF MORTGAGE.—The refinanced eligible mortgage to be insured shall—

''(A) bear interest at a single rate that is fixed for the entire term of the mortgage; and

''(B) have a maturity of not less than 30 years from the date of the beginning of amortization of such refinanced eligible mortgage.

''(6) MAXIMUM LOAN AMOUNT.—The principal obligation amount of the eligible mortgage to be insured shall not exceed 132 percent of the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a property of the applicable size.

''(7) PROHIBITION ON SECOND LIENS.—A mortgagor may not grant a new second lien on the mortgaged property during the first 5 years of the term of the mortgage insured under this section.

''(8) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

''(A) be based on the current value of the property;

''(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

''(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

''(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

''(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

''(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the HOPE for Homeowners Program under this section, the mortgagee under the mortgage shall document and verify the income of the mortgagor by procuring an Internal Revenue Service transcript of the income tax returns of the mortgagor for the 2 most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Board or the Secretary shall establish.

''(10) MORTGAGE FRAUD.—The mortgagor shall not have been convicted under any provision of Federal or State law for fraud, including mortgage fraud.

''(11) PRIMARY RESIDENCE.—The mortgagor shall provide documentation satisfactory in the determination of the Secretary to prove that the residence covered by the mortgage to be insured under this section is occupied by the mortgagor as the primary residence of the mortgagor, and that such residence is the only residence in which the mortgagor has any present ownership interest.

''(f) STUDY OF AUCTION OR BULK REFINANCE PROGRAM.—

''(1) STUDY.—The Board shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under this section. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

''(2) CONTENT.—

''(A) ANALYSIS.—The study required under paragraph (1) shall analyze—

''(i) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under this section;

''(ii) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

''(iii) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

''(iv) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

''(v) and any other factors that the Board considers relevant.

''(B) DETERMINATIONS.—To the extent that the Board finds that a facility of the type described in subparagraph (A) is feasible and useful, the study shall—

''(i) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

''(ii) determine whether there is a need for additional authority with respect to the loan underwriting criteria established in this section or with respect to eligibility of participating borrowers, lenders, or holders of liens;

''(iii) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under this section.

''(3) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this section, the Board shall submit a report regarding the results of the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under paragraph (2)(A) and of the determinations made pursuant to paragraph (2)(B), and shall include any other findings and recommendations of the Board pursuant to the study, including identifying various options for mechanisms described in paragraph (1).

''(g) APPRAISAL INDEPENDENCE.—

''(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

''(2) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

''(h) STANDARDS TO PROTECT AGAINST ADVERSE SELECTION.—

''(1) IN GENERAL.—The Board shall, by rule or order, establish standards and policies to require the underwriter of the insured loan to provide such representations and warranties as the Board considers necessary or appropriate to enforce compliance with all underwriting and appraisal standards of the HOPE for Homeowners Program.

''(2) EXCLUSION FOR VIOLATIONS.—The Board shall prohibit the Secretary from paying insurance benefits to a mortgagee who violates the representations and warranties, as established under paragraph (1), or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage.

''(3) OTHER AUTHORITY.—The Board may establish such other standards or policies as necessary to protect against adverse selection, including requiring loans identified by the Secretary as higher risk loans to demonstrate payment performance for a reasonable period of time prior to being insured under the program.

''(i) PREMIUMS.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect—

''(1) at the time of insurance, a single premium payment in an amount equal to 3 percent of the amount of the original insured principal obligation of the refinanced eligible mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness that existed on the eligible mortgage prior to refinancing; and

''(2) in addition to the premium required under paragraph (1), an annual premium in an amount equal to 1.5 percent of the amount of the remaining insured principal balance of the mortgage.

''(j) ORIGINATION FEES AND INTEREST RATE.—The Board shall establish—

''(1) a reasonable limitation on origination fees for refinanced eligible mortgages insured under this section; and

''(2) procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

''(k) EQUITY AND APPRECIATION.—

''(1) FIVE-YEAR PHASE-IN FOR EQUITY AS A RESULT OF SALE OR REFINANCING.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, or upon the subsequent refinancing of such mortgage, be entitled to the following with respect to any equity created as a direct result of such sale or refinancing:

''(A) If such sale or refinancing occurs during the period that begins on the date that such mortgage is insured and ends 1 year after such date of insurance, the Secretary shall be entitled to 100 percent of such equity.

''(B) If such sale or refinancing occurs during the period that begins 1 year after such date of insurance and ends 2 years after such date of insurance, the Secretary shall be entitled to 90 percent of such equity and the mortgagor shall be entitled to 10 percent of such equity.

''(C) If such sale or refinancing occurs during the period that begins 2 years after such date of insurance and ends 3 years after such date of insurance, the Secretary shall be entitled to 80 percent of such equity and the mortgagor shall be entitled to 20 percent of such equity.

''(D) If such sale or refinancing occurs during the period that begins 3 years after such date of insurance and ends 4 years after such date of insurance, the Secretary shall be entitled to 70 percent of such equity and the mortgagor shall be entitled to 30 percent of such equity.

''(E) If such sale or refinancing occurs during the period that begins 4 years after such date of insurance and ends 5 years after such date of insurance, the Secretary shall be entitled to 60 percent of such equity and the mortgagor shall be entitled to 40 percent of such equity.

''(F) If such sale or refinancing occurs during any period that begins 5 years after such date of insurance, the Secretary shall be entitled to 50 percent of such equity and the mortgagor shall be entitled to 50 percent of such equity.

''(2) APPRECIATION IN VALUE.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, each be entitled to 50 percent of any appreciation in value of the appraised value of such property that has occurred since the date that such mortgage was insured under this section.

''(l) ESTABLISHMENT OF HOPE FUND.—

''(1) IN GENERAL.—There is established in the Federal Housing Administration a revolving fund to be known as the Home Ownership Preservation Entity Fund, which shall be used by the Board for carrying out the mortgage insurance obligations under this section.

''(2) MANAGEMENT OF FUND.—The HOPE Fund shall be administered and managed by the Secretary, who shall establish reasonable and prudent criteria for the management and operation of any amounts in the HOPE Fund.

''(m) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

''(n) REPORTS BY THE BOARD.—The Board shall submit monthly reports to the Congress identifying the progress of the HOPE for Homeowners Program, which shall contain the following information for each month:

''(1) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

''(2) The aggregate principal obligation of new mortgages insured under this section.

''(3) The average amount by which the principle balance outstanding on mortgages insured this section was reduced.

''(4) The amount of premiums collected for insurance of mortgages under this section.

''(5) The claim and loss rates for mortgages insured under this section.

''(6) Any other information that the Board considers appropriate.

''(o) REQUIRED OUTREACH EFFORTS.—The Secretary shall carry out outreach efforts to ensure that homeowners, lenders, and the general public are aware of the opportunities for assistance available under this section.

''(p) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Board, the Secretary shall take such actions as may be necessary to—

''(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

''(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

''(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

''(q) GNMA COMMITMENT AUTHORITY.—

''(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

''(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

''(r) SUNSET.—The Secretary may not enter into any new commitment to insure any refinanced eligible mortgage, or newly insure any refinanced eligible mortgage pursuant to this section before October 1, 2008 or after September 30, 2011.

''(s) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) APPROVED FINANCIAL INSTITUTION OR MORTGAGEE.—The term 'approved financial institution or mortgagee' means a financial institution or mortgagee approved by the Secretary under section 203 as responsible and able to service mortgages responsibly.

''(2) BOARD.—The term 'Board' means the Board of Directors of the HOPE for Homeowners Program. The Board shall be composed of the Secretary, the Secretary of the Treasury, the Chairperson of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

''(3) ELIGIBLE MORTGAGE.—The term 'eligible mortgage' means a mortgage—

''(A) the mortgagor of which—

''(i) occupies such property as his or her principal residence; and

''(ii) cannot, subject to subsection (e)(1)(B) and such other standards established by the Board, afford his or her mortgage payments; and

''(B) originated on or before January 1, 2008.

''(4) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

''(5) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

''(6) HOPE FOR HOMEOWNERS PROGRAM.—The term 'HOPE for Homeowners Program' means the program established under this section.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

''(t) REQUIREMENTS RELATED TO THE BOARD.—

''(1) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

''(A) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Board.

''(B) TRAVEL EXPENSES.—Members of the Board shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

''(2) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Board.

''(3) QUORUM.—A majority of the Board shall constitute a quorum.

''(4) STAFF; EXPERTS AND CONSULTANTS.—

''(A) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Board, any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(B) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

''(u) RULE OF CONSTRUCTION RELATED TO VOLUNTARY NATURE OF THE PROGRAM.—This section shall not be construed to require that any approved financial institution or mortgagee participate in any activity authorized under this section, including any activity related to the refinancing of an eligible mortgage.

''(v) RULE OF CONSTRUCTION RELATED TO INSURANCE OF MORTGAGES.—Except as otherwise provided for in this section or by action of the Board, the provisions and requirements of section 203(b) shall apply with respect to the insurance of any eligible mortgage under this section.

''(w) HOPE BONDS.—

''(1) ISSUANCE AND REPAYMENT OF BONDS.—Notwithstanding section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d(b)), the Secretary of the Treasury shall—

''(A) subject to such terms and conditions as the Secretary of the Treasury deems necessary, issue Federal credit instruments, to be known as

'HOPE Bonds', that are callable at the discretion of the Secretary of the Treasury and do not, in the aggregate, exceed the amount specified in subsection (m);

''(B) provide the subsidy amounts necessary for loan guarantees under the HOPE for Homeowners Program, not to exceed the amount specified in subsection (m), in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), except as provided in this paragraph; and

''(C) use the proceeds from HOPE Bonds only to pay for the net costs to the Federal Government of the HOPE for Homeowners Program, including administrative costs.

''(2) REIMBURSEMENTS TO TREASURY.—Funds received pursuant to section 1338(b) of the Federal Housing Enterprises Regulatory Reform Act of 1992 shall be used to reimburse the Secretary of the Treasury for amounts borrowed under paragraph (1).

''(3) USE OF RESERVE FUND.—If the net cost to the Federal Government for the HOPE for Homeowners Program exceeds the amount of funds received under paragraph (2), remaining debts of the HOPE for Homeowners Program shall be paid from amounts deposited into the fund established by the Secretary under section 1337(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, remaining amounts in such fund to be used to reduce the National debt.

''(4) REDUCTION OF NATIONAL DEBT.—Amounts collected under the HOPE for Homeowners Program in accordance with subsections (i) and (k) in excess of the net cost to the Federal Government for such Program shall be used to reduce the National debt.''.

SEC. 1403. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGE LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

''SEC. 129A. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGES.

''(a) IN GENERAL.—Except as may be established in any investment contract between a servicer of pooled residential mortgages and an investor, a servicer of pooled residential mortgages—

''(1) owes any duty to maximize the net present value of the pooled mortgages in an investment to all investors and parties having a direct or indirect interest in such investment, not to any individual party or group of parties; and

''(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification or workout plan, including any modification or refinancing undertaken pursuant to the HOPE for Homeowners Act of 2008, for a residential mortgage or a class of residential mortgages that constitute a part or all of the pooled mortgages in such investment, provided that any mortgage so modified meets the following criteria:

''(A) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

''(B) The property securing such mortgage is occupied by the mortgagor of such mortgage.

''(C) The anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure.

''(b) DEFINITION.—As used in this section, the term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).''.

SEC. 1404. REVISED STANDARDS FOR FHA APPRAISERS.

Section 202(e) of the National Housing Act (12 U.S.C. 1708(e)) is amended by adding at the end the following:

''(5) ADDITIONAL APPRAISER STANDARDS.—Beginning on the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, any appraiser chosen or approved to conduct appraisals for mortgages under this title shall—

''(A) be certified—

''(i) by the State in which the property to be appraised is located; or

''(ii) by a nationally recognized professional appraisal organization; and

''(B) have demonstrated verifiable education in the appraisal requirements established by the Federal Housing Administration under this subsection.''.

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Secure and Fair Enforcement for Mortgage Licensing Act of 2008'' or ''S.A.F.E. Mortgage Licensing Act of 2008''.

SEC. 1502. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would, to the greatest extent possible, be required to act in the best interests of the consumer.

(9) Facilitates responsible behavior in the subprime mortgage market place and provides comprehensive training and examination requirements related to subprime mortgage lending.

(10) Facilitates the collection and disbursement of consumer complaints on behalf of State and Federal mortgage regulators.

SEC. 1503. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term ''Federal banking agencies'' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term ''loan originator''—

(i) means an individual who—

(I) takes a residential mortgage loan application; and

(II) offers or negotiates terms of a residential mortgage loan for compensation or gain;

(ii) does not include any individual who is not otherwise described in clause (i) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause;

(iii) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator; and

(iv) does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of title 11, United States Code.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual ''assists a consumer in obtaining or applying to obtain a residential mortgage loan'' by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term ''administrative or clerical tasks'' means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term ''real estate brokerage activity'' means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), or (iv).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term ''loan processor or underwriter'' means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term ''clerical or support duties'' may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term ''Nationwide Mortgage Licensing System and Registry'' means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 1509.

(6) NONTRADITIONAL MORTGAGE PRODUCT.—The term ''nontraditional mortgage product''

means any mortgage product other than a 30-year fixed rate mortgage.

(7) REGISTERED LOAN ORIGINATOR.—The term ''registered loan originator'' means any individual who—

(A) meets the definition of loan originator and is an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; 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;

(B) is not an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(C) is licensed by a State or by the Secretary under section 1508 and 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, 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 employees's identity, including—

(A) 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

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 1504(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 1508. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACKUP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 1505 and 1506 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 1505 and 1506 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(4) The State loan originator supervisory authority has a process in place for challenging information contained in the Nationwide Mortgage Licensing System and Registry.

(5) The State loan originator supervisory authority has established a mechanism to assess civil money penalties for individuals acting as mortgage originators in their State without a valid license or registration.

(6) The State loan originator supervisory authority has established minimum net worth or surety bonding requirements that reflect the dollar amount of loans originated by a residential mortgage loan originator.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 24 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 1505 and 1506 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this section.

SEC. 1509. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 1510. FEES.

The Federal banking agencies, the Farm Credit Administration, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 1511. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 1512. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 1513. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 1514. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 1508 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 1508, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 1508, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease and desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease and desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease and desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease and desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease and desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease and desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $25,000.

SEC. 1515. STATE EXAMINATION AUTHORITY.

In addition to any authority allowed under State law a State licensing agency shall have the authority to conduct investigations and examinations as follows:

(1) For the purposes of investigating violations or complaints arising under this title, or for the purposes of examination, the State licensing agency may review, investigate, or examine any loan originator licensed or required to be licensed under this title, as often as necessary in order to carry out the purposes of this title.

(2) Each such loan originator shall make available upon request to the State licensing agency the books and records relating to the operations of such originator. The State licensing agency may have access to such books and records and interview the officers, principals, loan originators, employees, independent contractors, agents, and customers of the licensee concerning their business.

(3) The authority of this section shall remain in effect, whether such a loan originator acts or claims to act under any licensing or registration law of such State, or claims to act without such authority.

(4) No person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

SEC. 1516. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, streamlining communication between all stakeholders involved in residential mortgage loan origination and processing, and establishing performance based bonding requirements for mortgage originators or institutions that employ such brokers.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms

to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 1517. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

TITLE VI—MISCELLANEOUS

SEC. 1601. STUDY AND REPORTS ON GUARANTEE FEES.

(a) ONGOING STUDY OF FEES.—The Director shall conduct an ongoing study of fees charged by enterprises for guaranteeing a mortgage.

(b) COLLECTION OF DATA.—The Director shall, by regulation or order, establish procedures for the collection of data from enterprises for purposes of this subsection, including the format and the process for collection of such data.

(c) REPORTS TO CONGRESS.—The Director shall annually submit a report to Congress on the results of the study conducted under subsection (a), based on the aggregated data collected under subsection (a) for the subject year, regarding the amount of such fees and the criteria used by the enterprises to determine such fees.

(d) CONTENTS OF REPORTS.—The reports required under subsection (c) shall identify and analyze—

(1) the factors considered in determining the amount of the guarantee fees charged;

(2) the total revenue earned by the enterprises from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of any increase or decrease in guarantee fees from the preceding year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) a breakdown of guarantee fees charged based on asset size of the originator and the number of loans sold or transferred to an enterprise.

(e) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director to publicly disclose information that is confidential or proprietary.

SEC. 1602. STUDY AND REPORT ON DEFAULT RISK EVALUATION.

(a) STUDY.—The Director shall conduct a study of ways to improve the overall default risk evaluation used with respect to residential mortgage loans. Particular attention shall be paid to the development and utilization of processes and technologies that provide a means to standardize the measurement of risk.

(b) REPORT.—The Director shall submit a report on the study conducted under this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 1 year after the date of enactment of this Act.

SEC. 1603. CONVERSION OF HUD CONTRACTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, at the request of an owner of a multifamily housing project that exceeds 5,000 units to which a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (''Act'') (42 U.S.C. 1437f) and a Rental Assistance Payment contract is subject, convert such contracts to a contract for project-based rental assistance under section 8 of the Act.

(b) INITIAL RENEWAL.—

(1) At the request of an owner under subsection (a) made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the MultiFamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) (''MAHRA'') (42 U.S.C. 1437f note).

(2) A request by an owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of an owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—To the extent that assisted dwelling units, subject to the resulting contract under subsection (a), serve low-income families, as defined in section 3(b)(2) of the Act (42 U.S.C. 1437a(b)(2)) the units shall be considered to be in compliance with all income targeting requirements under the Act (42 U.S.C. 1437 et seq).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of conversion of a contract under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term ''Secretary'' means the Secretary of Housing and Urban Development;

(2) the term ''conversion'' means the action under which a contract for project-based rental assistance under section 8 of the Act and a Rental Assistance Payment contract become a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term ''resulting contract'' means the new contract after a conversion pursuant to subsection (a); and

(4) the term ''assisted dwelling unit'' means a dwelling unit in a multifamily housing project that exceeds 5,000 units that, on the date of conversion of a contract under this section, is subject to a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) or a Rental Assistance Payment contract.

SEC. 1604. BRIDGE DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended—

(1) in subsection (d)(2)—

(A) in subsection (F), by striking ''as receiver'' and all that follows through clause (ii) and inserting the following: ''as receiver, with respect to any insured depository institution, organize a new depository institution under subsection (m) or a bridge depository institution under subsection (n).'';

(B) in subparagraph (G), by striking ''new bank or a bridge bank'' and inserting ''new depository institution or a bridge depository institution'';

(2) in subsection (e)(10)(C), by striking ''bridge bank'' each place that term appears and inserting ''bridge depository institution'';

(3) in subsection (m)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''new bank'' each place that term appears and inserting ''new depository institution'';

(C) by striking ''such bank'' each place that term appears and inserting ''such depository institution'';

(D) in paragraph (1), by inserting ''or Federal savings association'' after ''national bank'';

(E) in paragraph (6), by striking ''only bank'' and inserting ''only depository institution'';

(F) in paragraph (9), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate'' after ''Comptroller of the Currency'';

(G) in paragraph (15), by striking '', but in no event'' and all that follows through ''located'';

(H) in paragraph (16)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears;

(ii) by striking ''the bank'' each place that term appears and inserting ''the depository institution'';

(iii) by inserting ''or Federal savings association'' after ''national bank'' each place that term appears;

(iv) by inserting ''or Federal savings associations'' after ''national banks''; and

(v) by striking ''Such bank'' and inserting ''Such depository institution''; and

(I) in paragraph (18), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears;

(4) in subsection (n)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''bridge bank'' each place that term appears and inserting ''bridge depository institution'';

(C) by striking ''bridge banks'' each place that term appears (other than in paragraph (1)(A) and inserting ''bridge depository institutions'';

(D) by striking ''bridge bank's'' each place that term appears and inserting ''bridge depository institutions'';

(E) by striking ''insured bank'' each place that term appears and inserting ''insured depository institution'';

(F) by striking ''insured banks'' each place that term appears and inserting ''insured depository institutions'';

(G) by striking ''such bank'' each place that term appears (other than in paragraph (4)(J)) and inserting ''such depository institution'';

(H) by striking ''the bank'' each place that term appears and inserting ''the depository institution'';

(I) in paragraph (1)(A)—

(i) by inserting '', with respect to 1 or more insured banks, or the Director of the Office of Thrift Supervision, with respect to 1 or more insured savings associations,'' after ''Comptroller of the Currency'';

(ii) by inserting ''or Federal savings associations, as appropriate,'' after ''national banks'';

(iii) by inserting ''or Federal savings associations, as applicable,'' after ''banking associations''; and

(iv) by striking ''as bridge banks'' and inserting ''as 'bridge depository institutions' '';

(J) in paragraph (1)(B)—

(i) by striking ''bank or banks'' each place that term appears and inserting ''depository institution or institutions'';

(ii) by striking ''of a bank''; and

(iii) by striking ''of that bank'';

(K) in paragraph (1)(E), by inserting before the period '', in the case of 1 or more insured banks, and as a Federal savings association, in the case of 1 or more insured savings associations'';

(L) in paragraph (2)—

(i) in subparagraph by inserting ''or Federal savings association'' after ''national bank'' each place that term appears; and

(ii) by inserting ''or the Director of the Office of Thrift Supervision'' after ''Comptroller of the Currency'';

(M) in paragraph (4)—

(i) in subparagraph (C), by striking ''under section 5138 of the Revised Statutes or any other'' and inserting ''under any'';

(ii) by inserting ''and the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears;

(iii) in subparagraph (D), by striking ''bank's'' and inserting ''depository institution's''; and

(iv) in subparagraph (F), by inserting before the period ''or Federal home loan bank'';

(N) in paragraph (8)—

(i) in subparagraph (A), by striking ''the banks'' and inserting ''the depository institutions'';

(ii) in subparagraph (B), by striking ''bank's'' and inserting ''depository institution's'';

(O) in paragraph (11), by inserting ''or a Federal savings association, as the case may be,'' after ''national bank'' each place that term appears;

(P) in paragraph (12)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears; and

(ii) by inserting ''or Federal savings associations, as appropriate'' after ''national banks''; and

(Q) in paragraph (13), by striking ''single bank'' and inserting ''single depository institution''.

(b) OTHER CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 3 (12 U.S.C. 1813), by striking subsection (i) and inserting the following:

''(i) NEW DEPOSITORY INSTITUTION AND BRIDGE DEPOSITORY INSTITUTION DEFINED.—

''(1) NEW DEPOSITORY INSTITUTION.—The term 'new depository institution' means a new national bank or Federal savings association, other than a bridge depository institution, organized by the Corporation in accordance with section 11(m).

''(2) BRIDGE DEPOSITORY INSTITUTION.—The term 'bridge depository institution' means a new national bank or Federal savings association organized by the Corporation in accordance with section 11(n).'';

(B) in section 10(d)(5)(B) (12 U.S.C. 1820(d)(5)(B)), by striking ''bridge bank'' and inserting ''bridge depository institution'';

(C) in section 12 (12 U.S.C. 1822), by striking ''new bank'' each place that term appears and inserting ''new depository institution'';and

(D) in section 38(j)(2) (12 U.S.C. 1831o(j)(2)), by striking ''bridge bank'' and inserting ''bridge depository institution''.

(2) FEDERAL CREDIT UNION ACT.—Section 207(c)(10)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(C)(i)) is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(3) TITLE 11.—Section 783 of title 11, United States Code, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(4) TITLE 26.—Section 414(l)(2)(G) of the Internal Revenue Code of 1986, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

SEC. 1605. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

DIVISION B—FORECLOSURE PREVENTION

SECTION 2001. SHORT TITLE.

This division may be cited as the ''Foreclosure Prevention Act of 2008''.

SEC. 2002. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this division are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 2101. SHORT TITLE.

This title may be cited as the ''FHA Modernization Act of 2008''.

Subtitle A—Building American Homeownership

SEC. 2111. SHORT TITLE.

This subtitle may be cited as the ''Building American Homeownership Act of 2008''.

SEC. 2112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

''(ii) 150 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of applicable size,

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size; and

''(B) not to exceed 100 percent of the appraised value of the property.''; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''section 3103A(d) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 2113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWN PAYMENT ASSISTANCE.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

''(9) CASH INVESTMENT REQUIREMENT.—

''(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

''(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

''(i) such lien shall be subordinate to the mortgage; and

''(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

''(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

''(i) The seller or any other person or entity that financially benefits from the transaction.

''(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).''.

SEC. 2114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or of the General Insurance Fund'' and all that follows through ''section 234(c),,''; and

(2) in subparagraph (A)—

(A) by striking ''2.25 percent'' and inserting ''3 percent''; and

(B) by striking ''2.0 percent'' and inserting ''2.75 percent''.

SEC. 2115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 2116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 2117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking ''and'' before ''(2)''; and

(B) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before ''a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 2118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 2119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 2120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 2121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

SEC. 2122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor,' '';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Building American Homeownership Act of 2008. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) by striking subsection (l);

(7) by redesignating subsection (m) as subsection (l);

(8) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.''; and

(9) by adding at the end the following new subsection:

''(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

''(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

''(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

''(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

''(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

''(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

''(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

''(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

''(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for insurance under subsection (c).

''(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

''(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

''(A) the costs to the mortgagor; and

''(B) the impact of such fees on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.''.

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the ''program'').

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 2123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

''(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

''(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

''(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act.''; and

(2) by adding at the end the following:

''(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.''.

SEC. 2124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 2125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 2126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital

ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 2127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) a significant reduction in the income of the household due to divorce or death; or

''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

''(I) an unexpected or significant increase in medical expenses;

''(II) a divorce;

''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

''(IV) a large property-tax increase; or'';

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.''.

SEC. 2128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an ''eligible homebuyer'' means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 2129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting ''the Federal Housing Administration,'' before ''the Farm Credit Administration''; and

(2) by striking ''commitment, or loan'' and inserting ''commitment, loan, or insurance agreement or application for insurance or a guarantee''.

SEC. 2130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 2131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 2132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 2133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

(a) IN GENERAL.—During the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk that the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on May 13, 2008 (Vol. 73, No. 93, Pages 27703 through 27711)(effective July 14, 2008).

(b) INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.—During the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the implementation of any other new risk-based premium product related to the insurance of any mortgage on a single family residence under title II of the National Housing Act, where the premium price for such new product is based in whole or in part on a borrower's Decision Credit Score, as that term is defined in the Notice described under subsection (a), or any successor thereto.

Subtitle B—Manufactured Housing Loan Modernization

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 2142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 2143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': Provided, That with'' and inserting ''. With''.

SEC. 2144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed

shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 2145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 2146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 2147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 2148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 2149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

''SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

''(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

''(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

''(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.''.

SEC. 2150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

''(A) expires not less than 3 years after the origination date of the obligation;

''(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

''(C) requires the lessor to provide the lessee written notice of termination of the lease not

less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.''.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 2201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 2202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 2203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking ''90 days'' and inserting ''9 months''.

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking ''90 days'' and inserting ''9 months''.

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking ''in excess of 6 percent'' the second place it appears and all that follows and inserting ''in excess of 6 percent—

''(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

''(B) during the period of military service, in the case of any other obligation or liability.''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

''(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.''.

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 2301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary'').

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon;

(D) demolish blighted structures; and

(E) redevelop demolished or vacant properties.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues

generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 2302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 2301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 2303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 2301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 2304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 2305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 2301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 2401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 2401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 2401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase ''For an additional amount'') under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110–161.

SEC. 2402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 2501. SHORT TITLE.

This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.

SEC. 2502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''before the credit is extended, or'';

(4) by inserting '', which shall be at least 7 business days before consummation of the transaction'' after ''written application'';

(5) by striking '', whichever is earlier''; and

(6) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

''(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

''(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood, including the fact that the initial regular payments are for a specific time period that will end on a certain date, that payments will adjust afterwards potentially to a higher amount, and that there is no guarantee that the borrower will be able to refinance to a lower amount.

''(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

''(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in

connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

''(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

''(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

''(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

''(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

''(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''not less than $400 or greater than $4,000''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting ''or section 128(b)(2)(C)(ii),'' after ''128(a),''; and

(B) by inserting ''or section 128(b)(2)(C)(ii)'' before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 2503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(b) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

TITLE VI—VETERANS HOUSING MATTERS

SEC. 2601. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 2602. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

''§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of title 38, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of title 38, United States Code, is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of title 38, United States Code, is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of title 38, United States Code, is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans'' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of title 38, United States Code, is amended to read as follows:

''§2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A of such title is amended to read as follows:

''§2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of title 38, United States Code, is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 2603. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 2604. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 2605. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''; and

(3) by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 2606. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 2602(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 2607. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 2602(a) of this Act), who reside with family members on a permanent basis.

SEC. 2608. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting ''or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts'' before ''may not be considered''.

SEC. 2609. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

''(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.''.

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the ''Small Public Housing Authorities Paperwork Reduction Act''.

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following:

''(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

''(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

''(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

''(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

''(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

''(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 550 or fewer.

''(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency, and does not have a failing score under the section 8 Management Assessment Program during the prior 12 months.''.

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

''(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

''(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

''(f) PUBLIC HEARINGS.—''; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

''(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

''(i) to discuss any changes to the goals, objectives, and policies of the agency; and

''(ii) to invite public comment regarding such changes.

''(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

''(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

''(ii) publish a notice informing the public that—

''(I) the information is available as required under clause (i); and

''(II) a public hearing under subparagraph (A) will be conducted.''.

TITLE VIII—FORECLOSURE RESCUE FRAUD PROTECTION

SEC. 2801. SHORT TITLE.

This title may be cited as the ''Foreclosure Rescue Fraud Act of 2008''.

SEC. 2802. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term ''foreclosure consultant''—

(A) means a person who makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, for gain, or who performs, for gain, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State;

(iii) a housing counseling agency approved by the Secretary;

(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(v) a Federal credit union or a State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

(vi) an insurance company organized under the laws of any State.

(3) HOMEOWNER.—The term ''homeowner'', with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term ''loan servicer'' has the same meaning as the term ''servicer'' in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) 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 (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term ''residential real property'' has the meaning given the term ''dwelling'' in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 2803. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed, in a clear and conspicuous manner, to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business-day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: ''You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.''.

(B) The contract is written in the principal language used to solicit or market the services to the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading ''Notice of Cancellation'' in boldface type; and

(B) contains in boldface type the following statement:

''You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

''To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

''I hereby cancel this transaction on [insert date] [insert homeowner signature].''.

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 2804. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading ''Notice Required by Federal Law'' in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: ''Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [_____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569–4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance.'' (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively).

SEC. 2805. CIVIL LIABILITY.

(a) IN GENERAL.—Any foreclosure consultant who fails to comply with any provision of section 2803 or 2804 with respect to any other person shall be liable to such person in an amount equal to the greater of—

(1) the amount of any actual damage sustained by such person as a result of such failure; or

(2) any amount paid by the person to the foreclosure consultant.

(b) CLASS ACTIONS PROHIBITED.—No Federal court may certify a civil action under subsection (a) as a class action under rule 23 of the Federal Rules of Civil Procedure.

SEC. 2806. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall be treated as a violation of a rule defining an unfair or deceptive act

or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 2803 and 2804 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 2803 or 2804, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 2805 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 2803 or 2804, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 2803 or 2804 that is alleged in that complaint.

SEC. 2807. LIMITATION.

No violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall provide grounds for the halt, delay, or modification of a foreclosure process or proceeding.

SEC. 2808. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

DIVISION C—TAX-RELATED PROVISIONS

SECTION 3000. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the ''Housing Assistance Tax Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—HOUSING TAX INCENTIVES

Subtitle A—Multi-Family Housing

PART I—LOW-INCOME HOUSING TAX CREDIT

SEC. 3001. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009—

''(i) the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20, and

''(ii) the dollar amount in effect under subparagraph (C)(ii)(II) for such calendar year (after any increase under subparagraph (H)) shall be increased by an amount equal to 10 percent of such dollar amount (rounded to the next lowest multiple of $5,000).''.

SEC. 3002. DETERMINATION OF CREDIT RATE.

(a) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—Subsection (b) of section 42 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—In the case of any new building—

''(A) which is placed in service by the taxpayer after the date of the enactment of this paragraph and before December 31, 2013, and

''(B) which is not federally subsidized for the taxable year,

the applicable percentage shall not be less than 9 percent.''.

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking '', or any below market Federal loan,''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking ''BALANCE OF LOAN OR'' in the heading thereof,

(ii) by striking ''loan or'' in the matter preceding clause (i), and

(iii) by striking ''subsection (d)—'' and all that follows and inserting ''subsection (d) the proceeds of such obligation.''.

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking ''or below market Federal loan'' in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking ''or loan (when issued or made)'' and inserting ''(when issued)'', and

(II) by striking ''the proceeds of such obligation or loan'' and inserting ''the proceeds of such obligation'', and

(iii) by striking '', and such loan is repaid,'' in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3003. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (g), is amended by adding at the end the following new clause:

''(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.''.

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking ''10 percent'' in subclause (I) and inserting ''20 percent'', and

(B) by striking ''$3,000'' in subclause (II) and inserting ''$6,000''.

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking ''if subsection (e)(3)(A)(ii)(II)'' and all that follows and inserting ''if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.''.

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking ''10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of'' and inserting ''the sum of—

''(I) 25 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $15,000,000, plus

''(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of''.

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

''(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a Federally funded grant.''.

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (g)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) EXCEPTION TO 10-YEAR NONACQUISITION PERIOD FOR EXISTING BUILDINGS APPLICABLE TO FEDERALLY- OR STATE-ASSISTED BUILDINGS.—Paragraph (6) of section 42(d) is amended to read as follows:

''(6) CREDIT ALLOWABLE FOR CERTAIN BUILDINGS ACQUIRED DURING 10-YEAR PERIOD DESCRIBED IN PARAGRAPH (2)(B)(ii).—

''(A) IN GENERAL.—Paragraph (2)(B)(ii) shall not apply to any Federally- or State-assisted building.

''(B) BUILDINGS ACQUIRED FROM INSURED DEPOSITORY INSTITUTIONS IN DEFAULT.—On application by the taxpayer, the Secretary may waive

paragraph (2)(B)(ii) with respect to any building acquired from an insured depository institution in default (as defined in section 3 of the Federal Deposit Insurance Act) or from a receiver or conservator of such an institution.

''(C) FEDERALLY- OR STATE-ASSISTED BUILDING.—For purposes of this paragraph—

''(i) FEDERALLY-ASSISTED BUILDING.—The term 'Federally-assisted building' means any building which is substantially assisted, financed, or operated under section 8 of the United States Housing Act of 1937, section 221(d)(3), 221(d)(4), or 236 of the National Housing Act, or section 515 of the Housing Act of 1949 (as such Acts are in effect on the date of the enactment of the Tax Reform Act of 1986).

''(ii) STATE-ASSISTED BUILDING.—The term 'State-assisted building' means any building which is substantially assisted, financed, or operated under any State law similar in purposes to any of the laws referred to in clause (i).''.

(g) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking ''the later of—'' and all that follows and inserting ''the date the building was last placed in service,''.

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REHABILITATION REQUIREMENTS.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply with respect to housing credit dollar amounts allocated after the date of the enactment of this Act.

(B) BUILDINGS NOT SUBJECT TO ALLOCATION LIMITS.—To the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, the amendments made by subsection (b) shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3004. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT'S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking ''(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)'' and inserting ''(as of the date which is 1 year after the date that the allocation was made)''.

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

''(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

''(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

''(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

''(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

''(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''.

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

''(ix) the energy efficiency of the project, and

''(x) the historic nature of the project.''.

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or''.

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.''.

(g) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—Subsection (c) of section 42 is amended by adding at the end the following new paragraph:

''(3) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—

''(A) IN GENERAL.—A building which meets the requirements of subparagraph (B) shall not fail to be treated as a qualified low-income building solely because occupancy in such building is restricted to individuals who have special needs, share a common occupation or common interests, or are members of a specified group based on Federal, State, or local programs or requirements.

''(B) BASIC PUBLIC USE REQUIREMENTS.—A building meets the requirements of this subparagraph if—

''(i) such building is used consistent with housing policy governing non-discrimination as evidenced by rules and regulations of the Department of Housing and Urban Development,

''(ii) occupancy in such building is not restricted on the basis of membership in a social organization or on the basis of employment by specific employers, and

''(iii) such building is not part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically handicapped.''.

(h) GAO STUDY REGARDING MODIFICATIONS TO LOW-INCOME HOUSING TAX CREDIT.—Not later than December 31, 2012, the Comptroller General of the United States shall submit to Congress a report which analyzes the implementation of the modifications made by this subtitle to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986. Such report shall include an analysis of the distribution of credit allocations before and after the effective date of such modifications.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

(6) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—The amendment made by subsection (g) shall apply to buildings placed in service before, on, or after the date of the enactment of this Act.

SEC. 3005. TREATMENT OF MILITARY BASIC PAY.

(a) IN GENERAL.—Subparagraph (B) of section 142(d)(2) (relating to income of individuals; area median gross income) is amended—

(1) by striking ''The income'' and inserting the following:

''(i) IN GENERAL.—The income'', and

(2) by adding at the end the following:

''(ii) SPECIAL RULE RELATING TO BASIC HOUSING ALLOWANCES.—For purposes of determining income under this subparagraph, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded with respect to any qualified building.

''(iii) QUALIFIED BUILDING.—For purposes of clause (ii), the term 'qualified building' means any building located—

''(I) in any county in which is located a qualified military installation to which the number of members of the Armed Forces of the United States assigned to units based out of such qualified military installation, as of June 1, 2008, has increased by not less than 20 percent, as compared to such number on December 31, 2005, or

''(II) in any county adjacent to a county described in subclause (I).

''(iv) QUALIFIED MILITARY INSTALLATION.—For purposes of clause (iii), the term 'qualified military installation' means any military installation or facility the number of members of the Armed Forces of the United States assigned to which, as of June 1, 2008, is not less than 1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) determinations made after the date of the enactment of this Act and before January 1, 2012, in the case of any qualified building (as defined in section 142(d)(2)(B)(iii) of the Internal Revenue Code of 1986)—

(A) with respect to which housing credit dollar amounts have been allocated before the date of the enactment of this Act, or

(B) with respect to buildings placed in service before such date of enactment, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued before such date of enactment, and

(2) determinations made after the date of enactment of this Act, in the case of qualified buildings (as so defined)—

(A) with respect to which housing credit dollar amounts are allocated after the date of the enactment of this Act and before January 1, 2012, or

(B) with respect to which buildings placed in service after the date of enactment of this Act and before January 1, 2012, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date of enactment and before January 1, 2012.

PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES

SEC. 3007. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

''(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d), such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

''(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

''(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

''(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

''(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.''.

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting ''or such financing is refunded as described in section 146(i)(6)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 3008. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS

SEC. 3009. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 3008, is amended by adding at the end the following new subparagraph:

''(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

''(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

''(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

''(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

''(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

''(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

''(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 3010. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

Subtitle B—Single Family Housing

SEC. 3011. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $8,000.

''(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$4,000' for '$8,000'.

''(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $8,000.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $75,000 ($150,000 in the case of a joint return), bears to

''(ii) $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person related to the person acquiring it, and

''(ii) the basis of the property in the hands of the person acquiring it is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or

707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

''(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

''(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

''(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

''(3) the taxpayer is a nonresident alien, or

''(4) the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

''(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

''(f) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such credit for each taxable year in the recapture period.

''(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

''(A) the tax imposed by this chapter for the taxable year of such disposition or cessation, shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

''(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

''(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

''(4) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (2) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(6) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

''(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before April 1, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period and inserting '', and'' and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

''(W) section 36(f) (relating to recapture of homebuyer credit).''.

(2) Section 6211(b)(4)(A) is amended by striking ''34,'' and all that follows through ''6428'' and inserting ''34, 35, 36, 53(e), and 6428''.

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting '', 36,'' after ''section 35''.

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. First-time homebuyer credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 3012. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(8) REAL PROPERTY TAX DEDUCTION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(i) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(ii) $500 ($1,000 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.

''(B) EXCEPTION.—The real property tax deduction shall not be allowed in the case of a taxpayer living in a jurisdiction in which the rate of tax for all residential real property taxes is increased, net of any tax rebates, through rate increases or the repeal or reduction of otherwise applicable deductions, credits, or offsets, at any time after the date of the enactment of this paragraph and before December 31, 2008. This subparagraph shall not apply in the case of a jurisdiction in which the rate of tax for all residential real property taxes is increased pursuant to an equalization policy in effect before the date of the enactment of this paragraph or as a result of any votes of the residents of such jurisdiction to increase funding for pre-school, primary, secondary, or higher education.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—General Provisions

SEC. 3021. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $11,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the State ceiling applicable to the State for calendar year 2008, determined without regard to this paragraph, and

''(ii) the denominator of which is the sum of the State ceilings determined under clause (i) for all States.

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

''(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

''(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

''(B) to issue any bond after calendar year 2010.''.

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3022. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

''(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

''(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

''(II) a qualified mortgage bond (as defined in section 143(a)), or

''(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.''.

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

''(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,''.

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and''.

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 3023. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'' and by adding at the end the following new clause:

''(iv) subject to subparagraph (E), any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this clause and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).''.

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

''(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 3024. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

''(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

''(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

''(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

''(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

''(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

''(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

''(B) the transferee's agent.''.

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

''(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

''(A) if—

''(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

''(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

''(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.''.

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

''(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

''(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

''(B) in the case of—

''(i) any transferor's agent—

''(I) such agent has actual knowledge that such affidavit is false, or

''(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

''(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.''.

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

''(2) FAILURE TO FURNISH NOTICE.—

''(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

''(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.''.

(C) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking ''OR TRANSFEREE'S AGENTS'' and inserting '', TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 3025. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking ''section 168(h)'' and inserting ''section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

SEC. 3026. EXTENSION OF SPECIAL RULE FOR MORTGAGE REVENUE BONDS FOR RESIDENCES LOCATED IN DISASTER AREAS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended—

(1) by striking ''December 31, 1996'' and inserting ''May 1, 2008'', and

(2) by striking ''January 1, 1999'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after May 1, 2008.

TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS

Subtitle A—Foreign Currency and Other Qualified Activities

SEC. 3031. REVISIONS TO REIT INCOME TESTS.

(a) FOREIGN CURRENCY GAINS NOT GROSS INCOME IN APPLYING REIT INCOME TESTS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

''(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—

''(1) IN GENERAL.—For purposes of this part—

''(A) passive foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(2), and

''(B) real estate foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(3).

''(2) REAL ESTATE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'real estate foreign exchange gain' means—

''(A) foreign currency gain (as defined in section 988(b)(1)) which is attributable to—

''(i) any item of income or gain described in subsection (c)(3),

''(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

''(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)),

''(B) section 987 gain attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

''(i) subsection (c)(3) for the taxable year, and

''(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

''(C) any other foreign currency gain as determined by the Secretary.

''(3) PASSIVE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'passive foreign exchange gain' means—

''(A) real estate foreign exchange gain,

''(B) foreign currency gain (as defined in section 988(b)(1)) which is not described in subparagraph (A) and which is attributable to—

''(i) any item of income or gain described in subsection (c)(2),

''(ii) the acquisition or ownership of obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

''(iii) becoming or being the obligor under obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), and

''(C) any other foreign currency gain as determined by the Secretary.

''(4) EXCEPTION FOR INCOME FROM SUBSTANTIAL AND REGULAR TRADING.—Notwithstanding this subsection or any other provision of this part, any section 988 gain derived by a corporation, trust, or association from engaging in substantial and regular trading or dealing in securities (as defined in section 475(c)(2)) shall constitute gross income which does not qualify under paragraph (2) or (3) of subsection (c). This paragraph shall not apply to income which does not constitute gross income by reason of subsection (c)(5)(G).''.

(b) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

''(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

''(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item of income or gain described in paragraph (2) or (3) (or any property which generates such income or gain), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).''.

(c) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5), as amended by the Heartland, Habitat, Harvest, and Horticulture Act of 2008, is amended by adding at the end the following new subparagraph:

''(J) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—To the extent necessary to carry out the purposes of this part, the Secretary is authorized to determine, solely for purposes of this part, whether any item of income or gain which—

''(i) does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income, or

''(ii) otherwise constitutes gross income not qualifying under paragraph (2) or (3) may be considered as gross income which qualifies under paragraph (2) or (3).''.

SEC. 3032. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting ''(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)'' after ''such requirements''.

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 3031(c), is amended by adding at the end the following new subparagraph:

''(K) CASH.—If the real estate investment trust or its qualified business unit (as defined in section 989) uses any foreign currency as its functional currency (as defined in section 985(b)), the term 'cash' includes such foreign currency but only to the extent such foreign currency—

''(i) is held for use in the normal course of the activities of the trust or qualified business unit which give rise to items of income or gain described in paragraph (2) or (3) of subsection (c) or are directly related to acquiring or holding assets described in subsection (c)(4), and

''(ii) is not held in connection with an activity described in subsection (n)(4).''.

SEC. 3033. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

''(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over''.

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

''(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;''.

Subtitle B—Taxable REIT Subsidiaries

SEC. 3041. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended—

(1) by striking ''20 percent'' and inserting ''25 percent'', and

(2) by striking ''REIT subsidiaries'' and all that follows, and inserting ''REIT subsidiaries,''.

Subtitle C—Dealer Sales

SEC. 3051. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

SEC. 3052. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

Subtitle D—Health Care REITs

SEC. 3061. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

''(ii) employs individuals working at such facility or property located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property

pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

Subtitle E—Effective Dates

SEC. 3071. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendments made by section 3031(a) and (c) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 3031(b) shall apply to transactions entered into after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 3033(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 3033(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

Subtitle A—General Provisions

SEC. 3081. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) is amended by adding at the end the following new paragraph:

''(4) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply—

''(i) no additional depreciation shall be allowed under paragraph (1) for any eligible qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply,

''(ii) the applicable depreciation method used under this section with respect to such eligible qualified property shall be the straight line method rather than the method that would otherwise be used, and

''(iii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

''(i) the limitation under section 38(c), and

''(ii) the limitation under section 53(c).

''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

''(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

''(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

''(ii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iii), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

''(iii) APPLICABLE LIMITATION.—For purposes of clause (ii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

''(I) $30,000,000, or

''(II) 6 percent of the sum of the amounts determined with respect to the taxpayer under clauses (ii) and (iii) of subparagraph (E).

''(iv) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iii).

''(D) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

''(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(ii) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

''(iii) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

''(E) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

''(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

''(I) from taxable years beginning before January 1, 2006, and

''(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

''(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006. For purposes of the preceding sentence, credits shall be treated as allowed on a first-in, first-out basis.

''(F) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

''(G) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (E)) may be revoked only with the consent of the Secretary.

''(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.''.

(b) APPLICATION TO CERTAIN AUTOMOTIVE PARTNERSHIPS.—

(1) IN GENERAL.—If an applicable partnership elects the application of this subsection—

(A) the partnership shall be treated as having made a payment against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any applicable taxable year of the partnership in the amount determined under paragraph (3),

(B) in the case of any eligible qualified property placed in service by the partnership during any applicable taxable year—

(i) section 168(k) of such Code shall not apply in determining the amount of the deduction allowable to the partnership or any partner with respect to such property under section 168 of such Code,

(ii) the applicable depreciation method used by the partnership or any partner under such section with respect to such property shall be the straight line method rather than the method that would otherwise be used,

(C) no election may be made under section 168(k)(4) of such Code with respect to the partnership, and

(D) the amount of the credit determined under section 41 of such Code for any applicable taxable year with respect to the partnership shall be reduced by the amount of the deemed payment under subparagraph (A) for the taxable year.

(2) TREATMENT OF DEEMED PAYMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, the Secretary of the Treasury or his delegate shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the applicable partnership or any partner but shall refund such payment to the applicable partnership.

(B) NO INTEREST.—The payment described in paragraph (1) shall not be taken into account in determining any amount of interest under such Code.

(3) AMOUNT OF DEEMED PAYMENT.—The amount determined under this paragraph for any applicable taxable year shall be the least of the following:

(A) The amount which would be determined for the taxable year under section 168(k)(4)(C)(i) of the Internal Revenue Code of 1986 (as added by the amendments made by this section) if an election under such section were in effect with respect to the partnership.

(B) The amount of the credit determined under section 41 of such Code for the taxable year with respect to the partnership.

(C) $30,000,000, reduced by the amount of any payment under this subsection for any preceding taxable year.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE PARTNERSHIP.—The term ''applicable partnership'' means a domestic partnership that—

(i) was formed effective on August 3, 2007, and

(ii) will produce in excess of 675,000 automobiles during the period beginning on January 1, 2008, and ending on June 30, 2008.

(B) APPLICABLE TAXABLE YEAR.—The term ''applicable taxable year'' means any taxable year during which eligible qualified property is placed in service.

(C) ELIGIBLE QUALIFIED PROPERTY.—The term ''eligible qualified property'' has the meaning given such term by section 168(k)(4)(D) of the Internal Revenue Code of 1986 (as added by the amendments made by this section).

(c) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, as amended by this Act, is amended—

(1) by inserting ''168(k)(4)(F),'' after ''36,'', and

(2) by inserting '', or due under section 3081(b)(2) of the Housing Assistance Tax Act of 2008'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 31, 2008.

SEC. 3082. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

Subtitle B—Revenue Offsets

SEC. 3091. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

''(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

''(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable transactions are made, and

''(2) the gross amount of the reportable transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

''(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'payment settlement entity' means—

''(A) in the case of a payment card transaction, the merchant acquiring bank, and

''(B) in the case of a third party network transaction, the third party settlement organization.

''(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

''(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

''(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

''(A) AGGREGATED PAYEES.—In any case where reportable transactions of more than one participating payee are settled through an intermediary—

''(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

''(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

''(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

''(c) REPORTABLE TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction' means any payment card transaction and any third party network transaction.

''(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

''(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PARTICIPATING PAYEE.—

''(A) IN GENERAL.—The term 'participating payee' means—

''(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

''(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

''(B) EXCLUSION OF FOREIGN PERSONS.—To the extent provided by the Secretary in regulations or other guidance, such term shall not include any foreign person.

''(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

''(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

''(A) one or more issuers of such cards,

''(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

''(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

''(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

''(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

''(B) which provides for standards and mechanisms for settling such transactions,

''(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

''(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall not be required to report any information under subsection (a) with respect to third party network transactions of any participating payee if the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions does not exceed $10,000 and the aggregate number of such transactions does not exceed 200.

''(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) the gross amount of payments made to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

''(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.''.

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking ''or'' at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking ''and'' at the end of clause (xxi), as redesignated by subparagraph (B) and inserting ''or'', and

(D) by adding at the end the following:

''(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and''.

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by striking ''or'' at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting '', or'', and by inserting after subparagraph (CC) the following:

''(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).''.

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following new subparagraph:

''(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

''Sec. 6050W. Returns relating to payments made in settlement of payment card transactions.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

SEC. 3092. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

''(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

''(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

''(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

''(ii) the period such property was owned by the taxpayer.

''(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2009) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

''(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

''(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

''(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

''(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

''(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

''(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

''(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2008.

SEC. 3093. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$50''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$500,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$75''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking ''$150,000'' and inserting ''$1,000,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$100,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$250,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking ''$100,000'' and inserting ''$500,000''.

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking ''$100'' and inserting ''$250''.

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$100'', and

(2) by striking ''$100,000'' and inserting ''$500,000''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 3094. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month) is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SEC. 3095. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month) is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SEC. 3096. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651, as amended by section 303(a) of the Heroes Earnings Assistance and Relief Tax Act of 2008, is amended by striking ''$135'' in the last sentence and inserting ''$225''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

Resolved further, That on July 8, 2008, the Senate concurs in the House amendments, striking titles VI through XI, to the Senate amendment to the aforesaid bill;

Resolved further, That on July 11, 2008, the Senate disagrees to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to the aforesaid bill.

ORDER FOR MEASURE TO BE READ THE FIRST TIME—S. 3268

Mrs. BOXER. Mr. President, I ask unanimous consent that S. 3268, Stop Excessive Energy Speculation Act of 2008, to be introduced by the majority leader today, Tuesday, July 15, notwithstanding an adjournment of the Senate on that day, be considered to have received a first reading, and that the RECORD remain open today until 8:30 p.m. for that purpose.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 16, 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow, July 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to an hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; I further ask that following morning business, the Senate resume consideration of S. 2731, the Global AIDS legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mrs. BOXER. Mr. President, tomorrow, the Senate will resume consideration of the Global AIDS bill. Senators

should expect rollcall votes throughout the day as we work to complete this important legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Wednesday, July 16, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

THOMAS J. MADISON, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE RICHARD CAPKA.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

BEVERLY ALLEN, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013. (REAPPOINTMENT)

DONALD H. DYAL, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE GAIL DALY, TERM EXPIRING.

JEFFREY B. RUDMAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE HARRY ROBINSON, JR., TERM EXPIRING.

THE JUDICIARY

TIMOTHY G. DUGAN, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN, VICE RUDOLPH T. RANDA, RETIRING.

DEPARTMENT OF JUSTICE

MICHAEL G. CONSIDINE, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE KEVIN J. O'CONNOR, RESIGNED.

BENTON J. CAMPBELL, OF NEW JERSEY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE ROSLYNN R. MAUSKOPF, RESIGNED.

A. BRIAN ALBRITTON, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE PAUL I. PEREZ, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID REID MURTAUGH, OF INDIANA, TO BE DEPUTY DIRECTOR FOR STATE, LOCAL, AND TRIBAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE SCOTT M. BURNS.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL HEIDI V. BROWN
COLONEL JOHN A. DAVIS
COLONEL EDWARD P. DONNELLY, JR.
COLONEL KAREN E. DYSON
COLONEL ROBERT S. FERRELL
COLONEL STEPHEN G. FOGARTY
COLONEL MICHAEL X. GARRETT
COLONEL THOMAS A. HARVEY
COLONEL THOMAS A. HORLANDER
COLONEL PAUL J. LACAMERA
COLONEL SEAN B. MACFARLAND
COLONEL KEVIN W. MANGUM
COLONEL ROBERT M. MCCALEB
COLONEL COLLEEN L. MCGUIRE
COLONEL HERBERT R. MCMASTER, JR.
COLONEL AUSTIN S. MILLER
COLONEL JOHN M. MURRAY
COLONEL RICHARD P. MUSTION
COLONEL CAMILLE M. NICHOLS
COLONEL JOHN R. O'CONNOR
COLONEL LAWARREN V. PATTERSON
COLONEL GUSTAVE F. PERNA
COLONEL WARREN E. PHIPPS, JR.
COLONEL GREGG C. POTTER
COLONEL NANCY L. S. PRICE
COLONEL EDWARD M. REEDER, JR.
COLONEL ROSS E. RIDGE
COLONEL JESS A. SCARBROUGH
COLONEL MICHAEL H. SHIELDS
COLONEL JEFFOREY A. SMITH
COLONEL LESLIE C. SMITH
COLONEL JEFFREY J. SNOW
COLONEL KURT S. STORY
COLONEL KENNETH E. TOVO
COLONEL STEPHEN J. TOWNSEND
COLONEL JOHN UBERTI
COLONEL THOMAS S. VANDAL
COLONEL BRYAN G. WATSON
COLONEL JOHN F. WHARTON
COLONEL MARK W. YENTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

EXTENSIONS OF REMARKS

THE PRIVATE CALENDAR

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. BOUCHER. Madam Speaker, we would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. We hope this might be of some value to the Members of this House, especially our newer colleagues. Of the four House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 27, 1935. When the House recodified its rules in the 106th Congress, this provision was transferred from rule XXIV, clause 6 to rule XV, clause 5.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream; or fourth, those authorizing the correction of a military or naval record. This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XV, clause 5, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained.

Bills un-objected to are considered in the House in the Committee of the Whole. On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection. Such omnibus bills are read by paragraph and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Madam Speaker, we would also like to describe to the newer Members the Official Objectors Committee, the system the House has established to deal with the great volume of Private Bills. The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks. Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six Objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement, adopted on July 10, 2008, the Members of the Private Calendar Objectors Committee have agreed that during the 110th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement. This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Virginia (Mr. BOUCHER), the gentleman from California (Mr. SCHIFF), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Texas (Mr. SMITH), the gentleman from Iowa (Mr. KING), and the gentleman from Virginia (Mr. FORBES).

We feel confident that we speak for our colleagues when we request all Members to enable us to give the necessary advance consideration to private bills by not asking that we depart from the above agreement unless absolutely necessary.

RICK BOUCHER.
ADAM SCHIFF.
RAÚL GRIJALVA.
LAMAR SMITH.
STEVE KING.
RANDY FORBES.

RECOGNIZING MITRE'S 50 YEARS OF SERVICE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments achieved by the MITRE Corporation throughout its 50 years of service to our Nation. MITRE has always been one of the leading research corporations dedicated to tackling the difficult technological issues for the Department of Defense.

MITRE was born in the Lincoln Laboratories of the Massachusetts Institute of Technology (MIT) in July 1958 as a non-profit company designed to provide research for America's air defense systems. 50 years later, MITRE thrives as a defense-oriented Federally Funded Research and Development Center (FFRDC) that provides cutting edge systems including enterprise-wide control, communications, computer, intelligence surveillance and reconnaissance capabilities to the Department.

By providing advanced information technology and engineering systems, MITRE contributes to various areas vital to our Nation's defense. MITRE is known for its leading role in many successful defense systems that secure our Nation from attack, including the SemiAutomatic Ground Environment (SAGE), the Cheyenne Mountain and the NORAD complex, Ballistic Missile Early Warning System

● 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.

(BMEWS), Joint STARS Aircraft and the Joint Tactical Information and Distribution System.

The women and men of MITRE provide their sophisticated skills through times of grave conflict. MITRE personnel have been deployed in the combat zones in Vietnam, Iraq and Afghanistan, and on September 11, 2001, MITRE teams rushed to Ground Zero in New York minutes after the attacks to offer crucial assistance. The 6,000 professionals employed at MITRE are the essence of this company, dedicating their services whenever and wherever at a moment's notice.

Madam Speaker, I commend MITRE Corporation on its 50 year milestone of services. It is an innovative corporation that channels all of its resources to the defense of our Nation. I wish them great success in the years to come.

TRIBUTE TO MR. GERSON I. COOPER

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to pay tribute to Mr. Gerson I. Cooper for his 50 years of service as President and CEO of Botsford Health Care, located in Oakland County, Michigan.

Mr. Cooper has spent the majority of his life working for Botsford Health Care. After 26 years of strong commitment to patients in the community, Mr. Cooper became President and CEO of Botsford Health Care. Following his retirement, Mr. Cooper will take on a new challenge as a leader of a capital campaign in support of Botsford Hospital's new cancer center.

Throughout the years, Mr. Cooper has dedicated his time to improving the community through the Foundation of Youth and Families, a group he helped organize to assist families in need. On a statewide level, he has served on numerous councils and committees, including the Michigan Health and Hospital Association, which advocates for hospitals and patients.

I also want to commend Mr. Cooper on the many awards he has earned recognizing commitment to public service. Just to name a few, Mr. Cooper earned the ''Award of Merit'' from the American Osteopathic Hospital Association, the ''Distinguished Service Award'' from the College of Osteopathic Healthcare Executives, and the ''Meritorious Key Award'' from the Michigan Health and Hospital Association.

Madam Speaker, I want to recognize and thank Mr. Gerson I. Cooper for his many years of dedication to serving Oakland County residents and extend my best wishes.

TRIBUTE TO PETTY OFFICER TYRONE LOGAN

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. DRAKE. Madam Speaker, I rise to recognize the outstanding achievements of Explosive Ordinance Disposal Technician 1st Class (EWS) Tyrone Logan, and commend him on his great devotion to the United States. Named a 2008 U.S. Fleet Forces Command Sea Sailor of the Year by the United States Navy, Petty Officer Logan's dedication and leadership proved him a strong candidate for this extremely competitive award.

Petty Officer Logan is one of six recipients of this prestigious award. Along with the U.S. Navy, the Fleet Reserve Association worked to establish this program in 1972. The esteemed program recognizes the Navy's top Sailors through presentations, awards, and meritorious advancement to the next pay grade.

Serving in both the United States Marine Corps and the United States Navy, Petty Officer Logan has taken a very active role in the defense of our Nation. He has been deployed to such places as Mosul and Baghdad in Iraq, as well as Pakistan and Africa. He has also been awarded various honors including two Navy Achievement Medals and a Purple Heart. Further, Petty Officer Logan's mentorship to colleagues has been noted. These accolades serve as a testament to Petty Officer Logan's strength of character and commitment to our national values.

With this award, Petty Officer Logan has joined an elite group of Sailors who have achieved this goal. I am certain that his incredible accomplishments, dedication to our country and evident leadership talents will continue to speak highly of him, as they do now.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. GRAVES. Madam Speaker, on Monday July 14, 2008 I missed rollcall votes 486, 487, and 488. Had I been present, I would have voted ''aye'' on all three votes.

TRIBUTE TO GEN. T. MICHAEL ''BUZZ'' MOSELEY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. STEARNS. Madam Speaker, I rise today to pay tribute to General T. Michael Moseley for his long and distinguished career in the U.S. Air Force and for his unwavering commitment to his country. After 37 years of honorable service including over 2,800 hours in flight, General Moseley will surely be missed, but his many accomplishments will always be remembered and surely outlast his service.

General Moseley's vast knowledge and understanding of national security policies can be credited to his tenure at Texas A&M acquiring his bachelors and masters degrees in Political Science. In 1971, during his college career, General Moseley enlisted in the Air Force, thus beginning one of the most decorated and honorable careers in Air Force history.

After college, his military education continued. He attended Squadron Officer School, Fighter Weapons Instructor Course, Air Command and Staff College, U.S. Air Force Joint Senior Battle Commander's Course, National War College, and Combined Force Air Component Commander Course during his career.

With the knowledge acquired combined with genuine devotion, General Moseley was an obvious choice for demanding positions involving command. His influence had a positive effect with the F–15 Division of the Air Force Fighter Weapons School at Nellis Air Force Base, Nevada and the 33rd Operations Group at Eglin Air Force Base, Florida. His work with the F–15 was essential to the success the plane had during the wars of the Persian Gulf and Desert Storm. Under his direction as flight and weapons instructor, it was no surprise that the F–15 proved more than formidable with a perfect air to air combat record in the Persian Gulf and in Desert Storm.

His commitment is not constrained to just survival in battle, but for preparing the Air Force for the 21st century On the day of his swearing in, General Moseley laid out his intentions as the Air Force's 18th Chief of Staff. He said, ''We are all going to make it our life's work for you to be proud of us and it is our continued promise that we Airmen will be the best in the world at what we do—dominating air and space.''

General Moseley sought to maintain the prestige the Air Force had inherited throughout the years of superior aeronautical innovations. With his many accomplishments and various recognitions both national and international, General Moseley did exactly what he sought out to do: developing and preparing the Air Force for the new century.

His services include Director Liaison for the Secretary of the Air Force; Deputy Director for Politico-Military Affairs for Asia/Pacific and the Middle East, the Joint Chiefs of Staff; Chief of Staff of the Air Force, and Chair and Professor of Joint and Combined Warfare at the National War College.

General Moseley was greatly admired by his peers, and received various awards for his efforts during his years in service. His awards include Distinguished Service medals with oak leaf clusters, medals for his efforts on Global War on Terrorism, and from foreign countries such as Korea, France, Brazil, and the Republic of Singapore. General Moseley has even been knighted receiving the title of Knight Commander from Queen Elizabeth II sharing this title with others like Presidents Reagan and Eisenhower.

In the 37 years General Moseley gave to the Air Force, the service has grown stronger, prouder, and more prepared for whatever the future holds. As an Air Force veteran and founder of the House Air Force Caucus, I know what a difficult job General Moseley undertook. And I also know what a great and honorable career he had. He deserves the respect and admiration of all Americans. Thank you General Moseley for your dedication, ideals, and service to our country. America is a better and safer place because of General Michael Moseley's service.

TRIBUTE TO TUSKEGEE AIRMAN LEON ''WOODIE'' SPEARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. STARK. Madam Speaker, I rise today to honor Leon ''Woodie'' Spears, a Tuskegee Airman whose death on May 12, 2008 saddened an entire community. Mr. Spears, a resident of Hayward, California, was a member of the legendary African American fighter group known as the Tuskegee Airmen, who flew for the U.S. Army Air Force during World War II. Later in life, he traveled all over the country to speak about his life and inspire people with his ''Dare to Dream'' theme.

Mr. Spears, affectionately known as ''Woodie,'' was born in Colorado in January of 1924. He grew up near the Pueblo Municipal Airport, where he first heard the drone of a plane as a six-year-old and discovered his desire to fly. Overcoming great racial barriers, he gained entry to the Tuskegee Institute in Alabama and became a member of the first African American group of pilots in U.S. military history.

In 1943, he succeeded as a student at Tuskegee and received his flight wings. Mr. Spears flew 51 combat missions in World War II and 17 in the Korean War. He retired as an Army captain. During his career he was awarded the Distinguished Flying Cross, a Purple Heart, several Air Medals and was among the Tuskegee Airmen who received the Congressional Gold Medal from President Bush in 2007. He later served as an ambassador for the Tuskegee Airmen, where he made the elite unit come alive again, even for those who knew nothing of its history.

After retirement from the Air Force, Mr. Spears worked for the U.S. Postal Service for 35 years, and later traveled throughout the country talking about his life and experiences. Last year alone he made 44 appearances.

Leon ''Woodie'' Spears will be long remembered for his patriotism, his enormous courage, his commitment to excellence and his dedicated tours of duty. We owe him a debt of gratitude for being a Tuskegee Airman and for leaving us with a rich history that we shall never forget.

I extend my heartfelt sympathy to Mr. Spears' family. He touched many individuals throughout the country who were fortunate to know him and to learn a vital part of history from his ''Dare to Dream'' lectures. Countless admirers were inspired by his courage and unwavering commitment to service. He will be missed.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. SIRES. Madam Speaker, I would like to state for the record my position on the following votes I missed on July 14, 2008. Had I been present, I would have voted ''yes'' on Rollcall 486 on H. Res. 1067; ''yes'' on Rollcall 487 on H. Res. 1080; and ''yes'' on Rollcall 488 on H. Con. Res. 297.

SUPPORTING THE ORGANIZED RETAIL CRIME ACT OF 2008

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ELLSWORTH. Madam Speaker, I am proud to introduce the Organized Retail Crime Act of 2008 today. I would like to thank my colleague Congressman JIM JORDAN of Ohio for joining me in this effort.

This important legislation seeks to address a growing problem in America: organized retail crime—known as ORC. ORC is a criminal enterprise where thieves obtain retail merchandise through fraud and theft and then sells the goods for profit, often to fund other criminal activities. The Federal Bureau of Investigation estimates that organized retail crime currently accounts for $30 billion in retail losses annually. And the criminals who form and operate these organized crime rings are becoming more sophisticated in the ways they sell their stolen goods to an often unsuspecting public. ORC rings have expanded their base of operation from the streets, flea markets, and pawn shops to the online marketplace where they can break the law with anonymity.

Before I came to Congress, I spent a career fighting crime as a member of the Vanderburgh County Sheriff Department. I arrested two thieves who were running a sophisticated criminal enterprise from the trunk of their car. At a hardware retailer that had several Evansville locations, these two thieves would pay cash for one drill, make copies of the receipt using a copier that they had in the trunk of their car, and then boost the same drills in bulk. Using the fraudulent copied receipts, the thieves would then return the stolen merchandise and receive cash back multiple times over. Today, these thieves may be selling the stolen merchandise online.

This is important because not only does ORC result in substantial losses for retailers, it also has significant consequences for consumers. These criminals often boost products like baby formula, diabetic test strips, and over-the-counter drugs from retailers. Needless to say, they are not interested in the proper storage of these sensitive health products, and as a result, the health and safety of consumers, who unknowingly purchase these products, is often jeopardized. ORC rings also negatively impact the bottom line for consumers because leading American retailers are forced to spend millions of dollars each year conducting loss prevention efforts.

The Organized Retail Crime Act of 2008 is a sensible bill aimed at making ORC a federal crime while establishing common sense disclosure requirements for high-volume sellers on certain online marketplace sites. The online marketplace is a viable place of commerce, and this legislation establishes necessary guidelines on how to thwart illegal activity and protect online consumers.

It is important to note that this legislation contains a specific and narrow definition of the term ''online marketplace.'' An online marketplace will be subject to the bill's requirements only if the site has a contractual right to supervise the activities of its sellers, or if the online site has a financial interest in the sale of goods on its site.

The Organized Retail Crime Act of 2008 requires online auction sites to maintain certain information—name, telephone number, email address, legitimate physical address, and any user identification—of high-volume sellers for three years. The site must also keep records of all transactions conducted by each high-volume seller for this same three year period. A high-volume seller is defined as someone selling more than $12,000 in merchandise annually or more than $5,000 of a specific good. Finally, the high-volume seller is required to conspicuously post its name, telephone number, and legitimate address on the online auction site or instead, may provide this information upon the request of a business that has a reasonable suspicion that goods were acquired through organized retail crime.

These simple and non-intrusive disclosure and recordkeeping requirements make sense. In fact, they are far less intrusive than the information required at pawn shops throughout the country. With over 700,000 people listing online auction sales as their primary or secondary source of income, these basic requirements are critical to ensure that criminals can be brought to justice while preserving the online marketplace for law-abiding citizens.

I look forward to working with Chairman BOBBY SCOTT on this issue, and I commend the Chairman and his colleagues on the Judiciary Subcommittee on Crime, Terrorism and Homeland Security for having the foresight to bring this growing problem to the public's attention through a committee hearing last October.

Madam Speaker, the Organized Retail Crime Act of 2008 is a non-intrusive, common sense bill that aims to dry up avenues for organized retail criminals to sell their stolen merchandise at the expense of retailers and consumers. I urge my colleagues to join Congressman JORDAN and me in supporting this important legislation as a first step toward cracking down on organized retail crime.

TRIBUTE OF LIEUTENANT ROBERT LYNESS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Lieutenant Robert Lyness, a Police Officer of Pleasanton, California, who is retiring on August 8th, after thirty years of exemplary and dedicated public service in law enforcement.

Lt. Lyness began his career in 1977 as a Police Reserve and Cadet with the Fortuna, California, Police Department where he worked as a full time officer until 1980. He was hired by the City of Pleasanton in November 1980.

In August 1995, Lt. Lyness was promoted to the rank of Sergeant and then achieved the rank of Lieutenant in January of 2003. His assignments included Detective, Field Training Officer, Investigations Division Supervisor, Arson Response Team Member, Range Master and Canine Manager.

During the span of his career with the Pleasanton Police Department, Lt. Lyness always led by example. He exemplified superior ethical standards, professionalism, and an outstanding work ethic. His organizational skills contributed to the growth of the agency, which

expanded from a few dozen employees to over 150. He cared about the well-being of his co-workers and the image of the Pleasanton Police Department.

Lt. Lyness was tenacious in his work: he solved many crimes after other investigators would have closed the investigation. He would not give up until he was sure that he had exhausted every possible informational source and hunch. He passed these traits to younger generations of investigators and set the standard of excellence in service for which the Pleasanton Police Department is known.

Lt. Robert Lyness has left an indelible mark on the City of Pleasanton and beyond. He is leaving a legacy of community service, leadership, care and dedication. Those who follow in Lt. Lyness' footsteps will always have him to thank for his daily example of what defines a professional police officer. On August 9th there will be a farewell celebration to thank Lt. Lyness for his dedication to public service. I join in applauding him for a job well done.

HONORING ROBERT E. ''ROY'' PARKE

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Robert E. ''Roy'' Parke, who was taken from us on June 5, 2008, at 87 years of age. The man many called Florida's strawberry king and founder of Parkesdale Farms in Dover, Florida, is remembered as a driving force in Florida's strawberry industry.

A native of Northern Ireland, Roy Parke and his family migrated to the United States when he was 5. He attended a one-room school in Pennsylvania, and then served his country in World War II as a sergeant in the 63rd Infantry Division. He founded R.E. Parke & Sons in 1957 with money from a G.I. Bill of Rights loan. Today, the operation has more than 500 acres of berries and vegetables. Roy pioneered the first successful overseas air shipment of strawberries to Europe in 1963, and he was the first to protect strawberries with overhead irrigation. In 1983, Roy was the first inductee into the Florida Strawberry Hall of Fame and was a vocal proponent of the state's strawberry industry.

Roy was someone who I have admired and respected for many years. He was not only a renowned success in his business endeavors, but he was also a prominent leader in his diverse volunteer efforts. The communities of Dover and Plant City will forever bear his imprint and the memory of the ''Strawberry King'' will surely be eternal.

Madam Speaker, my heart aches for Roy's family. He is survived by his wife, Helen; daughters Cheryl Meeks, Sandee Sytsma and Colleen Fulton; sons Bobby Parke and Gary Parke; and numerous nieces, nephews, grandchildren and great-grandchildren. May God bless the Parke family. We shall never forget Roy.

IN RECOGNITION OF DON AND LORRAINE PROVOST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. STARK. Madam Speaker, I along with Ms. LEE rise today to pay tribute to Don and Lorraine Provost, stalwarts of the Oakland community. On August 2, 2008, the 24 Hour Children Center's Annual Scholarship Luncheon will recognize Don and Lorraine's exemplary and legendary contributions and commitment to their community.

This husband and wife team has worked tirelessly to make a positive difference in the lives of others. Don and Lorraine are cofounders and actively involved as President/CEO and Vice President, respectively, of the College Awareness Program (CAP), a community based organization that encourages, recruits and places high school students in historically Black colleges and Universities and other colleges affiliated with the Presbyterian Church. CAP has been in existence since 1993. CAP's activities include College Awareness Night, where students meet with college representatives; Financial Aid Seminars; exposure for high school students to travel to the college and universities to experience the life of a college freshman; and continued support services, which provide an extended support system to students in need. The Don and Lorraine Kennix Provost Scholarship, administered by Stillman College, is an example of the Provost's commitment to insure deserving students are provided an opportunity to attend college.

Don is retired as a Transportation Planner for the State of California. Lorraine is currently the Executive Director of the Alameda County Commission on the Status of Women, which focuses on issues of equity for women and girls. She was instrumental in launching the Junior Commission to allow young girls to fully participate in policy and activities of specific interest to their age group.

Lorraine's contributions include the Commission's Women's Hall of Fame and the Day of Remembrance which focuses on domestic violence, gender and racial equality. She is currently acting moderator of Black Presbyterian Women of Northern California.

Don and Lorraine are longtime political activists and come from a family tradition of activism and social responsibility. They have a myriad of accomplishments to which they can point related to their community advocacy in local, state and national organizations. We are the beneficiaries of Don and Lorraine's activism and are proud to recognize each of them as our longtime mentor and friend.

Their children, Chad and Shani, are following the tradition of their parents who have lead by example. We are proud to join the family, friends and admirers who will pay tribute to Don and Lorraine Provost and recognize and appreciate how much they have given of themselves to help others reach their goals.

HONORING THE RETIREMENT OF ED NUERNBERG

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to my dear friend Ed Nuernberg on the occasion of his retirement from BASF after over 30 years of distinguished service. He is an honorable, decent, and hard working man and I am proud to call him my friend.

Mr. Nuernberg was born in Delevan, Wisconsin, but moved frequently throughout his life. He earned a bachelor degree in science and chemical engineering from Virginia Polytechnic Institute and State University in 1972. It was there that he met his wonderful wife Patty. After he graduated he began his career at Rohm and Haas Corporation, where he worked as a process engineer for 2 years.

As his career progressed, Mr. Nuernberg continually exhibited his intelligence and drive as he contributed to the advancement of numerous aspects of the chemical industry. Mr. Neurnberg began his career at BASF in 1974 as an Operating Technical Supervisor in BASF's Geismar, Louisiana plant. During his second year, he became Superintendent of the Caustic Plant, and soon after he became Superintendent of the Propylene Oxide Plant in Wyandotte, Michigan. Following this post, he temporarily left Downriver to share his skills in a variety of capacities and locations. However, in 1998, Mr. Nuernberg finally returned to Wyandotte where he was named General Manager.

In addition to his fine work at BASF, Mr. Nuernberg joined many community organizations throughout his time in the Downriver area. He has provided great leadership as a board member of the Michigan Chemistry Council, Southern Wayne County Chamber of Commerce, International Wildlife Refuge Alliance, and Southeast Michigan Sustainable Business Forum and as president of the Wyandotte Community Advisory Panel and as a member of the Local Emergency Planning Committee.

I am happy to know that he will be able to continue his work with BASF, as well as his lifelong conservation efforts, as he enjoys managing the beautiful facilities and habitat on Fighting Island. Because of Mr. Nuernberg's efforts to restore the island's habitat, fish, migratory birds and people on both sides of the Detroit River have benefited tremendously.

As Mr. Nuernberg enters his retirement years, I would like to extend my best wishes for a relaxing and enjoyable future with Patty and the rest of his family and friends and thank him for all of his hard work and commitment to BASF Corporation and the Downriver community.

Madam Speaker, I would like to ask that my colleagues join me in commending Ed Nuernberg for leadership in both his corporation and in his community, as we celebrate his 34 years of dedication.

RECOGNIZING THE 100TH ANNIVERSARY OF SOUTH ATLANTIC REGION OF ALPHA KAPPA ALPHA SORORITY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. LEWIS of Georgia. Madam Speaker, it is an honor for me to help celebrate the Centennial Anniversary of Alpha Kappa Alpha Sorority Incorporated. For the past 100 years, the ladies of Alpha Kappa Alpha have served as leaders in the United States and throughout the world. Since their founding in 1908, Alpha Kappa Alpha has been one of the most successful historically Black sororities and continues its strong community work today.

In particular, I would like to recognize the South Atlantic Region of Alpha Kappa Alpha, which includes undergraduate and graduate chapters from the states of Georgia, Florida, and South Carolina. This Region's monumental history includes one of the sorority's original founders, Mrs. Marie Woolfolk Taylor, two former International Presidents, Dr. Mary Shy Scott and Dr. Norma Solomon White and the first honorary member, Mrs. Coretta Scott King.

Today through the leadership of Ms. Ella Springs Jones, current regional director, the ladies of Alpha Kappa Alpha continue to leave their mark in the community. Through programs such as B.R.A.T.S (Brilliant, Responsible, Alert, and Talented Scholars) Program, high school students are provided academic, health and economic support to make their dreams viable and support the growth of the African American community.

Madam Speaker, I extend my deepest gratitude to the women of the Alpha Kappa Alpha Sorority for their service to our communities, in the United States and across the world, on this historic day.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. WELLER of Illinois. Madam Speaker, I was absent on Monday, July 14th due to personal reasons.

If I were present I would have voted, ''aye'' on rollcall vote 486, ''aye'' on rollcall vote 487, and ''aye'' on rollcall vote 488.

HONORING THE BLUE MOUNTAIN LAKE BOAT LIVERY ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. McHUGH. Madam Speaker, it is my pleasure to rise today to celebrate the centennial anniversary of the Blue Mountain Lake Boat Livery. I am proud to represent the Boat Livery and the people of Blue Mountain Lake, which is located in the heart of New York State's majestic Adirondack Park. Likewise, I am pleased to associate myself with the remarks the gentlewoman from New York, Mrs. MALONEY, made to honor the Boat Livery.

Widely regarded as the cleanest lake east of the Mississippi River, Blue Mountain Lake has for over a century been a popular destination for tourists, including urban dwellers wishing to escape the city. In addition, thousands of visitors come through Blue Mountain Lake each year as they travel to other areas of the Adirondack Park.

The Boat Livery of Blue Mountain Lake began operating on August 2, 1908. It has since provided visitors with access to the breathtaking beauty of the Adirondack Mountains and Blue Mountain Lake through the use of an assortment of recreational watercraft. In fact, the Blue Mountain Lake Boat Livery offers visitors the opportunity to enjoy a scenic boat tour on one of three authentic 1916 wooden launches. Other activities guests can enjoy include canoeing, fishing, kayaking, paddle boating, tubing, wakeboarding, and waterskiing.

The Boat Livery's development on Blue Mountain Lake over the last 100 years has been integral to the area's culture and economy, which is largely based on tourism. Accordingly, I now extend my deepest congratulations to the Blue Mountain Lake Boat Livery upon its centennial anniversary.

IN RECOGNITION OF AVIATION SAFETY EXPERT EDWARD K. MILLER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. WOLF. Madam Speaker, I rise today to recognize the distinguished career in aviation and aviation safety of Captain Edward K. Miller of Fairfax County in northern Virginia.

Captain Miller served for 6 years as a U.S. Air Force fighter interceptor pilot during the Korean War era and followed that service as a pilot for United Airlines, retiring in 1990. During his career with United, he became concerned with earthquake and volcanic ash hazards following the eruption of the Mt. St. Helens volcano in Washington State and served as a flight safety volunteer with the Air Line Pilots Association (ALPA).

After his retirement with United, he continued his air safety consulting activities with ALPA, focusing on volcanic ash and aviation safety. He became a recognized worldwide leader in this specialized talent and served on the Natural Hazards Committee chaired by the Office of the Federal Coordinator for Meteorology, which works with the National Oceanic and Atmospheric Administration, the National Weather Service, the U.S. Geological Survey, the Federal Aviation Administration and other related agencies. In cooperation with ALPA, United Airlines, NOAA, NWS, FAA and USGS, earlier this year he was involved in the effort to produce a free volcanic ash aircrew training video for the aviation community.

We salute Captain Miller, who in June retired ''again'' from the aviation community, for his devotion to flight safety in a career that spanned almost six decades, and wish him the best in the future.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ANDREWS. Madam Speaker, I was unavoidably detained from voting on July 14, 2008. Had I been present I would have voted ''yea'' on the following rollcall votes: Nos. 486, 487 and 488.

INTRODUCTION OF THE ''TRANSPORTATION AND HOUSING CHOICES FOR GAS PRICE RELIEF ACT''

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. BLUMENAUER. Madam Speaker, the rapid rise in the price of oil is threatening American families, our economy, and our national security. Gas prices have more than tripled since 2001, taking an ever-larger bite out of the family budget. On average, transportation costs are now Americans' second largest expense after housing. Most economists as well as most American citizens believe that this is a long-term trend, rather than a temporary situation. We've seen the last of the cheap oil on which we've built our economy and our daily lives.

There is no single solution to the complex energy situation we are facing, but we can equip every member of the American family to live better with less oil. The Federal Government can help give families and communities more choices, level the playing field for people who want to be less auto-dependent, and encourage the Federal Government to become a better partner and to lead by example in these efforts.

This is why I am introducing the ''Transportation and Housing Choices for Gas Price Relief Act,'' which will provide consumers with, and educate them about, choices in how they get around and where they live that will reduce their dependence on gasoline. The bill will increase commuter choices and support less oil-dependent forms of transportation, help transit agencies cope with rising fuel prices and improve service to deal with increased demand, assist communities in providing transportation options for their residents, increase the availability of affordable housing near public transportation, and ensure that the Federal Government leads by example on these issues.

At $4.00 a gallon gasoline, most Americans are already changing their daily behaviors to decrease fuel costs: taking fewer trips, keeping their cars tuned, even trading in their gas guzzlers for more fuel-efficient models. More needs to be done to ensure that consumers have transportation and housing options that reduce their reliance on single-occupancy vehicle trips. These transportation options can include public transit, carpooling, biking, walking, and other alternatives. For example, at $4 a gallon gasoline, American families can save $5.6 billion each year on gasoline costs by using transit. Bicycle commuters annually save an average of $1,825 in auto-related costs,

conserve 145 gallons of gasoline, and avoid 50 hours of gridlock traffic. Congress should be a better partner by supporting community efforts to provide these alternatives.

While our options to lower gas prices are limited, this bill recognizes that we can provide immediate relief from high gas prices by providing them choices.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. DAVIS of California. Madam Speaker, due to a travel complication beyond my control, I regretfully was unable to vote on three items of legislation before the House on July 14, 2008. My flight from San Diego, California was cancelled. I did not arrive to Washington, DC, until past the legislative hour.

I would have voted ''yea'' on each of the three bills before the House Monday. They are as follows:

(1) H. Res. 1067—Recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus* (SSN 571) and its significance in the history of both our Nation and the world.

(2) H. Res. 1080—Honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles.

(3) H. Con. Res. 297—Recognizing the 60th anniversary of the integration of the United States Armed Forces.

A BILL TO ENHANCE THE SAFETY OF THE U.S. PASSENGER AIR TRANSPORTATION SYSTEM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. OBERSTAR. Madam Speaker, the bill which Congressman MICA, Congressman COSTELLO, Congressman PETRI and I are introducing today is a first legislative step in reversing the complacency over safety regulation that has set in at the highest levels of the Federal Aviation Administration, FAA.

This legislation is not a silver bullet that will produce a comprehensive solution to problems that have been developing for years, Rather, the legislation deals with several issues that are ripe for action, following an investigation by the Office of Inspector General of the Department of Transportation, DOT IG, and a rejection of some of the DOT IG's recommendations by FAA.

I expect that we will have additional legislation after completion of the comprehensive investigations now underway by the DOT IG, FAA's own special committee, and Congress.

We must also bear in mind that legislation can only go so far in solving the problem. What is most needed is a change in attitude by FAA. Without that change, there will only be grudging, limited compliance with the best designed legislation reforms. If, on the other hand, there is a change in attitude, FAA can use its existing authority to make most of the improvements that are needed.

Madam Speaker, on April 3, the Committee on Transportation and Infrastructure held a hearing that detailed major shortcomings in the FAA's safety oversight of the aviation industry. Our investigation found that one air carrier, with FAA complicity, had allowed at least 117 of its aircraft to fly with passengers in violation of Federal Aviation Regulations, amounting to the most serious lapse in safety I have been aware of at the FAA in the past 23 years. Our investigations led to the discovery of other instances in which inspections were not properly conducted or repairs were not properly made. To ensure safety, it was necessary to ground several hundred airplanes for inspections, resulting in thousands of cancelled flights, and raising serious questions about whether high-ranking officials in the FAA are carrying out their safety responsibilities for the entire industry. Since that April 3 hearing, our investigative staff has been contacted by many other individuals alleging serious breakdowns in FAA's regulatory oversight.

As a result of our hearing, it was clear to me and many of my colleagues that FAA needed to rethink its relationship with the airlines and the other aviation entities that it regulates and be more active in enforcing regulations. There has been a pendulum swing at FAA, away from vigorous enforcement of safety regulations towards a carrier-favorable cozy relationship. That opinion is shared by the DOT IG, as well.

On June 30, 2008, the DOT IG issued a report, Review of FAA's Safety Oversight of Airlines and Use of Regulatory Partnership Programs, noting that it had made several recommendations to the FAA to strengthen its national oversight of air carrier safety. Importantly, the DOT IG recommended that the FAA periodically rotate its flight standards safety inspectors and establish an independent investigative organization to examine safety issues identified by FAA employees. In its response to the DOT IG recommendations, the FAA stated that it did not concur with the recommendation to rotate inspectors and only partially agreed to implement the recommendation to establish an independent organization to investigate FAA employee complaints.

On employee complaints, the FAA's response has been to implement a Safety Issues Report System, SIRS. This process largely duplicates existing hot-lines and does not provide for an independent review outside of FAA's Aviation Safety Organization, which has a long record of not responding adequately to complaints. I find the FAA's response to this very important recommendation to be wholly inadequate.

As the DOT IG aptly stated in its safety report:

> FAA's response is unacceptable. Although FAA stated that it partially agreed with our recommendation, the actions taken do not demonstrate a commitment on FAA's part to address the root causes of the issues we identified. Our work at SWA and NWA identified serious weaknesses in FAA's process for conducting internal reviews, ensuring corrective actions, and protecting employees who report safety concerns. In our view, SIRS merely adds one more process to an already existing internal reporting process within the Aviation Safety Organization that is unequivocally ineffective and possibly even biased against resolving root causes of serious safety lapses.

The FAA's refusal to embrace the DOT IG's recommendation in this regard demonstrates a ''business as usual'' approach to safety. In addition, many FAA aviation safety inspectors have subsequently contacted our Committee and provided evidence of retaliation against them by their local FAA management when they attempt to elevate safety concerns to higher levels of management. FAA is reluctant to investigate whistleblower concerns. The FAA management responsible for safety appears to face an inherent conflict-of-interest when faced with charges of failure in regulatory oversight.

That is why this bill creates an independent Aviation Safety Whistleblower Investigation Office within the FAA, but independent of the Aviation Safety Organization. The Director of the new Office would be charged with receiving safety complaints and information submitted by both FAA employees and employees of certificated entities, investigating them, and then recommending appropriate corrective actions to the FAA. The FAA is directed to respond to the Director's recommendations in writing, including details of any corrective actions taken. Importantly, the bill ensures the Director's independence and protects the identities of employees providing safety information.

In addition, the bill addresses the DOT IG's recommendation to periodically rotate supervisory inspectors to ensure objective FAA air carrier oversight. FAA has not been willing to implement this recommendation. This bill would require that the FAA rotate principal maintenance inspectors between airline oversight offices every 5 years. This will serve as at least a partial countermeasure to ensure that a ''cozy relationship'' does not develop between the regulators and the regulated. In addition, the bill would establish a 2-year ''post-service'' cooling off period for FAA inspectors and supervisors before they are allowed to go to work for the airlines they have been overseeing.

During our April 3 hearing, I was shocked to learn that in its mission statement for aviation safety, FAA has a ''vision'' of ''being responsive to our customers and accountable to the public.'' This suggests that FAA regards the airlines and other companies it regulates as its ''customers.'' This approach is seriously misguided. The ''customers'' of FAA safety programs are the persons who fly on the airplanes FAA regulates. FAA's bedrock responsibility is to ensure that these ''customers'' travel safely. To ensure that passengers remain FAA's number one ''customer,'' the bill directs the FAA to modify its customer service initiative, mission and vision statements to remove references to air carriers or other entities regulated by the Agency as ''customers'' and to clearly state that in regulating safety the only ''customer'' of the Agency is the American traveling public.

Madam Speaker, there is overwhelming evidence in the recommendations, findings and statements of the DOT IG, the Office of Special Counsel, and the very brave FAA whistleblowers that brought these critical safety lapses to our attention that change is sorely needed at the FAA to improve safety. This bill provides a critical first step. We must prod the FAA to again make safety the number one priority and to keep the American public safely flying.

Madam Speaker, this bill is just a start. It will not address all of the issues, because to

do so will require substantial leadership and cultural change within the FAA. However, it is meant to serve notice upon FAA that we will not continue to tolerate the lax environment that has been allowed to develop over the last few years. I urge my colleagues to join me in working to pass this important legislation.

HONORING THE SPECIAL OLYMPICS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. KING of New York. Madam Speaker, today I rise to acknowledge the Special Olympics, an outstanding organization which provides 2.5 million children and adults with intellectual disabilities an opportunity to participate in year-round, Olympic-style, athletic competitions.

July 20, 2008, will mark the Special Olympics' 40th anniversary. Thanks to hard work from thousands of dedicated volunteers, families and athletes, the Special Olympics has grown from its humble beginnings in Eunice Kennedy Shriver's Maryland home to over 200 programs located throughout 180 countries. The Special Olympics provides its athletes with 30 Olympic-style games—varying from alpine skiing to bocce—and includes children as young as 8.

In my home State of New York, the Special Olympics has a great tradition as one of the leading charitable organizations for the intellectually disabled. For this, the New York Special Olympics plays an irreplaceable role in the National Special Olympics Program. Today, New York is home to an astounding 43,000 athletes who participate in over 400 Olympic-style competitions.

The benefits of the Special Olympics go far beyond gold medals. The skills and relationships built during the athletes' participation give them the courage, self-confidence and ability to excel on and off the field. Not only does the Special Olympics serve the athletes, but also families, volunteers and communities who gain respect, tolerance, and understanding for persons with disabilities.

I would like to thank the millions of volunteers, the organization of the Special Olympics and, most importantly, the athletes, for providing the world with an invaluable service.

IN HONOR OF SEAN D. TUCKER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. FARR. Madam Speaker, I rise today to honor Sean D. Tucker, an aerobatic pilot from Salinas, California, who this month joins the Wright Brothers, Neil Armstrong, and Charles Lindbergh in the National Aviation Hall of Fame in Dayton, Ohio.

Tucker started out as a crop duster in the Salinas Valley before transitioning into air show routines, where—despite an early fear of flying—he has over 1,000 performances at more than 400 airshows under his belt. Performing his stunts in his Oracle, a one-seat biplane designed for him by his team, he is regarded as one of the world's top civilian aerobatic pilots, as well as a highly respected ambassador for the sport. In the 20,000 hours of flight time he has logged, Sean has created maneuvers with his plane that have never been replicated by another aerobatic pilot. His innovation and technique have led to numerous titles, including the Championship Air Show Pilots Association Challenge 4 years in a row. Even with his accomplishments, though, his election to the Hall of Fame still took him completely by surprise. Said Tucker, ''I was so stunned I didn't even tell anybody. I'm just this guy who likes flying upside down.''

In addition to performing in front of millions of fans, Tucker founded the Tutima Academy of Aviation Safety, an institution committed to improving the standards of aviation safety in aerobatics as well as aviation in general by teaching seasoned and aspiring pilots the tricks behind completely controlling an aircraft. For his dedication to safety and unique flying style, Tucker has received all of the airshow industry's highest honors, including the privilege of being named one of the Living Legends in Aviation. He is also the only civilian performer ever to be allowed to fly in close formation with the Blue Angels and the Thunderbirds.

Sean wants to continue his craft and be a role model to the community and aviation industry for as long as his body and plane allow; the day after the ceremony he will perform at the Dayton Airshow. Said executive director of the Hall of Fame Ron Kaplan, ''He's a real asset to the aviation community. Overall, he's just a fantastic role model and ambassador for aviation, having performed for years and years for millions of people.'' One of those he has inspired is his son, Eric, who works alongside him on Team Oracle.

Sean, who was selected out of 200 nominees, will be introduced by his close friend, Joe Kittinger, a Vietnam prisoner of war who set a world record for parachuting in 1960.

Madam Speaker, Sean Tucker is being honored by the aviation industry for an esteemed career and unwavering passion to test the boundaries of aerobatics. I wish to join the aviation community and the city of Salinas in honoring his dedication and accomplishments and wish him continued prosperity and safety in the future.

RESOLUTION TO RECOGNIZE ACTIONS OF CHINESE INDIVIDUALS WHO HAVE BROUGHT RELIEF TO VICTIMS OF THE SICHUAN EARTHQUAKE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise to introduce a resolution that recognizes the actions of Chinese individuals and nongovernmental organizations that have brought relief to victims of the Sichuan earthquake. The resolution also recognizes and encourages a potential new era of openness by the Chinese Government.

Following the tragic earthquake in Sichuan Province on May 20, we have heard and read accounts describing the generous response of thousands of individuals and hundreds of NGOs who have raised money, delivered food and tents, and provided direct hands-on assistance to the survivors. Foreign journalists and China's new generation of media have been granted unprecedented access into the earthquake stricken areas and reported on the quake with an intensity and professionalism once thought impossible.

Contrast what has happened in China today with what happened following the Great Tangshan earthquake of 1976. The Chinese Government blocked foreign access and even tried to hide from its own citizens the tragedy that took the loss of more than 250,000 lives.

There are many human rights concerns in China I share with my colleagues. Notwithstanding these concerns, we need to recognize and encourage actions that bring about positive change and plant the seeds of a better civil society. I encourage my colleagues to support this resolution.

MEDGAR EVERS COLLEGE AND THE UNIVERSITY OF THE WEST INDIES UNITE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a July 8, 2008 New York Carib News editorial entitled: ''The Path to Success in Education: University of the West Indies and Medgar Evers College Join Hands.'' The partnership came about as a result of the CARICOM Conference in New York that brought together Caribbean heads of government as well as the titans of the New York City financial community.

Medgar Evers and UWI have existing ties because of the similarity of the populations they serve. ''UWI is a regional university serving the English-speaking Caribbean population and MEC is the college most closely associated with the Caribbean-American community within the CUNY system and the New York City metropolitan area.'' The strong connection between the two universities will be mutually beneficial and it will give UWI, the most prestigious institution of higher learning in the Caribbean, tangible ties to an American university that can give greater opportunities for exchange in both university communities.

TRIBUTE TO ROCHESTER LADY ROCKETS SOCCER TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. SHIMKUS. Madam Speaker, today I rise to honor the Rochester Lady Rockets soccer team on their success in winning the championship game of the Illinois High School Association Class A State tournament.

Kelly Werthwien, Kelcie Kolis, Sarah Wright, Grace Capranica, Marissa Burge, Beth Fitzsimmons, Kellse Sandercock, Amy Shackelford, Jessica Heaton, Jillian Sulcer, Mollie Edgecomb, Kassie McIntyre, Taylor Heissinger, Kelcee Walsh, Amy Cassiday,

Maryssa Bandy, Taylor McDermott, Alecia Mantei, Taryn Butler, Aubrey Heck, Caley Cook and Casey Turner, along with head coach Chad Kutscher, Assistant Coaches Scott Tucker, Andrew Ford and Kristi Coppernoll and Trainer Sara Powless, put together a 16–4–3 season and swept through the sectional tournament en route to their first State championship.

This is the third straight year in which the Lady Rockets reached the State tournament, and the first for Coach Kutscher.

I am very pleased to congratulate the Rochester Lady Rockets on their victory and wish them the best of luck for next season.

TRIBUTE TO BARBARA WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a friend, a constituent, and a distinguished journalist. On June 30, 2008 Barbara Stambaugh Williams retired as editor of the Charleston Post and Courier. Although she will continue to provide weekly columns and serve as editor emeritus, her daily leadership of the paper will be sorely missed.

I first met Barbara when I lived in Charleston, South Carolina in the 1960s and '70s. At that time, I was a young political activist who ran for the State House of Representatives in 1970. Barbara was at that time a reporter for the Charleston News & Courier. In addition, she became the first woman assigned to cover the State Legislature. It was in that role that we first became personally acquainted. It was because of her coverage of that campaign that I came to the favorable attention of John West, who was the winning candidate for governor. In my race for the House, I went to bed election night having been declared a 500-vote winner, but awoke to find that I was a 500-vote loser. When Barbara asked me what happened, I simply responded ''I didn't get enough votes.'' Her reporting of that story precipitated a call to me from Governor-elect West, and he invited me to become the first African American advisor to a sitting South Carolina governor. The rest is history.

Barbara and I continued to cross paths even after I moved to Columbia to join the Governor's administration. I also watched her career with great interest. In 1976, she rose to the position of assistant managing editor of the News & Courier, which was Charleston's morning paper. In 1981, the afternoon paper, The Evening Post, named Barbara its editor. This was historic as she became the first woman in modern times to serve as editor of a major daily newspaper in South Carolina. In 1990, she continued her trailblazing ascent and returned to the News & Courier as its editor.

As was a common trend around the country, the morning and afternoon papers later merged, and in 1991, Barbara became the first editor of the Charleston Post & Courier. Her extraordinary career in journalism spans 47 years, 44 of those with Charleston newspapers.

She is a member of several professional organizations, and in 1992, Barbara served as president of the National Conference of Editorial Writers, which includes newspapers in the United States and Canada. Her numerous awards include the 1962 King Award given to the outstanding newspaperwoman in South Carolina and the 1973 Byliner Award from the Central S.C. Chapter, Society of Professional Journalists, Sigma Delta Chi.

The city of Charleston and the State of South Carolina owe a tremendous debt of gratitude to her for providing decades of insight into the workings of our government and fair-minded opinions of public affairs at the local, state, national and global level. Although her skilled hand will no longer be guiding the Post & Courier on a daily basis, her influence on the newspaper will be felt for generations to come.

Madam Speaker, I ask you and my colleagues to join me in congratulating Barbara Williams on an extraordinary career. This trailblazing journalist has made a lasting impact on her profession and her community. I thank Barbara for her important contributions, and wish her a happy and healthy retirement.

NEW MARKETS TAX CREDIT

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to speak about the New Markets Tax Credit, a vital community development financing tool which is set to expire at the end of this year unless Congress takes action to extend it.

The New Markets Tax Credit was signed into law in 2000 with the goal of using a modest Federal tax credit as an incentive to attract private investment capital to viable urban and rural markets that private investors often overlook—and I am happy to report that the credit has done just that.

As of July 1, 2008, the Treasury Department reported that the credit was responsible for $11 billion in new investment in economically distressed communities across the country.

As a senior member of the House Ways and Means Committee, and Ranking Member of the Select Revenue Measures Subcommittee, I am interested in seeing how Federal tax credits influence investor behavior. I was particularly interested in GAO's findings on the NMTC in 2007 that found 88 percent of NMTC investors surveyed would not have made the investment in the low income community if not for the credit. The report further found that 69 percent of the investors surveyed indicated they had not invested in low income community projects prior to working with NMTC.

These GAO findings are very powerful in my view because they indicate that the $11 billion in low income community investments reported by the Treasury Department would not have occurred were it not for the New Markets Tax Credit.

As I mentioned, the credit was created with a clearly articulated goal: To generate private investment in low income communities by financing business and economic development activity. I am pleased to see that in a relatively short period of time a vibrant New Markets Tax Credit industry including community development organizations and investors has emerged to embrace this goal. In my home State of Pennsylvania, community development organizations have been awarded more than $413 million in NMTC allocations that have been used to finance a range of businesses and economic development projects in some of the State's most economically distressed areas in both urban and rural parts of the State.

For example, in the East Liberty section of Pittsburgh, Pennsylvania, the New Markets Tax Credit was instrumental in preserving the historic Nabisco Bakery building. The Commonwealth Cornerstone Group, a nonprofit created by the Pennsylvania Housing Finance Agency that received a $60 million allocation of credits in 2006 to use throughout the State, used a portion of its allocation to revitalize the Nabisco Bakery building into a mixed use development to house neighborhood retail businesses as well as a 110-room hotel. The project, once complete, will create approximately 1,200 jobs for neighborhood residents.

While I am pleased to point to the Nabisco Bakery project as a prime example of how the credit is being used to revitalize our distressed urban centers, more than 40 percent of my constituents live in rural areas. For this reason, I am pleased to see that the Treasury Department established rules to ensure that rural communities secure a proportional share of the investments generated with the credit. As we know, it is often the isolated rural communities and businesses that face the most significant barriers in terms of attracting outside private capital and the credit would be a powerful tool in bringing private equity capital to rural markets.

I urge my colleagues to join me in supporting an extension of the New Markets Tax Credit which is currently set to expire at the end of this year. Our cities and rural towns stand to benefit greatly from this program and it should be extended.

RECOGNIZING LIFE OF C.H. ''BOOTS'' DUESING

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize the life of C.H. ''Boots'' Duesing who passed on July 6, 2008.

Boots was an entrepreneur whose commitment to his community led to the founding of Graduate Service, Inc. Many high school students in Southwestern Ohio know Graduate Service because it supplies class rings, caps and gowns, and commencement announcements to graduating high school students.

Prior to his business endeavors, Boots graduated from DePauw University and showed his passion for his country by serving in the U.S. Navy Air Corps for a year.

Ohio's Second Congressional District shared Boots and his wife Doris with the citizens of Palisades Park, Michigan, where they spent their summers. Boots established a youth tennis program there which continues to thrive to this day.

Although Boots was active in the community and worked to enrich the lives of those living in the communities he called home, he was most devoted to his family. I am certain that

his wife Doris; daughters Donna, Susie, Nancy, and Linda and his seven grandchildren Kelly, Kevin, Matt, Christine, Jessica, Brett and Bridget, will miss him terribly and remember him fondly. They will definitely recall his ''infectious laugh'' and ''colorful attire.''

While his passing brings sadness to the many lives he touched, his legacy and contributions will be remembered for years to come. I ask my colleagues to join with me in honoring C.H. ''Boots'' Duesing, and offering condolences to his family.

TRIBUTE TO JIM GALE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Jim Gale, a guidance counselor at Algona High School in Algona, Iowa, and to express my appreciation for his years of dedication and commitment to the youth of Iowa.

After graduating from Akron High School and receiving his education degree and master's degree in counseling from South Dakota University, Jim Gale has spent the past 39 years contributing his time and talents to youth development. He began by teaching for 5 years and then counseling for 2 years at a small school in Minnesota before coming to Algona High School as a guidance counselor, where he remained for the past 32 years. Through teaching, counseling, and coaching sports, Jim has touched the lives of thousands of students. Inspired to become a counselor because of the great impact his own counselor had on him while growing up, Jim says the most memorable experience he will take with him is seeing students come in as freshmen and mature into seniors, later becoming mature adults giving back to their communities.

Although his leadership will be missed, Jim Gale has made a lasting impact on the many students and teachers he has worked with over his career, and he plans to continue serving his community through part-time guidance and counseling at schools in the area and other volunteer efforts. I consider it an honor to represent Jim Gale in the United States Congress, and I wish him and his wife Marilyn a long, happy and healthy retirement as they enjoy their grandchildren and continued community involvement.

HONORING LOUISIANA REGION 7 PRINCIPAL OF THE YEAR

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to honor Cooper Knecht, a principal at Herndon Magnet School in Caddo Parish. Knecht was recently awarded the Principal of the Year Award from Louisiana State Department of Education and the State Board of Elementary and Secondary Education. This fall her dedication will rise to new heights as she serves as superintendent for Region 7 schools.

Knecht's designation as Principal of the Year was based on evident collaborative and instructional leadership. Knecht was also appointed according to her community contributions, affiliation with educational organizations, and ability to inspire students to achieve scholastic accomplishments.

Madam Speaker, I ask my colleagues to join me in celebrating the accomplishments of Cooper Knecht. Her dedication to the growth and development of America's future leaders is worthy of applaud. Her leadership is a beneficial element to education in the 5th Congressional District of Louisiana that deserves acknowledgement.

A.J. JUDICE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. POE. Madam Speaker, today I come to pay tribute to a long time cultural icon in Southeast Texas. A.J. Judice was a proud ambassador of his Cajun heritage and used his life to promote and spread their culture across the area. His family started Judice's French Market 80 years ago and introduced Cajun food to the region for the first time. Known for his black beret, white moustache, red scooter, and colorful personality, Judice was truly a Southeast Texas original.

Albin Joseph ''A.J'' Judice, Jr. was born in Port Arthur in 1927. He graduated from Thomas Jefferson High School in 1945, the same year that his beloved Yellow Jackets played for the State championship, he so frequently bragged. He spent 2 years as a Merchant Mariner, allowing him to see the world. His heart and his future, however, belonged in Texas. He married Lois the former senior prom queen in 1948. They had two children in one year, eventually having five in all.

Judice is most recognized as the mascot for the restaurants and grocery stores that have been in his family since the 1920's. His family opened Judice's French Market in 1927 in their single car garage while the family lived above. They moved in the 1930s and settled where they still operate today. A.J. and his mother, ''Maw Maw'' Judice, are credited as being the first store in Texas to sell live crawfish and hot boudain, two staples of any Cajun diet. He was always happy to announce that their seafood ''slept in the Gulf last night.'' They also own Larry's French Market in Groves. Though he passed the stores on to his sons, the caricature of Judice in his apron and beret is still used to advertise the store. Thanks to him, ''crawfish season'' is just as popular as ''football season'' in Southeast Texas.

Judice was known as the ''Crazy Frenchman'' and he definitely lived up to the branding. He helped popularize the sport of Crawfish racing in Southeast Texas, a sport created to celebrate the Cajun lifestyle. In the early 1960's, Texas Governor Preston Smith appointed him as a Texas Crawfish Racing Commissioner. It was then that he coined his famous cheer, ''Hot boudain, and cold cush cush! Come on crawfish, push push push!'' A.J. and his crawfish eventually won the world championship in Breaux Bridge, Louisiana. He was so well known that a 1980's USA Today article spotlighted Judice and his racing mudbugs. CBS news featured him on a cover story after he trained two crawfish to jump out of airplanes. From the smallest local festival to the largest Mardi Gras festivities around, Judice was always visible, playing his triangle ''ding-a-ling'' or dancing to zydeco music. He was full of life and lived every second like it was his last.

Madam Speaker, Mr. A.J. Judice, Jr. was a pioneer in promoting a respect of rural Louisiana history and culture. He enhanced his community of Southeast Texas for 80 years, and I am proud to celebrate his accomplishments and the legacy that he leaves behind.

A TRIBUTE TO MONSIGNOR JOHN MORETTA ON THE OCCASION OF HIS 40TH ANNIVERSARY OF ORDINATION INTO THE PRIESTHOOD AND HIS 25TH ANNIVERSARY AS PASTOR OF RESURRECTION CHURCH IN BOYLE HEIGHTS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to an extraordinary spiritual and civic leader in the Boyle Heights community in the heart of my congressional district.

This year, Monsignor John Moretta is celebrating two significant milestones. It is the 40th anniversary of his ordination into the priesthood and his 25th anniversary serving as the immensely respected and beloved pastor of Resurrection Church in Boyle Heights.

It is my pleasure to tell you more about this remarkable man.

A native Angelino, Monsignor Moretta entered St. John's Seminary, Camarillo, in 1960. After completing Philosophy and Theology studies, he was ordained on April 27, 1968. Since then, he has served in the Archdiocese of Los Angeles as a parish priest in five parishes, the most recent being Resurrection Church. In addition to being an elected member of the Council of Priests, the Monsignor received special recognition within the church on February 2, 1992 when he was invested as a Domestic Prelate to His Holiness with the title of Monsignor.

During Monsignor Moretta's ministry, he has worked primarily in the Spanish-speaking Latino immigrant community. While he provides motivational spiritual guidance to his congregation, Monsignor Moretta is also highly regarded for his extensive community work that extends well beyond the walls of Resurrection Church.

Under his leadership, Resurrection Church offers a broad array of initiatives to improve the lives of families in the community. Among the many examples of his outreach, Monsignor Moretta empowers his parishioners to learn English and become U.S. citizens.

Monsignor Moretta also encourages residents to speak out against crime and pollution in their neighborhoods. For over nine years, as part of the Resurrection Church Neighborhood Watch group, Monsignor Moretta has met with members of the community every week to discuss public safety.

In an effort to address the neighborhood's concerns about crime and gang activity, Monsignor Moretta took the lead in bringing the successful Project CLEAR anti-gang program to Boyle Heights. I remember well when Monsignor Moretta first approached me about obtaining the federal funding needed to start and maintain the program. Monsignor Moretta explained that he was very concerned about our community because he was increasingly attending funeral services for those killed in gang-related violence, including the funerals of innocent bystanders caught in the line of fire.

Today, through intelligence-gathering, visible community patrols, gang-related arrests, and the investigation of gang-related crimes, the officers in the CLEAR Unit are credited with reducing crime in the area. The officers also work closely with school officials to reduce gang activity and local gang-intervention organizations to divert ''at-risk'' youth from gang involvement.

Monsignor Moretta has also led efforts to protect our children and families from a number of projects that raised significant health and safety concerns in the community.

Under his guidance, the Mothers of East Los Angeles (MELA) was formed in the 1980s to bring the community together to protest the building of a state prison. As part of this effort, Monsignor Moretta led 200 Latina mothers on a lobbying mission to Sacramento where they successfully voiced their concerns about the proposed prison with the governor and state legislators.

Ever since then, on behalf of the community's ongoing quest for social and environmental justice, Monsignor Moretta, in coordination with MELA and other local leaders, has worked to ward off other harmful projects. They have been at the forefront of efforts to stop the expansion of a plant that recycles petroleum and battery acids. They joined forces to oppose the siting of a toxic incinerator. And, most recently, they have been organizing to protest the proposed construction of a power plant that will increase toxic emissions in the area.

In addition to environmental causes, Monsignor Moretta and the Mothers of East Los Angeles have joined forces to bring stability and pride to neighborhoods through homeownership. They worked together to make low-income housing units available to area families. They also established the Boyle Heights Resident Homeowners Association and the Mothers of East Los Angeles Home Ownership Center to provide information and resources to help families become first-time homeowners.

Madam Speaker, on the occasions of Monsignor Moretta's 40th Anniversary of ordination and his 25th Anniversary as pastor of Resurrection Church, I ask my colleagues to join me in congratulating Monsignor Moretta—or Father John as the community lovingly refers to him—on both of these significant anniversaries and, above all, in thanking him for his tireless advocacy on behalf of the Boyle Heights community.

BP'S 2008 A+ FOR ENERGY TEACHERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend twenty-five local educators from Northwest Indiana who have been recognized for their outstanding achievements in promoting energy education and conservation through innovative classroom activities. These individuals will be honored as part of BP's A+ for Energy program at a very special luncheon that will take place at the Radisson Star Plaza Hotel in Merrillville, Indiana, on Monday, July 21, 2008.

BP's A+ for Energy program, being offered in Indiana for the second year, recognizes community educators who have gone above and beyond to bring real-world, innovative ideas into our schools, allowing students to become involved in classroom, after-school, extra-curricular, or summer activities that will not only challenge and enrich their lives, but will also teach them the importance of energy conservation.

The twenty-five individuals selected as the winning A+ for Energy teachers, based on their grant submissions, were chosen by two independent panels of experts in the fields of education, science, and the environment. Each recipient will be awarded a cash grant of either $5,000 or $10,000 to take back to their schools, as well as a scholarship to attend a three-day energy training conference sponsored by BP, in partnership with the National Energy Education Development (NEED) Project and the National Renewable Energy Laboratory (NREL). It is estimated that more than 8,400 students will benefit from these grants.

This year's A+ for Energy honorees are: Karen Augustyn of Tolleston Middle School in Gary (Project P.O.W.E.R.—Providing Our World with Energy Resources), Patricia Casella of Jefferson Elementary School in Hammond (Experience Energy! Talk It, Live It, Touch It, Share It), Stanley Casella of Montessori Academy in the Oaks in Hobart (The Elementary Energy News Network), Barbara Cerwinske of Saint John the Evangelist School in Saint John (SJE is Hot About Global Warming), Dr. Charles Costa of the Northwest Indiana Education Service Center in Highland (TREE: Transforming the Region through Energy Enrichment), Edna Crittenden-Gregory of Roosevelt High School in Gary (Energy-Wise Conservation Calendar), Michelle Frantal of Forest Ridge Academy in Schererville (Saving Two by Two), Dana Hoeckelberg of Forest Ridge Academy (The Energy K'Nextion Club), Susan Labovic of Forest Ridge Academy (Now Broadcasting . . . Electricity), Kathryn Midkiff of Gavit Middle/High School in Hammond (Green Circle Project), Mary Moriarty of Gavit Middle/High School (Renewable Energy), Sandra Platt of Lake Central High School in Saint John (Lake Central High School—Blue Goes Green), Thomas Puplava of the Diocese of Gary Catholic Schools in Merrillville (Energy from the Sun), Jill Sayers of Lake Prairie Elementary School in Lowell (Art and the Science of Energy: A Fusing of Concepts), Glenn Smith of Forest Ridge Academy (Super Solar Power at Our Indianapolis 500), Elva Sotello of Whiting Middle School in Whiting (Working for a Joule), Mary Beth Tabaczynski of Edison Elementary School in Hammond (Exploring the Power of the Wind), Georgia Veneziano of Our Lady of Grace School in Highland (Energy Dilemma: The Answer is Blowin' in the Wind), Jay Drew of Portage High School in Portage (The Biology of Alternative Fuels), Monica Hargarten of Liberty Elementary School in Chesterton (Exploring Energy), Lisa Hughes of Saint Patrick School in Chesterton (Solar Energy and the Greenhouse Effect), Angela Reyes of ALLWays Learning Child Development Center in Valparaiso (CampALLWays Energized), Christine Robbins of Hebron Elementary School in Hebron (Today's Students—Tomorrow's Consumers), Jean Sienkowski of Central Elementary School in Valparaiso (The Central Energy Academy), and Melody Winnell of Junior Junction Childcare in Portage (Rain Garden and Solar Greenhouse).

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding, innovative educators on their recognition as BP's 2008 A+ for Energy teachers. Their hard work and creativity have played and will continue to play a major role in shaping the minds and futures of Northwest Indiana's young people, as well as in bringing to the forefront the importance of energy conservation.

HONORING MARIAN ORFEO

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. TIERNEY. Madam Speaker, I rise today to honor Marian Orfeo, a constituent from Lynnfield, Massachusetts and Director of Planning & Coordination with the Massachusetts Water Resources Authority (MWRA), on being named the new President of the National Association of Clean Water Agencies (NACWA). Marian will assume the Presidency at NACWA's Annual Conference, which convenes in Anchorage, Alaska this week.

Ms. Orfeo has served the MWRA in varying capacities for nearly two decades. The MWRA provides wholesale water and sewer services to 2.5 million people in sixty-one communities across eastern and central Massachusetts, including several in the sixth congressional district. As the Director of Planning and Coordination, her responsibilities include long-range planning to construct and renew MWRA's water and wastewater facilities and infrastructure as well as short-term strategic business planning for all agency functions.

Marian also manages the Authority's performance reporting system and is a member of the Steering Committee for the MetroFuture initiative of the Boston Metropolitan Area Planning Council. Over her career, Ms. Orfeo has demonstrated leadership and committed countless hours and tireless energy to efforts dedicated to the improvement of Boston's water quality and public health. As a result, she has earned the trust and respect of her peers, who recognize her as an environmental champion.

Marian Orfeo's public service career predates her twenty years of service with the MWRA. She previously worked for the City of

Boston for sixteen years during which time she was engaged with operations, administration, finance and planning functions. Marian has been an active member of NACWA since 1994 and a Member of its Board of Directors since 2000. She continues to be an ardent advocate for the need to develop a new, holistic approach to the nation's complex 21st century water challenges.

It is appropriate that the House recognize this personal accomplishment of Marian Orfeo. I am confident that NACWA will flourish under her leadership, and I trust that Marian will bring her contagious energy and enthusiasm to the position and help secure NACWA's role as a leading advocate for responsible national policies that advance clean water and a healthy environment.

TRIBUTE TO SILVER LAKE LUTHERAN CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Silver Lake Lutheran Church of Northwood, Iowa, on celebrating its 150th anniversary as a congregation.

On July 20, 1858, twelve families met under a tree in rural Northwood for Silver Lake's first service. Today's congregation still worships in the church built by the original founders. Silver Lake Lutheran Church, which has had several upgrades, is the oldest church in Worth County, Iowa and was moved from its original location. Built by the Silver Lake cemetery, the church was later set on logs and rolled to its new location.

During the Civil War the church faced some difficulties and a split between some church members, but Silver Lake's congregation remained strong in faith and continued to grow despite the struggle. Today, Silver Lake has 226 baptized members, and they support local and international charities with their Mission Endowment program.

Silver Lake Lutheran Church of Northwood is dedicated to benefiting the lives of those in Northwood and the surrounding rural areas, and for this I offer Silver Lake my utmost congratulations and thanks on a prosperous history. It is an honor to represent all the parishioners of Silver Lake and current Pastor Randy Baldwin in the United States Congress, and I wish them continued success, peace, and celebration as a community.

IN MEMORY OF GEORGE THOMAS FITZPATRICK

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of George Thomas Fitzpatrick of Dunn, NC, who passed away on June 8, 2008 at the age of 82. In his passing, North Carolina lost a truly gifted and dedicated educator who was influential and beloved in his community, county, and State.

My dear friend, George Thomas Fitzpatrick, was born in Elyria, OH, in 1925 and was the son of the late Ben and Mary Fitzpatrick. He was the seventh of 11 children. After graduating from high school in Ohio, Reverend Fitzpatrick joined the Army during the midst of World War II. He established a fine military career that included flight training with the Army Air Corps and the Tuskegee Airmen. After bravely serving his country, Reverend Fitzpatrick used the GI Bill to enroll at Fayetteville State University, graduating with a bachelors degree in elementary education. While at Fayetteville State University, he became a member of Omega Psi Phi Fraternity. Reverend Fitzpatrick continued his education, obtaining a masters degree from North Carolina Central University.

While at Fayetteville State University, Reverend Fitzpatrick developed an interest in education. Upon graduation, he accepted a teaching position with the Harnett County School System in Dunn, NC. Not only was Reverend Fitzpatrick an outstanding educator, he coached the men's basketball and football teams. Reverend Fitzpatrick became principal of South Harnett Elementary School in 1968. After a distinguished career in education, Reverend Fitzpatrick retired in 1984.

Reverend Fitzpatrick was not only influential to the community as an educator, but also as a spiritual leader. Being a man of great faith, Reverend Fitzpatrick was called to the ministry in 1964 at Mt. Pisgah Baptist Church. He later became pastor of Piney Grove Original Free Will Baptist Church in Bolivia, NC; Mt. Zion Original Free Will Baptist Church in Wilson, NC; and North East Chapel Original Free Will Baptist Church in Mt. Olive, NC. He formally retired from the pulpit in 2004 after 44 years of service.

Reverend Fitzpatrick is survived by his loving wife of 42 years, Antoinette Fitzpatrick; his children, John Fitzpatrick, Warren Monroe, Barry Monroe, Kevin Monroe, and Michael Fitzpatrick; and his grandchildren.

Madam Speaker, George was someone who influenced the lives of others for the better, but lived simply. Reverend Fitzpatrick loved to hunt and was a member of several summer baseball and softball leagues. He kept a small farm with hogs and chickens. Reverend Fitzpatrick was, above all, a respected and dedicated educator and pastor, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

A TRIBUTE TO TOM LANTOS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. WILSON of South Carolina. Madam Speaker, poet and capitol tour guide Albert C. Caswell has penned a number of heartfelt tributes and recently, he wrote a piece dedicated to Representative Tom Lantos, our friend and colleague, who passed away on February 11, 2008. I was honored to travel with Congressman Lantos and his wife Annette in their native Hungary as a member of the Foreign Affairs Committee and as a Washington neighbor.

FROM OUT OF THE DARKNESS

(By Albert Carey Caswell)

From out of the darkness, as so comes the light!
From out of such evil, as so comes the good into that night . . . as ever there burning bright . . .
From out of a child, who has so witnessed such injustice . . . can so come the battle, can so come the fight!
To witness such darkness, to face such an early dark death!
To carry such horrors, so deep down in ones chest . . . as Satan's warriors aggress . . .
To stand up and fight, to become such a true champion of right . . . as this our world you so bless!
To forge victory, from all of your most noble deeds . . . to have the battle won . . .
To leave your homeland, for but a bright new shining future . . . that you have begun . . .
To witness within your soul, the cost of victory you behold . . . ever ready to fight, for a new day's dawn . . .
To be a crusader for all which is good, for those most noblest of causes. Tom you so would . . .
To fight off the darkness and evil hatred with all your might . . . to bring the light with all that you could!
To be a true champion among men, as is this fine son . . . who has so brought such hope and such good . . .
For the life of Thomas Lantos, is but a magnificent battle as won!
As this great warrior has so endeavored, to fight the good fight . . . when and wherever hatred's begun!
Who as a child, witnessed evil's contempt ever so vile . . . for our Lord's, most precious daughters and sons . . .
When you look, for hatred . . . in these our most trying of times . . .
As there too, you shall ever so find . . . a man of action, who so comes to mind!
To carry that fight, against dark ignorance and hate . . . for human rights, as is his life's mission so fine . . .
As a Father, and as a Husband . . . and truly a great Rhyme . . .
As all throughout his lifetime, Thomas Lantos . . . has took the greatest of stands!
As a great American Hungarian, as an example for hearts to carry on . . . so blessing our heartland
Whenever you walk into that the darkest of all nights . . .
Ever remember my child, that out of your faith, courage and your love . . . but comes the light!
For as long as we have men, who to great heights so ascend . . . than evil shall never so rule the night!

HONORING THE ACCOMPLISHMENTS OF THE UNIVERSITY OF LOUISIANA AT MONROE'S ELEMENTARY EDUCATION PROGRAM

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commend the University of Louisiana at Monroe (ULM) for its recent designation as one of only ten universities in our nation whose elementary education program received full passing marks from National Council on Teacher Quality for its preparation for future mathematics teachers.

As our nation's educators continue to strive to improve and strengthen education in America, the need to ensure our children have a

strong background in mathematics is becoming increasingly important in a generation where breakthroughs in fields such as research and technology are occurring every day.

To keep the United States on the cutting edge of these advancements, we must work to ensure our children are properly prepared from the very first day of their education. Universities such as ULM and the nine other universities acknowledged by the council are surely doing their part to make certain the teachers who complete their programs are ready to meet the challenges of educating the new generation.

Madam Speaker, I ask my colleagues to join me today in honoring the University of Louisiana at Monroe elementary education program and its efforts to produce quality educators in the field of mathematics.

INTRODUCTION OF THE CAPTIVE PRIMATE SAFETY AND DISABLED HUMAN ASSISTANCE ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. YOUNG of Alaska. Madam Speaker, today, I am introducing a bill to assist a remarkable nonprofit humanitarian organization known as Helping Hands.

This organization, which was first established in 1979, has placed 131 specially trained capuchin monkeys in the homes of severely disabled Americans throughout the country at absolutely no cost to the recipient.

While Helping Hands initially received some financial assistance from the National Science Foundation, the Paralyzed Veterans of America and the U.S. Veterans Administration, it has been operating solely on its own since its final government grant in 1994. The purpose of this legislation is not to authorize any government funding for this organization. In fact, it is simply designed to correct what I am sure is an unintended consequence of a bill, H.R. 2964, the Captive Wildlife Safety Act that passed the House of Representatives on June 17, 2008.

The measure I am introducing today is a solution to the problem created by H.R. 2964 which would prohibit the transportation of nonhuman primates across State lines. Since this legislation is pending action in the other body, I have incorporated the text of the Captive Wildlife Safety Act, as passed by the House, in this measure with the modification of allowing the Helping Hands organization to continue to place their service monkeys in the homes of disabled Americans throughout this country. It is a narrowly tailored change that only exempts a nonprofit organization that provides service monkeys to recipients with severe mobility impairment.

Madam Speaker, until my office was recently contacted by a representative of Helping Hands, I was not aware of its existence. I was also not aware that capuchin monkeys were being specifically trained at the Thomas and Agnes Carvel Foundation Center in Boston to help disabled individuals with simple everyday tasks. This training lasts between 18 to 24 months and costs about $10,000 per monkey. It is a remarkable program.

Upon graduation, these trained service monkeys are transported by car and plane from Boston to disabled recipients throughout the United States. The recipients must hold a valid state permit for the nonhuman primate and Helping Hands retains ownership of the service monkey at all times.

For nearly 30 years, this humanitarian organization has provided invaluable assistance to Americans with polio, multiple sclerosis, spinal cord injuries, military veterans who sustained severe injuries in Vietnam and Iraq and people who are paralyzed or live with other severe mobility impairments. The service monkeys perform a variety of tasks including retrieving dropped items, turning on the television or loading a compact disc, putting straws in drinking bottles and pushing buttons on personal computers. Just as importantly, these service monkeys provide the disabled recipients with a sense of independence, companionship and a renewed enthusiasm for life.

Madam Speaker, my bill will make a small simple modification to the Lacey Act to ensure that Helping Hands will be able to continue to transport its service monkeys to worthy recipients in all 50 States and U.S. territories in the future. I am confident that the authors of H.R. 2964 never intended to adversely affect this humanitarian group nor did they realize it would effectively kill this nationwide effort to assist Americans like the marine who was severely injured by a roadside explosion in Iraq. As a result of this attack, the marine sustained a severe brain injury, lost both legs and one of his eyes. Today, he is living in southern California and he has become a recent recipient of a Helping Hand service monkey.

Madam Speaker, I urge the adoption of the Captive Primate Safety and Disabled Human Assistance Act. It is a humanitarian solution to what would be, if uncorrected, a serious problem. It is also right that we allow our disabled military veterans who have sacrificed so much for this country the opportunity to participate in the Helping Hands Program. I want to also acknowledge that the Army Veterinary Corps has already endorsed its enactment.

TRIBUTE TO GARY SINNWELL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate and recognize Gary Sinnwell as the recipient of the 2007 Siemens Award for Advanced Placement (AP) for his commitment and enthusiasm as a Mason City, Iowa High School teacher.

Mr. Sinnwell is a mathematics instructor who has taught at Mason City High School for 20 years. He graduated from Waterloo Columbus High School and earned his teaching degree from the University of Northern Iowa. He continues to further his education by pursuing his master's degree. Mr. Sinnwell was humbled by the award and contributes his success to his own excellent teachers while in high school.

Another secret to Mr. Sinnwell's success is his devotion to serving others. While in college, he volunteered his time at Waterloo West High School and found his calling in serving as a role model and helping guide youth. Mr. Sinnwell's goal is to help his students work cooperatively and be self-directed learners.

I know that my colleagues in the United States Congress join me in commending and congratulating Gary Sinnwell. It is an honor to represent Mr. Sinnwell in Congress, and I wish him the best as he continues to provide a positive impact as a role model and educator for the youth he serves.

DR. JERRY LIN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. POE. Madam Speaker, noted historian Henry Brooks Adams once said that, ''A teacher affects eternity—he can never tell where his influence stops.'' Today I come to honor one of the most influential teachers at Lamar University. Each year the Lamar University Research Council chooses to honor a faculty member for their outstanding contributions to scholarship, research, grant writing, and creative activity. Associate Professor of Civil Engineering Dr. Jerry Lin received the 2008 University Scholar Award, the university's highest honor recognizing research and creative activity.

Since he joined Lamar University in 1999, Dr. Lin has been considered one of the leading investigators in his field. He has received over $3 million in research grants where his interests include both air quality and water quality in environmental science and engineering. He is particularly well known for his contributions in mercury research. This has led to collaborations with the U.S. Army Corps of Engineers, the Texas Commission on Environmental Quality, and the Texas Air Research Center, among others.

Dr. Lin has a sincere love for helping and teaching. His work as an associate professor and academic advisor has affected many lives. He has taught 5 undergraduate and 12 graduate courses at Lamar. Dr. Lin serves as the faculty advisor of the American Society of Civil Engineers, which has won over 40 regional competitions under his direction since 2000.

Dr. Lin is a distinguished author who has been quoted by many other researchers all over the world, from Canada to France and China. He has authored over 100 publications, from book chapters to peer-reviewed journal articles. Publications such as Environmental Science and Technology and the Journal of Environmental Engineering have featured his work. Dr. Lin has been invited to speak in Thailand, Croatia, and across the United States.

Awards and recognition are nothing new to Dr. Lin. He has received the University Research Forum Award, Who's Who in Engineering and Science, the Gill Master Award for Young Investigator, and in 2002 received a University Merit Award, which recognizes faculty members who show an outstanding commitment to education.

Dr. Lin's passion for students, his research projects and publications, and contributions to his field earned him this top honor. I am proud to recognize his contributions in the Second Congressional District.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Ms. WOOLSEY. Madam Speaker, on July 14, 2008, I was unavoidably detained and was not able to record my vote for rollcall No. 486.

Had I been present I would have voted:

Rollcall No. 486—"yes"—Recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus* (SSN 571).

TRIBUTE TO MARILYN ADAMS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Marilyn Adams of Earlham, Iowa for her dedication to promoting farm safety and earning the Volvo for Life National Hometown Hero Award.

The Volvo for Life National Hometown Hero Award recognizes leaders in safety, the environment and quality of life. In addition to the award, Marilyn receives a Volvo vehicle of her choice and is able to trade-in for a new Volvo vehicle every three years. Marilyn dedicated the award to her son who passed away in a farm accident over two decades ago. To help prevent other farm accidents, Marilyn founded Farm Safety 4 Just Kids, which is a farm advocacy safety organization for children. It started as a local organization and grew to a nation and international organization which has 137 chapters across the globe. Marilyn also received $100,000 which she is putting into an endowment for Farm Safety 4 Just Kids.

Marilyn's dedication to educating children and her commitment to preserving the lives of children in the farming community should be commended. I consider it an honor to represent Marilyn Adams in the United States Congress and I wish her and Farm Safety 4 Just Kids the very best in the future.

FEDERAL LAND ASSISTANCE, MANAGEMENT, AND ENHANCEMENT ACT

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2008

Ms. WOOLSEY. Mr. Speaker, with nearly 300 fires continuing to burn in California, it is clear we cannot afford to wait to deal with the enduring threat forest fires pose to our communities. That's why I rise in strong support of H.R. 5541, the Federal Land Assistance, Management, and Enhancement (FLAME) Act.

Over the last decade, we've seen a dramatic increase in the number of devastating forest fires. Those fires have long lasting effects on our ecosystem, increasing the deadliness of mudslides, which destroy our homes, displace once vegetated areas with bare terrain, and disburse large quantities of pollutants across broad regions.

Nine million acres burned across the United States last year, and there is no indication that 2008 will be any different. Climate change and drought are creating longer and more intense fire seasons, while a century of fire containment has made the forests denser and more vulnerable to burning.

The increase in forest fires has led to skyrocketing costs for federal fire suppression efforts, which prevents the U.S. Department of the Interior and the U.S. Department of Agriculture's Forest Service Agency from adequately funding essential programs that will lessen the intensity of fires, reduce their frequency, and better protect the public. The FLAME Act would prevent future forest fires from devastating communities across the country and crippling federal land management agency budgets by creating an emergency national fund devoted solely to fighting such destructive fires. This fund will be separate from traditional funding for fire mitigation and prevention.

It's our responsibility to empower our nation's firefighters with the tools they need to effectively fight forest fires. I ask my colleagues to join me in passing this important legislation to better ensure that our citizens, environment, and ecosystem are safe from the dangers of forest fires.

EXPRESSING APPRECIATION OF CONGRESS TO THE FAMILIES OF MEMBERS OF ARMED FORCES

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H. Con. Res. 295, which takes the initiative in extending the appreciation of Congress to both the members of the United States Armed Forces and their families.

First, I want to commend the chief sponsor, Mr. BILIRAKIS of Florida, for his great efforts in introducing this important bill.

As a former member of our United States Armed Forces, I want to personally convey my gratitude to Congressman BILIRAKIS and all of the co-sponsors for bringing this vital resolution forth. It is an example of the Congress' dedication to those serving our country around the world and our efforts to assist their families in various ways.

Mr. Speaker, with increased conflicts around the world needing our armed forces' attention, the amount of our active troops has increased exponentially. According to the Department of Defense (DOD), we currently have over 2 million personnel serving. Of that number, there are more than 700,000 households with at least one parent deployed on active military duty. While deployed, the remaining family provides much needed support to their military members through correspondence and packages. Yet, many times, these families do not have the resources to provide the full support they desire. Fortunately, the Department of Defense offers assistance through numerous programs. For example, the Military Homefront aids service members, whether active or retired, and their families with DOD Quality of Life programs. Even with the available programs, more programs are needed in order to provide for both the immediate and extended families of our current and past military personnel.

In response to this growing need, Congressman BILIRAKIS introduced H. Con. Res. 295 on February 13, 2008. This includes not only the support of the United States Armed Forces, but also support of their families through any physical and emotional ordeals that may arise as their loved ones devote their lives to their country. As the Representative for American Samoa, I realize the great importance of supporting our military families. The Samoan people take great pride in serving our nation and have shown it through our high recruitment numbers. Yet regrettably, we also have the highest casualty rate per capita. Just a few weeks ago, a son of American Samoa, Lt. Col. Max Galea'i was killed while supporting combat operations in Iraq's Al Anbar Province. Last week, I was honored to accompany Max's family, his wife Evelyn and four beautiful children, to American Samoa where Max was laid to rest. The 42-year old commander of the 2nd Battalion, 3rd Marines from the Marine Corps Base Hawaii represented the epitome of a proud military member, and for his dedication and for the dedication of all our service men and women and their families, we must support this bill.

For the sake of their commitment and sacrifice, we must honor our United States Armed Forces by supporting those most important to them, their families. I urge my colleagues to pass H. Con. Res. 295, and I thank you for your support of this very important resolution.

TRIBUTE TO THE HONORABLE WILLIAM F. ''BILL'' ROBINSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the life and legacy of a dedicated public servant whose contributions to the residents of my district will live on for many years to come—The Honorable William F. "Bill" Robinson.

Born in Valdosta, Ga., Mr. Robinson spent part of his youth in Miami, where he excelled at baseball. In 1934, he went on to play in the Negro Leagues for the Brooklyn Royals, as a catcher for the team until 1940. His old uniform now hangs in the Negro League's Baseball Museum in Kansas City, Mo.

Moved to Buffalo in 1942, Mr. Robinson employed his training as a welder and was recruited to build machine guns at the old Buffalo Arms plant during World War II. He later was employed at International Railway Co., a forerunner to the Niagara Frontier Transportation Authority (NFTA), for which he was one of the first African-American bus drivers, retiring in 1979 after 35 years of service.

What's most amazing, however, is what Bill Robinson did long after most people retire from active work service. Retired from the NFTA but still active as a Democratic Party activist, Mr. Robinson was appointed to the County Legislature in the mid-1980s, following the death of his son Barry, who had been elected to three terms in his own right.

Mr. Robinson's service in the Legislature for a time coincided with my own service on the

Buffalo Common Council, and while we represented different portions of the city, Mr. Robinson's commitment to his community was on constant display. From 1986 to 1993, Bill Robinson served his constituents with honor, dignity and effectiveness. A quiet man with enormous intelligence, it was an honor to call Bill Robinson my colleague in government. During his time in the Legislature, Bill Robinson served with men and women who would later become members of Congress, State Senators, Members of the State Assembly (including party floor leaders) and many other officeholders.

Madam Speaker, Bill Robinson was a truly dedicated public servant; an individual who touched the lives of everyone he met. The impact he made in Erie County will forever bear his name and legacy. I thank you for joining all of Erie County in expressing to the Robinson family the deepest condolences of the House upon their loss.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. AL GREEN of Texas. Madam Speaker, yesterday I was unavailable to vote and missed the votes on:

H. Res. 1067—Recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus* (SSN 571) and its significance in the history of both our Nation and the world (Rep. COURTNEY—Armed Services).

H. Res. 1080—Honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles (Rep. WHITFIELD—Armed Services).

H. Con. Res. 297—Recognizing the 60th anniversary of the integration of the United States Armed Forces. (Rep. ROGERS (AL)—Armed Services).

Although each of those bills passed by an overwhelming margin, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on rollcalls 486, 487, and 488.

IN TRIBUTE TO STEWART R. MOTT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Ms. WOOLSEY. Madam Speaker, it is my privilege to serve as Co-Chair of the 74-Member Congressional Progressive Caucus in this Congress. In that capacity, I am saddened by the recent death of one of the great progressive leaders and philanthropists of my generation—Stewart R. Mott. Many of us have attended functions and meals at the renowned Mott House across the street from the U.S. Supreme Court. Hosting so many of us so often for progressive causes was just one of the countless ways in which this remarkable man gave of himself and his personal wealth to defend the Bill of Rights and preserve our liberty.

It is not very often that the editorial writers at the Wall Street Journal pay homage to liberals. But that is just what they did a few weeks ago in the following editorial about Stewart Mott under the heading: A Liberal Freedom Fighter.

A LIBERAL FREEDOM FIGHTER

Some people walk to the beat of their own brass band, and so it was for Stewart Mott, the eccentric liberal philanthropist and General Motors heir who died last week at 70 years old. Beloved by Democrats for his decades of charity to progressive causes, he was also a notable champion of free political speech.

In 1968, he was one of a handful of millionaires who bankrolled the primary campaign of Eugene McCarthy, at the time a little-known Minnesota Senator challenging a sitting President. With the help of Mott's $210,000, that effort became a groundswell that drove Lyndon Johnson out of the race and changed Democratic foreign policy. In our view that change wasn't for the better, but without Mott and other ''fat cat'' donors, Clean Gene might never have had an impact.

Mott went on to finance the candidacy of George McGovern in 1972. Four years later, he went to court to protect his right to make such contributions, joining Republican Senator James Buckley's challenge to a 1974 campaign finance law in Buckley v. Valeo. Mott and the First Amendment lost that fight, but he would live to see his views vindicated by the political shambles that Congress and the High Court have made trying to limit money in campaigns.

Today, the campaign finance laws have strengthened the incumbents whom Mott loved to challenge, while making political donations less transparent than ever. And today, unlike Mott, George Soros and other wealthy liberal patrons support campaign-finance rules that enhance their own power by limiting others. Stewart Mott was admirably truer to his liberal principles.

IN CELEBRATION OF HUMANITARIAN AND CIVIC LEADER ALBERT TEGLIA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Ms. SPEIER. Madam Speaker, I rise this evening in celebration of a true humanitarian and community leader, Albert Mario Teglia, who has served his community and our nation for well over half a century as a public employee, elected official and mentor.

Albert Teglia has lived his entire life in San Mateo County. Born in Colma on June 27, 1931, as a teenager he moved to Daly City, a community he would serve with distinction as a Trustee of the Jefferson Union High School District, Daly City Councilman, and Mayor. During his long tenure in public office, Al was widely-respected as a hard worker, unabashed community booster and savvy coalition-builder. I had the privilege of working with Al on many issues, as well as the daunting challenge of opposing him on a handful of others. Whether sitting side-by-side or across the table, Al always earned my complete respect for his thoughtfulness and honesty.

Upon his retirement after 38 years with the San Mateo Union High School District and 26 years in elected office, Al continued his service as Legislative Aide to San Mateo County Supervisor Mary Griffin. From there, at the sprightly age of 69, he became a family and children advocate for the San Mateo County Human Services Agency, where he has been instrumental in founding programs such as Jobs for You, which provides employment for young people; the Peddler Program, Children's Fund, and the Italian Catholic Federation's Gifts of Love, which gather donations of cash, household items, food and toys for local families in need; and the Uninsured Children's Dental Program, which finds dentists for children from underprivileged families.

Madam Speaker, how a life this full allows any time for socializing, I can't fathom. But Albert Teglia, true to his Italian heritage, is a man of boundless energy and passion. This is evidenced by his membership in the Italian Catholic Federation, where he served as Grand President and in many other capacities since joining in 1948. It was at the ICF that he met the beautiful and vivacious Frances Foglia, a one-time Sacramento District President who, after decades of friendship, consented to marry the still-handsome Albert when both found themselves newly-single in their later years.

On April 1st of this year, Albert and Frances, both 77 years young, were married. Albert joins Frances' large and boisterous family of two children, three grandchildren and five great-grandchildren. Of all the responsibilities and projects Al has taken on in his busy and productive life, none will be as rewarding, fulfilling (and exhausting) as becoming a new great-grandfather.

But, Madam Speaker, those of us who know Al Teglia know that he will succeed in this new challenge as he has succeeded in every task he has undertaken. He will do it with grace, compassion, intellect and an undeniable charisma. The Foglia family is fortunate to have him join them, just as I am honored to have him as a constituent and proud to call Albert Teglia my friend.

HONORING DANIEL ON THEIR 124TH ANNIVERSARY

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. CRENSHAW. Madam Speaker, I rise today to congratulate and recognize Florida's oldest child service agency, daniel, located in Jacksonville.

On July 19, 2008, daniel will celebrate 124 years of service to Northeast Florida's abandoned, abused and neglected children. Founded in 1884 as The Orphanage and Home for the Friendless and later named for Colonel James Daniel, a well-known community leader who died as a result of his fight against Jacksonville's yellow fever epidemic, daniel has continued to serve our children and our community uninterrupted since that time.

Over the years, daniel has served more than 100,000 children, gained national acclaim as a leader in the area of independent living services and offered our children structure, routine and discipline in caring and comfortable facilities where they can learn, live and know that they are valued.

Through its many programs, daniel works hard to give the children entrusted in its care

the tools to develop solid character traits for life. Character builds slowly but can be torn down with incredible swiftness. Through the years, daniel's staff has continued to strengthen our community by dedicated devotion to the children they serve. They are in the business of building lives. They plant a thought and reap an act. They plant an act and reap a habit. They plant a habit and reap a character trait. They plant character and reap a destiny.

As a community it may be years before we realize the full value of daniel's services. But each time one of daniel's kids goes on to become a productive member of our community, it is testimony to their hard work. I congratulate this very special program and rise today to acknowledge the accomplishments of daniel's 124 years of service to the children of our community.

TRIBUTE TO HOWARD COBLE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. MYRICK. Madam Speaker, I rise today in order to honor a great man and a dedicated Member of this body. Today HOWARD COBLE has become the longest serving Republican Member from North Carolina in the history of the House of Representatives. HOWARD has been a credit to the North Carolina delegation since 1984 and I wish to thank him for his service and his wonderful work on behalf of the people of our State.

It should be remembered that Representative COBLE's dedication to service did not begin with his election to Congress. Before he ever came to this Chamber HOWARD had already spent 5½ years on active duty in the U.S. Coast Guard and another 18 years as a reservist. He had served as an Assistant County Attorney for Guilford Co., an Assistant U.S. Attorney, and the Secretary of the North Carolina Department of Revenue. Beyond these roles he had served his community through 5 years of work in the North Carolina General Assembly.

Since coming to Congress HOWARD has represented the sixth District of North Carolina with a dedication and ability that has endeared him to his constituents. I have been honored to serve with him and to call him a friend. And now that those same constituents have kept him in Congress longer than any other Republican from North Carolina in history, I congratulate him on this milestone and I look forward to continuing to serve with HOWARD in the future.

THE DAILY 45: VICTIMS' FAMILIES IN MIAMI SUPPORT EACH OTHER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. Those victims have families who struggle each and every day to survive the violence and its emotional toll.

I was struck by news accounts, last weekend, of how grieving families in Miami, Florida are standing together to find the strength to live their lives. Arleen White, grieving mother to her slain, 15-year-old son Anthony, stared down her son's teenaged murderer in a local courtroom last week. The juvenile was about to be released for time served, because of his age, for taking her son's life with a gun in the midst of a home invasion. Said White, ''I'm full of tears, but I give God thanks for this day because when this is all over, I ain't got to worry about nobody gunning down my boy in the street because you already did that.''

White's son was killed in 2003 when 47 African Americans were the victims of homicide in Miami. To date, 50 black youth have been killed, in this community, most with the use of firearms.

Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will we say ''Enough is enough, stop the killing!''

TRIBUTE TO LAURA WEGMANN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. SOUDER. Madam Speaker, today I rise to commend Laura Wegmann of Woodburn, Indiana. Laura won the 2008 Indiana Right to Life Oratory Contest and recently participated in the national finals held in Washington, DC.

Laura is a terrific role model for young adults in Indiana. She has excelled both in school and various extracurricular activities. I am especially proud that she has joined me and millions across this Nation in speaking out against the heinous practice of abortion and physician assisted suicide. Her speech is a testament to the value of human life and I ask that it be submitted into the RECORD.

LAURA WEGMANN'S INDIANA RIGHT TO LIFE ORATORY CONTEST SPEECH

In the climactic scene of the movie, ''Judgment at Nuremberg,'' set in post Nazi Germany, Chief Justice Daniel Haywood, of the American Tribunal, delivers the sentence of four Nazi leaders. The men on trial were accused of consigning millions of innocent lives to the infamous gas-chambers of Auschwitz. After the tribunal's deliberation, Judge Haywood ardently declared: ''Before the people of the world, let it now be noted—that here in our decision, this is what we stand for: justice, truth and the value of a single human being.''

Judge Haywood's conclusion was neither new nor radical. It was, rather, an affirmation of the fundamental principle that all individuals possess inherent worth and dignity, simply by virtue of being human. This was the very principle which the German people failed to uphold and it is the same principle that has come under attack today, by those in support of physician assisted suicide.

If legalized federally, as it is in the State of Oregon, this act threatens to become one of the most fraudulent perversions of justice legitimized in the wake of Roe. v. Wade. The Supreme Court's decision on abortion stated: ''Only viable human beings who have the capability for meaningful life may, but need not, be protected by the state.'' It is just as Francis Schaefer warned: ''Will a society which has assumed the right to kill infants in the womb—because they are unwanted, imperfect, or merely inconvenient—have difficulty in assuming the right to kill other human beings . . .?'' No. This is where abortion on demand has brought us. Once our Nation swallowed the lethal pill of choice, anything and everything became acceptable.

Proponents of the right to die movement have lost all respect for human life. To many of these advocates, Physician assisted suicide is, in the words of Derrick Humphry, Hemlock Society's co-founder, the ''ultimate civil liberty.'' They contend that individual autonomy and quality of life supersede all other considerations. As one of their proponents, Carol Ferry argued: ''The idea that human life is sacred no matter the condition or the desire of the person, seems to me irrational''

This same spirit fueled the Nazi madness. In 1941, German officials removed thousands of disabled children from their families. Among the innocent was a young boy afflicted with Down Syndrome. He was sent to the crematorium because his condition was thought burdensome to society. This little one was Pope Benedict's young cousin.

Today's cries for individual autonomy and quality of life are twisted both in their use of language and in their treatment of humanity. They deny the very words which have been declared self-evident, secure, instituted among men and understood to be unalienable, that is, ''. . . that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'' We are not mere machines, that if broken, should be discarded. Nor are we animals that if found suffering may be killed. We are human beings created in the image of God and therefore worthy of the utmost respect, love and protection.

How then, should we contend with this Industry of Death? First we must address the proper role of medicine. Many advancements have been made in the area of palliative care. Palliative care, takes its meaning from the Latin: pulliave, to cover. It is a form of specialized care that concentrates efforts in reducing pain, stress and the severity of symptoms.

We must never allow society to lose sight of the fact that doctors are healers, and when they can no longer heal, their role is to comfort. We must exhort the medical community to uphold the classic Hippocratic Oath which states: ''I will neither give a deadly drug . . . nor will I make [any] suggestion to this effect.'' To accept killing as a medical procedure would grant unprecedented power to the medical community. Such acceptance would ultimately lead to abuse. Let us not forget, that America is an aging society. It is estimated that in a few short years over 71 million Americans will be 65 years and older. Cost cutting agendas combined with dwindling resources would inevitably lead HMO's and other healthcare providers to perceive mercy killing as a form of cost control.

Finally, we must do everything in our power to shake this Nation from its ethical stupor. Our message of hope and truth must fill the sanctuaries, echo in the classroom, and ring in the ears of our elected officials. We must flood our libraries with well written books and publications exposing this wretched Industry of Death. We, the Pro Life community, must define for society our firmly set principles. We must affirm, to those who would be robbed, we will overcome this present evil. We too must ardently declare as Justice Haywood did: ''Before the people of the world, let it now be noted . . . this is

what we stand for: justice, truth and the value of a single human being.''

COMMEMORATING ARIZONA NATIVE AMERICAN RIGHT TO VOTE DAY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. MITCHELL. Madam Speaker, I rise today to honor our Native American communities, 22 federally recognized Arizona tribal nations, representing more than 300,000 community members.

On June 2, 1924, the United States Congress passed the Indian Citizenship Act which guaranteed certain citizenship rights to Native Americans, however in Arizona and other states that did not guarantee their right to vote.

Yet, as early as 1863, before citizenship was granted, Pima and Maricopa warriors were serving in the United States Army protecting settlers in the Arizona territory.

Additionally, while Arizona Native Americans were not considered citizens of the United States before World War I, more than 8,000 Native Americans from Arizona served our country in the United States military during World War I.

In 1928, Peter Porter, a Pima from the Gila River Indian Community, courageously filed the initial lawsuit to challenge the denial of Native Americans' right to vote. His efforts were denied by the Arizona Supreme Court. The Court argued that Native Americans were under federal guardianship.

In 1940, this distinguished body passed the Nationality Act of 1940, reaffirming citizenship of Native Americans, inspiring more than 25,000 Native Americans to serve our country in the United States military. Yet, they were still being denied the right to vote in Arizona.

In 1947, two courageous Arizonans, Frank Harrison and Harry Austin, filed suit to overturn the 1928 Arizona Supreme Court decision which denied Native Americans the right to vote. The acts of these men, both members of the Fort McDowell Yavapai Nation, a community that I am honored to serve and represent in the United States Congress, won the landmark case. On July 15, 1948, the 1928 court ruling was overturned and Arizona's Native Americans confirmed their right to vote.

Tuesday, July 15, 2008, is Arizona Native American Right to Vote Day. It is on this day that we celebrate the 60th anniversary of this pivotal moment in the recognition of the rights of our Native American citizens. Their patriotic actions set an example for all who see injustice and fight to overcome it, and I am proud to call the people of the Fort McDowell Yavapai Nation my constituents.

It is with a great deal of pride that I rise today to honor our Arizona Native American community. It is also with great resolve that I reaffirm my commitment to our Native people, honor their sovereignty and urge the United States Congress to honor all commitments to our Native American Tribal Nations.

TRIBUTE TO MR. FRANCIS A. LEONE, SR.

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. ARCURI. Madam Speaker, I rise today in recognition of Mr. Francis A. Leone, Sr., a former resident of my congressional district in Upstate New York, and his remarkable record of service as a World War II and Korean war veteran.

It is always a pleasure to recognize the service and sacrifices made by our military veterans, and Mr. Leone is no exception. In 1940, at the age of 19, Mr. Leone enlisted as a private in the Army National Guard. He was assigned to Company M 10th Infantry 27th Division. Stationed for basic and advanced infantry training in Fort McClellen, Alabama, he quickly moved up the ranks and was promoted to corporal. In 1942, his unit was dispatched to the Pacific Theatre of World War II. Throughout the next 3 years, Mr. Leone saw combat in Eneiwetok, Saipan, and Okinawa. During this period he was promoted to the rank of staff sergeant, where he was honorably discharged at the end of World War II.

Mr. Leone demonstrated his deep patriotism again in 1946, when he reenlisted in the New York Army Guard Truck Company. There he held the rank of first sergeant and was assigned as chief of small arms repair. In January 1950, he was appointed warrant officer junior grade, as a small arms and ordnance supply officer and joined the 132nd Ordnance Company stationed at Fort Pickett, Virginia. Later that year his unit was recalled to active Federal service for the Korean war. In May 1952, Mr. Leone and his unit were transferred to Germany where he served with the 93rd Light Aviation Maintenance Company. He was promoted to the rank of chief warrant officer.

Mr. Leone served the remainder of the war and following years in various assignments within maintenance. On May 30, 1981, at the age of 60, he was honorably discharged.

During Mr. Leone's time of service he received 17 awards and medals including the Bronze Star, the Army Commendation, and a Combat Infantry Badge, among others. However, his time in the military had a cost. During World War II, Mr. Leone spent 5 long years without seeing his family and loved ones, 3 of those years in combat.

Madam Speaker, Mr. Leone's dedication to this Nation and its citizens is to be commended. His service should be an inspiration to us all. Thank you, Mr. Leone, for your hard work and tremendous personal sacrifices for our Nation.

CONGRATULATING NEIL SLATER, CHAIRMAN OF THE JAZZ STUDIES DIVISION AT THE UNIVERSITY OF NORTH TEXAS, ON AN OUTSTANDING CAREER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the outstanding career of Neil Slater, chairman of the Jazz Studies Division at the University of North Texas and nationally recognized jazz composer. Mr. Slater has been an integral part of the UNT School of Music for 27 years and plans to retire in August.

Mr. Slater created the jazz masters program at the University of North Texas, and has been instrumental in making UNT one of our nation's outstanding colleges for jazz composition and performance. In addition to his role as chairman of the jazz department, Mr. Slater also leads the ''One O'Clock Lab Band,'' a jazz ensemble named after its traditional practice time. This Band has performed and recorded across the world, occasionally participating alongside jazz greats as Freddie Hubbard, Joe Henderson, and Ron Carter.

Slater was nominated for a Grammy award in 1993, and he received a 1995 National Endowment for the Arts fellowship grant. He has composed over 60 pieces for jazz ensembles, in addition to writing pieces for symphony, mixed chamber groups, a cappella chorus, and theater. In recognition of his reputation as a jazz expert, the American Society of Composers, Authors and Publishers has bestowed its ''Standard Award'' upon Slater each year since 1987. Prior to educating musicians at UNT, Mr. Slater founded the Jazz Studies program at the University of Bridgeport in Connecticut.

I commend Neil Slater for his outstanding career as an educator and composer. As an alumnus of the University of North Texas, I am especially proud of the work he has done to make the University a leader in jazz education. I am honored to represent Neil Slater and the University of North Texas in the 26th District of Texas.

TRIBUTE TO CATHERINE M. ''KITTY'' LAFALCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Ms. Catherine M. ''Kitty'' (Stasio) LaFalce, proud mother of our former colleague, Congressman John J. LaFalce.

Born in Buffalo in 1914, Mrs. LaFalce the youngest of a brood of 14 children, and was as devoted as Western New Yorker as we have ever seen. She will be dearly missed by her many family members who will hold her memory with them always.

Mrs. LaFalce, who passed away last week at the age of 94, was a wonderful wife to the late Dominic E. LaFalce, and was the beloved mother of two children: John and Lorraine LaFalce Kenny; was grandmother to four grandchildren: Lauren, Christine, Allison, and Martin; and great-grandmother to four: Austin, Rachel, Colton, and Autumn. Her life was a blessing to her friends, family, and community. Survived also by her dear sister, Rita Chiavaroli and many dozens of family members and good friends, Mrs. LaFalce's memory will be one of a strong woman with tremendous faith, and her memory will endure for many years to come.

Madam Speaker, I hope that you will join with me in expressing to our former colleague Mr. LaFalce and to the entire LaFalce family

the most sincere condolences of the House upon the passing of Catherine M. ''Kitty'' LaFalce.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 15, 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, Mr. 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 12,958 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.'' Mr. 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.

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 12,958 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 July 15, 2008, 12,958 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.

Daily Digest

HIGHLIGHTS

Senate upon reconsideration passed H.R. 6331, Medicare Improvement For Patients and Providers Act, the objections of the President to the contrary notwithstanding.

Senate

Chamber Action

Routine Proceedings, pages S6677–S6798

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 3263–3268, and S. Con. Res. 93. **Page S6722**

Measures Reported:

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. Rept. No. 110–419)

S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, with an amendment in the nature of a substitute. (S. Rept. No. 110–420)

H.R. 1006, to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, with an amendment in the nature of a substitute. (S. Rept. No. 110–421) **Page S6722**

Measures Considered:

Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act: Senate continued consideration of the S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and taking action on the following amendments proposed thereto: **Pages S6685–89, S6689–S6705**

Rejected:

DeMint Amendment No. 5078, to limit the countries to which Federal financial assistance may be targeted under this Act. (By 70 yeas to 24 nays (Vote No. 175), Senate tabled the amendment). **Page S6685**

By 16 yeas to 80 nays (Vote No. 176), Bunning Amendment No. 5073, in the nature of a substitute. **Pages S6699–S6705**

Pending:

DeMint Amendment No. 5077, to reduce to $35,000,000,000 the amount authorized to be appropriated to combat HIV/AIDS, tuberculosis, and malaria in developing countries during the next 5 years. **Page S6685**

Kyl Amendment No. 5082, to limit the period during which appropriations may be made to carry out this Act and to create a point of order in the Senate against appropriation to carry out this Act that exceeds the amount authorized for fiscal year 2013. **Pages S6692–93**

Gregg Amendment No. 5081, to strike the provision requiring the development of coordinated oversight plans and to establish an independent Inspector General at the Office of the Global AIDS Coordinator. **Pages S6693–99**

A unanimous-consent agreement was reached providing that no second-degree amendments be in order to Gregg Amendment No. 5081. **Pages S6694–99**

A unanimous-consent agreement was reached providing that no second-degree amendments be in order to DeMint Amendment No. 5077.

During consideration of this measure today, Senate also took the following action:

Subsequently, DeMint Amendment No. 5079 (to Amendment No. 5078), to prevent certain uses of the Global Fund, fell when DeMint Amendment No. 5078 (listed above) was tabled. **Page S6685**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, July 16, 2008. **Page S6797**

Veto Messages:

Medicare Improvement for Patients and Providers Act—Veto Message: By 70 yeas to 26 nays (Vote No. 177), two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, H.R. 6331, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, upon reconsideration was passed, the objections of the President of the United States to the contrary notwithstanding. **Pages S6705–10**

Stop Excessive Energy Speculation Act—Agreement: A unanimous-consent agreement was reached providing that S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, to be introduced by the Majority Leader, on Tuesday, July 15, 2008, that notwithstanding an adjournment of the Senate on Tuesday, July 15, 2008, it be considered to have received a first reading. **Page S6797**

Nominations Received: Senate received the following nominations:

Thomas J. Madison, of New York, to be Administrator of the Federal Highway Administration.

Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Donald H. Dyal, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Jeffrey B. Rudman, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2013.

Timothy G. Dugan, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Michael G. Considine, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Benton J. Campbell, of New Jersey, to be United States Attorney for the Eastern District of New York for the term of four years.

A. Brian Albritton, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

David Reid Murtaugh, of Indiana, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy.

40 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general. **Pages S6718, S6798**

Messages from the House: **Pages S6718–19**

Measures Referred: **Page S6719**

Measures Read the First Time: **Page S6719**

Enrolled Bills Presented: **Page S6719**

Petitions and Memorials: **Pages S6719–22**

Additional Cosponsors: **Pages S6722–23**

Statements on Introduced Bills/Resolutions: **Pages S6723–30**

Additional Statements: **Pages S6717–18**

Amendments Submitted: **Pages S6730–35**

Notices of Hearings/Meetings: **Page S6735**

Authorities for Committees to Meet: **Page S6735**

Text of H.R. 3221, as Previously Passed: **Pages S6735–97**

Record Votes: Three record votes were taken today. (Total—177) **Pages S6685, S6704, S6710**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:01 p.m., until 9:30 a.m. on Wednesday, July 16, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S6797–98.)

Committee Meetings

(Committees not listed did not meet)

SEMIANNUAL MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the semiannual ''Monetary Policy Report to the Congress'', after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

U.S. FINANCIAL MARKETS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine recent developments in United States financial markets and regulatory responses to those developments, after receiving testimony from Henry M. Paulson, Jr., Secretary of the Treasury; Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System; former Representative Christopher Cox, Chairman, United States Securities and Exchange Commission.

SUMMER AIR TRAVEL

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine the 2008 summer air travel season, focusing on addressing congestion and delay, after receiving testimony from Hank Krakowski, Chief Operating Officer, Air Traffic Organization, Federal Aviation Administration, and Tyler Duvall, Acting Under Secretary for Policy,

both of the Department of Transportation; Susan Fleming, Director, Physical Infrastructure Issues, Government Accountability Office; and John M. Meenan, Air Transport Association of America, Inc., Washington, D.C.

ENERGY MARKET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 3233, to promote development of a 21st century energy system to increase United States competitiveness in the world energy technology marketplace, and S. 2730, to facilitate the participation of private capital and skills in the strategic, economic, and environmental development of a diverse portfolio of clean energy and energy efficiency technologies within the United States, to facilitate the commercialization and market penetration of the technologies, after receiving testimony from Alexander Karsner, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; John Denniston, Kleiner, Perkins, Caufield, and Byers, Menlo Park, California; Jeanine Hull, Dykema Gossett, PLLC, Washington, D.C.; Dan W. Reicher, Google.org, Mountain View, California; and Jeffrey Eckel, Hannon Armstrong, Annapolis, Maryland.

INTELLECTUAL PROPERTY RIGHTS

Committee on Finance: Committee concluded a hearing to examine international enforcement of intellectual property rights and American competitiveness, after receiving testimony from Andy Lack, SONY BMG Music Entertainment, and Jeff Kindler, Pfizer, Inc, both of New York, New York; John H. Barton, Stanford Law School, Stanford, California; and J. Walter Cahill, International Alliance of Theatrical Stage Employees, Moving Pictures Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada, AFL–CIO, CLC, Washington, D.C.

CRISIS IN ZIMBABWE

Committee on Foreign Relations: Committee concluded a hearing to examine the crisis in Zimbabwe and prospects for its resolution, after receiving testimony from Jendayi Frazer, Assistant Secretary, Bureau of African Affairs, Department of State; Katherine J. Almquist, Assistant Administrator, Bureau for Africa, United States Agency for International Development (USAID); Tom Melia, Freedom House, Washington, D.C.; and Michelle D. Gavin, Council on Foreign Relations, New York, New York.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security, after the nominee testified and answered questions in his own behalf.

AMERICANS WITH DISABILITIES ACT COVERAGE

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the Americans with Disabilities Act (Public Law 101–336), focusing on ways to determine the proper scope of its coverage, after receiving testimony from Chai Feldblum, Georgetown University Law Center Federal Legislation Clinic, Michael Eastman, U.S. Chamber of Commerce, Terry W. Hartle, American Council on Education, and Andrew Grossman, Heritage Foundation, all of Washington, D.C.; Samuel R. Bagenstos, Washington University Law School, Saint Louis, Missouri; Sue Gamm, Public Consulting Group, Chicago, Illinois; Carey L. McClure, Griffin, Georgia; and Jo Anne Simon, Brooklyn, New York.

GOOGLE-YAHOO AGREEMENT

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine the Google-Yahoo agreement, focusing on the future of internet advertising, after receiving testimony from David Drummond, Google Inc., Mountain View, California; Michael Callahan, Yahoo!, Sunnyvale, California; Brad Smith, Microsoft Corporation, Redmond, Washington; Matthew Crowley, Yellowpages.com, Glendale, California; and Tim Carter, AsktheBuilder.com, Cincinnati, Ohio.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 6491–6505; and 7 resolutions, H. Res. 1341–1342, 1345–1349 were introduced.

Pages H6576–77

Additional Cosponsors: **Pages H6577–78**

Reports Filed: Reports were filed today as follows:

H. Res. 1343, providing for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 110–759) and

H. Res. 1344, providing for consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, and to increase investment in the reconstruction of structurally deficient bridges on the National Highway System (H. Rept. 110–760).

Page H6576

Speaker: Read a letter from the Speaker wherein she appointed Representative McNulty to act as Speaker Pro Tempore for today. **Page H6475**

Recess: The House recessed at 9:15 a.m. and reconvened at 10 a.m. **Page H6476**

Private Calendar: The House agreed to dispense with the call of the Private Calendar today.

Page H6477

Discharge Petition: Representative Drake moved to discharge the Committee on Energy and Commerce from the consideration of H.R. 2493, to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes (Discharge Petition No. 13).

Suspensions: The House agreed to suspend the rules and pass the following measures:

NASA 50th Anniversary Commemorative Coin Act: H.R. 6455, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; **Pages H6480–87**

Timothy J. Russert Highway Designation Act: S. 3145, to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''—clearing the measure for the President; **Pages H6487–89**

Appalachian Regional Development Act Amendments: S. 496, amended, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; **Pages H6489–93**

Supporting the goals and ideals of National Cystic Fibrosis Awareness Month: H. Con. Res. 299, amended, to support the goals and ideals of National Cystic Fibrosis Awareness Month; **Pages H6493–96**

Commending the Arizona State University softball team for their victory in the 2008 Women's College World Series: H. Res. 1323, to commend the Arizona State University softball team for their victory in the 2008 Women's College World Series, by a ⅔ yea-and-nay vote of 425 yeas with none voting ''nay'', Roll No. 490; **Pages H6496–98, H6532–33**

Congratulating the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship: H. Res. 1259, amended, to congratulate the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship, by a ⅔ yea-and-nay vote of 423 yeas with none voting ''nay'', Roll No. 489; **Pages H6498–H6500, H6531–32**

Congratulating the 2008 National Collegiate Athletic Association (NCAA) Division I Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season: H. Res. 1327, amended, to congratulate the 2008 National Collegiate Athletic Association (NCAA) Division I Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season; **Pages H6500–02**

Recognizing and commending the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world: H. Res. 1088, amended, to recognize and commend the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world; **Pages H6502–04**

Congratulating East High School in Denver, Colorado, on winning the 2008 "We the People: The Citizen and the Constitution" national competition: H. Res. 1261, amended, to congratulate East High School in Denver, Colorado, on winning the 2008 ''We the People: The Citizen and the Constitution'' national competition; **Pages H6504–07**

Honoring the esteemed former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday: H. Res. 1090, amended, to honor the esteemed former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday, by a ⅔ yea-

and-nay vote of 411 yeas with none voting "nay", Roll No. 494; **Pages H6507–10, H6545–46**

Condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994: H. Con. Res. 385, to condemn the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994; **Pages H6510–13**

Providing for the concurrence by the House in the Senate amendment to H.R. 3890, with amendments: H. Res. 1341, to provide for the concurrence by the House in the Senate amendment to H.R. 3890, with amendments; **Pages H6513–20**

Amending the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate: H.R. 3032, amended, to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; and **Pages H6534–35**

Extending through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission: H.R. 6296, to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission. **Pages H6535–36**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Directing the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation: H.R. 5803, to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, by a ⅔ yea-and-nay vote of 248 yeas to 170 nays, Roll No. 493. **Pages H6536–41, H6545**

Committee Resignation: Read a letter from Representative Kanjorski, wherein he resigned from the Committee on Science and Technology, effective July 14, 2008. **Page H6520**

Recess: The House recessed at 2:06 p.m. and reconvened at 2:34 p.m. **Page H6520**

Presidential Veto Message—Medicare Improvement for Patients and Providers Act of 2008: Read a message from the President wherein he announced his veto of H.R. 6331, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and explained his reasons therefor—ordered printed (H. Doc. 110–131). **Pages H6520–31**

Subsequently, the House voted to override the President's veto of H.R. 6331, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, by a yea-and-nay vote of 383 yeas to 41 nays, Roll No. 491 (two-thirds of those present voting to override). **Page H6533**

Committee Elections: The House agreed to H. Res. 1342, electing the following Members to serve on certain standing committees of the House of Representatives: Committee on Oversight and Government Reform: Representative Speier. Committee on Science and Technology: Representative Edwards (MD) (to rank immediately after Representative Richardson). Committee on Transportation and Infrastructure: Representative Edwards (MD). **Page H6534**

Order of Procedure: Agreed by unanimous consent that if Representative Kucinich offers a resolution as a question of the privileges of the House at any time on the legislative day of July 15, 2008—(1) the previous question shall be considered as ordered thereon without intervening motion except one motion to refer and one motion to table (which shall have precedence in the order stated); and (2) the Speaker may postpone further proceedings on such a vote on any such motion as though under clause 8(a)(1)(A) of rule 20. **Pages H6541–42**

Privileged Resolution—Motion to Refer: Agreed to refer H. Res. 1345, raising a question of the privileges of the House, to the Committee on the Judiciary by a yea-and-nay vote of 238 yeas to 180 nays, Roll No. 492. **Pages H6542–45**

Senate Messages: Messages received from the Senate today appear on pages H6513, H6547.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of today and appear on pages H6531–32, H6532–33, H6533, H6544–45, H6545, H6545–46. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:53 p.m.

Committee Meetings

U.S. DEFENSE GRAND STRATEGY

Committee on Armed Services, Subcommittee on Oversight and Investigations held a hearing on A New U.S. Grand Strategy. Testimony was heard from public witnesses.

LABOR'S WAGE/HOUR LAWS ENFORCEMENT

Committee on Education and Labor: Held a hearing on Is the Department of Labor Effectively Enforcing Our Wage and Hour Laws? Testimony was heard from the following officials of the GAO: Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations; and Anne-Marie Lasowski, Acting Director, Education, Workforce and Income Security Issues; Alexandria Passantino, Acting Administrator, Wage and Hour Division, Department of Labor; and a public witness.

PERMANENT NUCLEAR WASTE DISPOSAL

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Next Steps Toward Permanent Nuclear Waste Disposal." Testimony was heard from. Representative Berkley; from the following officials of the Department of Energy: Edward F. Sproat, III, Director, Office of Civilian Radioactive Waste Management; and B. John Garrick, Chairman, U.S. Nuclear Waste Technical Review Board; Michael F. Weber, Director, Office of Nuclear Material Safety and Safeguards, NRC; Robert J. Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation, EPA; and public witnesses.

NATIONAL EMERGENCY COMMUNICATIONS PLAN

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled "Assessing the Framework and Coordination of the National Emergency Communications Plan." Testimony was heard following officials of the Department of Homeland Security: Robert D. Jamison, Under Secretary, National Protection and Programs Directorate; and Chris Essid, Director, Office of Emergency Communications; and public witnesses.

AIR CARGO SECURITY

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure held a hearing entitled "The Next Step in Aviation Security—Cargo Security: Is DHS Implementing the Requirements of the 9/11 Law Effectively?" Testimony was heard from the following officials of the Department of Homeland Security: John P. Shammon, Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration; and James Tuttle, Director, Explosives Division, Directorate for Science and Technology; Cathleen Berrick, Director, Homeland Security and Justice Issues, GAO; and public witnesses.

INTERNET COMPETITION

Committee on the Judiciary: Task Force on Competition Policy and Antitrust Laws held a hearing on Competition on the Internet. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action the following bills: H.R. 6126, Fairness in Nursing Home Arbitration Act of 2008; H.R. 5312, Automobile Arbitration Fairness Act of 2008; and H.R. 3010, Arbitration Fairness Act of 2007.

ADMINISTRATION INTERROGATION RULES

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties continued hearings on From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules, Part IV. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the following bills: H.R. 6064, National Silver Alert Act; H.R. 5898, Silver Alert Grant Program Act of 2008; and H.R. 423, Kristen's Act Reauthorization of 2007. Testimony was heard from Representatives Doggett, Bilirakis and Myrick.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 2297, Arizona National Scenic Trail Act; H.R. 2299, Southern Nevada Limited Transition Area Act; H.R. 5335, To amend the

National Trails System Act to provide for the inclusion of new trails segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes; H.R. 5671, To amend the laws establishing the Whiskeytown-Shasta-Trinity National Recreation Area and the Columbia River National Gorge National Scenic Area, units of the National Forest System derived from the public domain, to authorize the Secretary of Agriculture to retain and utilize special use permit fees collected by the Secretary in connection with the operation of marinas in the recreation area and the operation of the Multnomah Fall Lodge in the scenic area, and for other purposes; H.R. 5853, Minute Man National Historical Park Boundary Revision Act; H.R. 6159, Deafy Glade Land Exchange Act; H.R. 6176, To authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; and H.R. 6305, To clarify the authorization for the use of certain National Park Service properties within Golden Gate National Parks and San Francisco Maritime National Historic Park, and for other purposes. Testimony was heard from Representatives Herger, Blumenauer, Rodriguez, Giffords, Heller of Nevada, and Tsongas, Daniel N. Wenk, Deputy Director, National Park Service, Department of the Interior; Chuck Myers, Associate Deputy Chief, Forest Service, USDA; James B. Gibson, Mayor, Henderson, Nevada; John M. Vasquez, Supervisor, Board of Supervisors, Solano County, California; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 3437, amended, Jackson Gulch Rehabilitation Act of 2007; H.R. 2535, Tule River Tribe Water Development Act; and H.R. 5293, amended, Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act.

PUBLIC CHARTER SCHOOLS HOME RULE ACT; DC COURT , OFFENDER SUPERVISION, PAROLE, AND PUBLIC DEFENDER EMPLOYEES EQUITY ACT

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia approved for full Committee action H.R. 6322, Public Charter Schools Home Rule Act of 2008.

The Subcommittee also held a hearing on H.R. 5600, District of Columbia Court, Offender Supervision, Parole, and Public Defender Employees Equity Act of 2008. Testimony was heard from Linda Springer, Director, OPM; and from the following officials of the District of Columbia: Ann Wicks, Executive Officer, Superior Court; Paul Quander, Director, Court Services and Offender Supervision Agency; and Avis E. Buchanan, Director, Public Defender Service.

AFRICOM; RATIONALES, ROLE, AND PROGRESS ON THE EVE OF OPERATIONS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing on AFRICOM: Rationales, Roles, and Progress on the Eve of Operations. Testimony was heard from the following officials of the Department of Defense: Theresa Whelan, Deputy Assistant Secretary, African Affairs, Office of the Secretary; Ambassador Mary C. Yates, Deputy to the Commander, Civil-Military Activities; and MG Michael A. Snodgrass, USAF, Chief of Staff, both with U.S. Africa Command; John Pendleton, Director, Force Structure and Defense Planning Issues, GAO; and Lauren Ploch, Analyst in African Affairs, Foreign Affairs, Defense, and Trade Division, CRS, Library of Congress.

INTELLIGENCE AUTHORIZATION ACT FISCAL YEAR 2009

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 5959, the ''Intelligence Authorization Act for Fiscal Year 2009.'' The rule provides for 1 hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence.

The rule waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment.

The rule makes in order only those amendments printed in the report of the Committee on Rules and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order may be offered only in the order printed in the Rules Committee report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule provides one motion to recommit with or without instructions. Finally, the rule permits the

Chair, during consideration of the bill in the House, to postpone further consideration until a time designated by the Speaker. Testimony was heard from Chairman Reyes and Representatives Holt, Hinchey, Harman, Lee, Hoekstra, Shays, Castle and Kirk.

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 3999, the "National Highway Bridge Reconstruction and Inspection Act of 2007." The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be an original bill for the purpose of amendment. The rule provides that the amendment in the nature of a substitute printed in part A of the report shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those further amendments printed in part B of the report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments except those arising under clause 9 or 10 of rule XXI.

The rule provides one motion to recommit with or without instructions. Finally, notwithstanding the operation of the previous question, the Chair may postpone further consideration to a time designated by the Speaker. Testimony was heard from Chairman Oberstar and Representatives Loebsack, Mica, Mario Diaz-Balart of Florida, Poe, Miller of Michigan, Shays, and Conaway.

NON-GOVERNMENT ORGANIZATIONS/ UNIVERSITIES—INTERNATIONAL SCIENCE ROLE

Committee on Science and Technology, Subcommittee on Research and Science Education held a hearing on the Role of Non-Governmental Organizations and Universities in International Science and Technology Cooperation. Testimony was heard from Michael Clegg, Foreign Secretary, National Academy of Science; and public witnesses.

NIST-BOULDER'S LOW-LEVEL PLUTONIUM SPILL

Committee on Science and Technology: Subcommittee on Technology and Innovation held an oversight hearing on Low-Level Plutonium Spill at NIST-Boulder; Contamination of Lab and Personnel. Testimony was heard from James Turner, Acting Director, National Institute of Standards and Technology, Department of Commerce; and the following officials of the NRC: Charles Miller, Director, Office of Federal and State Materials and Environmental Management Programs; and Elmo Collins, Regional Administrator, Region IV Office; and Kenneth Rogers former Commissioner, NRC.

VETERANS-MEDIA OUTREACH

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Veterans Media Outreach to Veterans. Testimony was heard from Lisette M. Mondello, Assistant Secretary, Public and Intergovernmental Affairs, Department of Veterans Affairs; and public witnesses.

STATE COVERAGE INITIATIVES

Committee on Ways and Means: Subcommittee on Health held a hearing on State Coverage Initiatives. Testimony was heard from JudyAnn Bigby, M.D., Secretary of Health and Human Services, State of Massachusetts; and public witnesses.

BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing from Ambassador Christopher R. Hill, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

Joint Meetings

GUANTANAMO BAY DETAINEES

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine the Supreme Court's recent decision in *Boumediene* v. *Bush*, focusing on foreign terrorism suspects held at the Guantanamo Bay detention facility, after receiving testimony from Matthew C. Waxman, Columbia Law School, New York, New York; and Gabor Rona, Human Rights First, and Jeremy Shapiro, Brookings Institution, both of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D876)

H.R. 430, to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the ''Conrad Duberstein United States Bankruptcy Courthouse''. Signed on July 15, 2008. (Public Law 110–262)

H.R. 781, to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''. Signed on July 15, 2008. (Public Law 110–263)

H.R. 2728, to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''. Signed on July 15, 2008. (Public Law 110–264)

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''. Signed on July 15, 2008. (Public Law 110–265)

H.R. 4140, to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''. Signed on July 15, 2008. (Public Law 110–266)

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''. Signed on July 15, 2008. (Public Law 110–267)

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''. Signed on July 15, 2008. (Public Law 110–268)

H.R. 5395, 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''. Signed on July 15, 2008. (Public Law 110–269)

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''. Signed on July 15, 2008. (Public Law 110–270)

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''. Signed on July 15, 2008. (Public Law 110–271)

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''. Signed on July 15, 2008. (Public Law 110–272)

H.R. 5778, to preserve the independence of the District of Columbia Water and Sewer Authority. Signed on July 15, 2008. (Public Law 110–273)

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. Signed on July 15, 2008. (Public Law 110–274)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 16, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing on the status of negotiations with Iraq on a strategic framework agreement and a status of forces agreement, 2:30 p.m., SR–222.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 2354, to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho, S. 3065, to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area, S. 3069, to designate certain land as wilderness in the State of California, S. 3085, to require the Secretary of the Interior to establish a cooperative watershed management program, H.R. 3473, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, H.R. 3651, to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold hearings to examine the Nuclear Regulatory Commission's licensing and relicensing processes for nuclear power plants, 10 a.m., SD–406.

Committee on Foreign Relations: to hold closed hearings to examine North Korea's declaration of the Six-Party Talks, 2:30 p.m., S–407, Capitol.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine childhood obesity, focusing on declining health of America's next generation (Part I), 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine global nuclear detection architecture, focusing on ways to build domestic defenses to combat a possible future attack, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the human capital crisis at the Department of State, focusing on its global implications, 2 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the Administration's detainee policies and the fight against terrorism, focusing on sound legal foundations, 10 a.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine administrative and management operations of the United States Capitol Police, 10 a.m., SR–301.

Special Committee on Aging: to hold hearings to examine smart ways Americans can save for their retirement, 10:30 a.m., SD–562.

House

Committee on Agriculture, Subcommittee on Specialty Crops, Rural Development, and Foreign Agriculture, hearing to review efforts to deliver international food aid and provide foreign agricultural development assistance, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs, to mark up the State, Foreign Operations, and Related Programs Appropriations for Fiscal Year 2009, 3 p.m., H–140 Capitol.

Committee on the Budget, hearing on Getting Better Value in Health Care, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, to mark up the following bills: H.R. 2851, amended, Mitchell's Law; H.R. 6432, Animal Drug User Fee Amendments of 2008; and H.R. 6433, Animal Generic Drug User Fee Act of 2008, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on Monetary Policy and the State of the Economy, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following measures: H.R. 3202, Foreign Service Overseas Pay Equity Act of 2007; H.R. 6328, To develop a policy to address the critical needs of Iraqi refugees; H.R. 6456, To provide for extensions of certain authorities of the Department of State and for other purposes; H. Res. 937, Expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families; H. Res 1008, Condemning the persecution of Baha'is in Iran; H. Res. 1069, Condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children; H. Res. 1159, Recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice; H. Res. 1254, Supporting the values and goals of the 'Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality,' signed by Secretary of State Condoleezza Rice and the Brazilian Minister of Racial Integration Edson Santos on March 13, 2008; H. Res. 1279, Recognizing the Special Olympics' 40th anniversary; H. Res. 1290, Joining the Office of the United Nations High Commissioner for Refugees in observance of World Refugee Day and calling on the United States Government, international organizations, and aid groups to take immediate steps to secure urgently needed humanitarian relief for the more than 2,000,000 people displaced by genocide in the Darfur region of Sudan; H.R. 1307, Commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation; H. Con. Res. 344, Recognizing that we are facing a global food crisis; H. Con. Res. 361, Commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; and H. Con. Res. 371, Strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes, 9:30 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled ''Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program,'' 10 a.m., 311 Cannon.

Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''One Year Later—Implementing the Biosurveillance Requirements of the '9/11 Act.'''2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following: H.R. 5546, Credit Card Fair Fee Act of 2008; H.R. 4854, False Claims Act Correction Act of 2007; H.R. 4081, PACT Act; H.R. 6083, To authorize funding for the National Advocacy Center; H.R. 5167, Justice for Victims of Torture and Terrorism Act; H.R. 6034, To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children; and private relief bills, 10:25 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, hearing on the Reauthorization of the U.S. Parole Commission, 4 p.m., 2237 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 160, Revolutionary War and War of 1812 Battlefield Protection Act; H.R. 4828, Palo Alto Battlefield National Historic Site Boundary Expansion Act of 2007; H.R. 5751, Walnut Canyon Study Act of 2008; H.R. 5853, Minute Man National Historical Park Boundary Revision Act; H.R. 6176, To authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; H.R. 6177, Rio Grande Wild and Scenic River Extension Act of 2008; H.R. 2933, Civil War Battlefield Preservation Act of 2007; H.R. 3299, To provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land

survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land; H.R. 3336, Camp Hale Historic District Study Act; H.R. 3849, Box Elder Utah Land Conveyance Act; H.R. 3437, Jackson Gulch Rehabilitation Act of 2007; H.R. 2535, Tule River Tribe Water Development Act; H.R. 5293, Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act; and H.R. 5350, To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, to consider the following: H.R. 1865, To amend title 31, United States Code, to allow certain local tax debt to be collected through the reduction of Federal tax refunds; H.R. 6073, To provide that Federal employees their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically; H.R. 6113, To amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; H.R. 6322, Public Charters School Home Rule Act of 2008; H.R. 6388, Government Accountability Improvement Act of 2008; the Thrift Savings Enhancement Act; H. Con. Res. 364, Designating the third week of October as ''National Estate Planning Awareness Week; H. Res. 732, To support the designation of National Estate Planning Awareness Week and encouraging the distribution of estate planning information by professionals to all Americans; H. Res. 1128, To express support for the goals and ideals of National Carriage Driving Month; H. Res. 1143, Supporting the goals and ideals of the Apple Crunch and the Nations's domestic apple industry; H. Res. 1202, Supporting the goals and ideals of a National Guard Youth Challenge Day; H. Res. 1262, Expressing the sense of the House of Representatives that the Secretary of Commerce should use all reasonable measures to ensure that every person is counted in the 2010 decennial census; H. Res. 1311, Expressing support for the designation of National GEAR UP Day on July 22, 2008; H.R. 5932, To designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the ''Harry Lee Post Office Building;'' H.R. 6168, To designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building;'' H.R. 6169, To designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building;'' H.R. 6198, To designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, as the ''Reverend Earl Abel Post Office Building;'' H.R. 6208, To designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building;'' H.R. 6226, To designate the facility of the United States Postal Service located at 300 East 3rd Street, Jamestown, New York, as the ''Stan Lundine Post Office Building;'' H.R. 6229, To designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the ''Mayor William 'Bill' Sandberg Post Office Building;'' H.R. 6338, To designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building;'' and H.R. 6437, To designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas as the ''Corporal Alfred Mac Wilson Post Office;''and a resolution and report recommending to the House of Representatives that Michael B. Mukasey, Attorney General, be cited for contempt of Congress, 10 a.m., 2154 Rayburn.

Subcommittee on Domestic Policy, hearing on Examining Contractor Performance and Government Management of Retroactive Pay for Retired Veterans with Disabilities, 11:30 a.m., 2154 Rayburn.

Committee on Science and Technology, to consider the following bills: H.R. 3957, Water Use Efficiency and Conservation Research Act; H.R. 2339, Produced Water Utilization Act of 2007; and H.R. 6323, To establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Technology, hearing on Ensuring Continuity of Care for Veteran Amputees: The Role of Small Prosthetic Practices, 10 a.m., 1539 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Coast Guard Icebreaking, 2 p.m., 2167 Rayburn.

Subcommittee on Highways and Transit, hearing on Improving Roadway Safety: Assessing the Effectiveness of the NHTSA's Highway Traffic Safety Programs, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following bills: H.R. 4255, United States Olympic Committee Paralympic Program Act of 2007; H.R. 6225, Injunctive Relief for Veterans Act of 2008; H.R. 6221, Veteran-Owned Small Business Protection and Clarification Act of 2008; H.R. 6445, To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; H.R. 1527, Rural Veterans Access to Care Act; and H.R. 674, To amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans of December 31, 2009, 10 a.m., 334 Cannon.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine racism in the 21st century, focusing on understanding global challenges and implementing solutions, 11 a.m., B318, Rayburn Building.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 16

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 2731, Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 16

House Chamber

Program for Wednesday: Consideration of H.R. 415—Amending the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System (Subject to a Rule) and H.R. 5959—Intelligence Authorization Act for Fiscal Year 2009 (Subject to a Rule).

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